

Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe

A Survey and Analysis of Border Management
and Border Apprehension Data from 2010

With a Special Module on the Detention of Migrants and Asylum
Seekers

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International Centre for Migration Policy Development, Vienna 2013

This publication was prepared with the help of the border and migration services of the states covered. The names of the co-operating authorities are listed at the end of each country chapter. We are very grateful for their co-operation and commitment in answering a long and detailed questionnaire.

The yearbook is a result of joint co-operation by ICMPD staff.

The Yearbook relies on the structure of previous editions, edited by Peter Futo, Michael Jandl and Thomas Tass.

The contents of this publication reflect the information given by the respondents who took part in the survey. ICMPD does not guarantee, either expressed or implied, the accuracy, completeness, reliability or suitability of the information.

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Introduction

This is the 14th edition of ICMPD's Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe. The yearbook gives an overview of developments in the area of irregular migration, human smuggling and trafficking in the wider Central and Eastern European region in 2010.

The information provided in the yearbook was collected through a questionnaire distributed to border agencies, ministries of the interior and other national authorities dealing with issues related to irregular migration. The data is directly obtained from states' authorities and therefore provides authentic information as reported by the contact points. The country chapters summarise the developments in each of the countries or territories.

After many years of decreasing numbers of apprehensions, the overall numbers of migration-related border apprehensions increased slightly in the region in 2010. While Greece and Turkey remained the countries reporting by far the most apprehensions, considerable numbers of apprehensions were also found in Albania as well as in Hungary. Citizens from Ukraine and the Russian Federation were often among the top citizenship groups apprehended for illegal entry or stay in the region. The number of human smugglers apprehended decreased, while the number of smuggled persons increased in the region. Also, the number of victims of trafficking increased in the region.

The special topic of this year's edition is detention of asylum seekers and migrants prior to deportation. The data provided in this yearbook provides a unique overview of practices and statistics on the detention of migrants in terms of the use of detention centres, numbers of persons in detention and maximum duration allowed for detaining migrants.

The yearbook aims to support fact-based discussions on irregular migration and contribute to well-informed policy decisions.

I am grateful for the excellent collaboration of the authorities in the countries for the yearbook. I would also like to thank ICMPD staff members for their dedicated work.

Peter Widemann

Director General, ICMPD

Irregular Migration in CEE in 2010 – Comparative Analysis

This section provides a comparative analysis of data for the years 2009 and 2010. It synthesises the data presented in the country chapters included in the Yearbook. First general statistical indicators regarding irregular migration are presented, including general apprehension data, rejections at the border and deportations of persons illegally staying in one of the countries. This section is followed by an overview on data in the areas of smuggling as well as trafficking and the comparative analysis ends with a presentation of data on detention of immigrants and asylum seekers in Central and Eastern Europe.

The comparative analysis is always limited to those countries or territories that provided data on specific topics for the years under consideration. The results thus always apply only to those countries presented in the tables. Additionally, there were no detailed checks of comparability of data across countries, why the indicators sometimes only draw a rough picture of the situation in the region. Sometimes data do not correspond to the data provided in previous versions of the Yearbook. This is partly because data were updated in the meantime, but sometimes might also result from applying different definitions or using different sources.

The data were collected through a questionnaire, sent to border agencies and ministries responsible for matters related to irregular migration. The questionnaire can be found at the end of the Yearbook.

Border apprehensions

Migration related border apprehensions in 2009 and 2010.

For altogether 23 countries the total numbers of migration-related border apprehensions for the years 2009 and 2010 were collected totalling just over 230,000 apprehensions in 2010 (see Table 1, below). This presents an increase of two percent compared to the year 2009 in these 23 countries. Not surprisingly the highest number of apprehensions was found in Greece, where over 132,000 apprehensions were recorded (an increase of 5 percent). The second most important country is Turkey, where over 32,000 apprehensions were recorded in 2010, which represents 14 percent of all apprehensions in these 23 countries (decrease by 2 percent). The third most important country is Albania, reporting over 19,000 apprehensions, followed by Hungary with some 8,800 apprehensions. In nine of the 23 countries, an increase can be observed in the year 2010 compared to 2009. The highest increase can be found in Serbia, where the number increased by 47 percent. Another countries with an enormous increase in was neighbouring Croatia, where the apprehension increased by 30 percent. In 17 countries a decrease in apprehensions was reported including Montenegro (-43%), Lithuania (-37%) and Moldova (-30%).

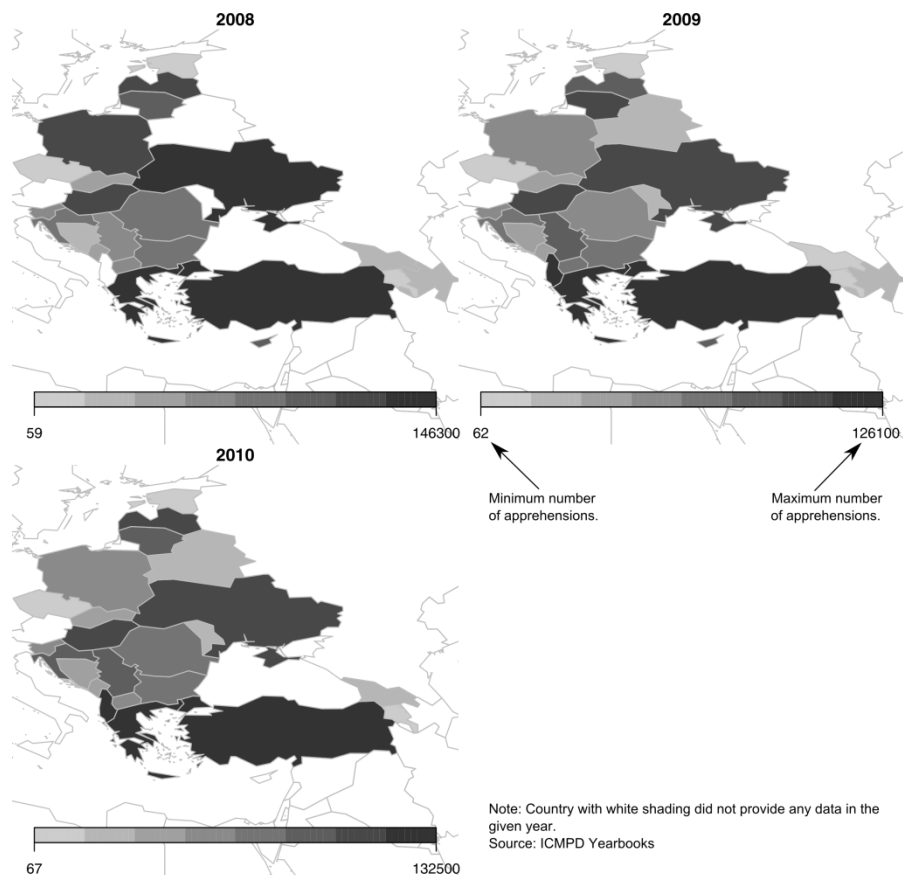
Table 1: Number of migration-related border apprehensions in 23 countries

Reporting country	2009	2010	Change in %	% of total 2010	Two most important source country in 2010* (RC = Reporting Country)
Albania	18966	19321	2%	8%	n.a.
Armenia	78	91	17%	0%	RC, Georgia
Belarus	264	258	-2%	0%	RC, Georgia
BiH	381	322	-15%	0%	RC; Serbia+
Bulgaria	1833	1709	-7%	1%	Iraq, Turkey
Croatia	1868	2435	30%	1%	RC, BiH
Czech Republic	190	140	-26%	0%	Ukraine, Egypt
Estonia	62	67	8%	0%	RC, Russian Federation
The former Yugoslav Republic of Macedonia	1415	1103	-22%	0%	Albania, RC
Georgia	232	220	-5%	0%	RC, Armenia
Greece	126145	132524	5%	57%	Albania, Afghanistan
Hungary	8826	8799	0%	4%	Ukraine, Serbia
Latvia	4639	4840	4%	2%	Russian Federation, RC
Lithuania	4709	2949	-37%	1%	RC, Russian Federation
Moldova	236	166	-30%	0%	RC, Ukraine
Montenegro	769	436	-43%	0%	Albania, Kosovo ¹
Poland	1304	950	-27%	0%	Ukraine, Russian Federation
Romania	1070	1307	22%	1%	Moldova, Turkey
Serbia	3218	4737	47%	2%	Afghanistan, Occupied Palestinian Territories
Slovakia	611	516	-16%	0%	Moldova, Afghanistan
Slovenia	824	785	-5%	0%	BiH, Croatia
Turkey	34345	32667	-5%	14%	Occupied Palestinian Territories, Burma/Myanmar
Ukraine	14183	14397	2%	6%	Russian Federation, Uzbekistan
Total	226168	230739	2%	100%	

Notes: Table includes apprehensions of citizens of the reporting country; * information on source countries was drawn from the statistical tables of question 12. Other data were drawn from statistics collected by question 13, see questionnaire in annex. Data for Ukraine, Turkey and Greece were drawn from other sources, as referenced in the countries chapters. + includes Kosovo

Figure 1, below, shows the relative distribution of apprehensions in the region in the years 2008 to 2010.

¹ Under UNSCR 1244

Figure 1: Map of total border related apprehensions 2008 to 2010

Gender and age composition. 13 countries shared data on the gender distribution among those apprehended for border violation.² The data confirm the male dominance among the apprehensions, which indicates that more men migrate irregularly but might also refer to the fact that men are more likely being apprehended. Fewer than 10 percent of the apprehensions reported in the 13 countries (see footnote above) were female. Above average percentages of women among persons apprehended can be found in Estonia (35% out of total number of apprehensions of 67), Lithuania (28 percent out of 2942 apprehensions) and the Czech Republic (26 percent out of 140 apprehensions).

² The countries are Albania, Armenia, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Lithuania, Moldova, Montenegro, and Slovenia.

Some 6 percent of persons apprehended were minors according to national definitions. High percentages of minors were reported from Estonia (21%), Slovenia (17%), Bulgaria (14%), Czech Republic (12%) and Croatia (11%). Minors are mostly males.

Major source countries in 2010. Based on data from 13 countries, Ukraine can be identified as the most important source country for persons being apprehended for irregular migration. Ukrainians were most often apprehended in Hungary. The second most important group is Bosnians, who were mostly apprehended in Bosnia. Serbs are another important group mostly found in Hungary, while Russian citizens are often apprehended in Latvia. Similar to the number of Russians, Albania is a source country for irregular migration in the region, mostly apprehended in the former Yugoslav Republic of Macedonia.

Among the important source countries, citizens of the Western Balkans play an important role. This is however due to the fact that irregular migration is predominantly an issue of neighbouring countries and there are not so many persons coming from countries farer away, except for the typical source countries for asylum seekers such as Afghanistan. In many countries citizens of the reporting countries are mostly apprehended (see Table 1, above).

Table 2: Most important countries of origin of apprehended persons in 13 countries

Most important source country 2010	2010	Most important country of apprehension 2010
1. Ukraine	3242	Hungary (86%)
2. BiH	2328	Bosnia and Herzegovina (76%)
3. Serbia	1561	Hungary (76%)
4. Russian F.	1379	Latvia (79%)
5. Albania	1319	The former Yugoslav Republic of Macedonia (68 %)
6. Afghanistan	1148	Hungary (62%)
7. Latvia	970	Latvia (99%)
8. Turkey	956	Hungary (45%)
9. Romania	938	Romania (98%)
10. Kosovo ³	721	Hungary (75%)
EU	2799	
Western Balkans	6957	
Non-Europe	3684	
Total	19225	

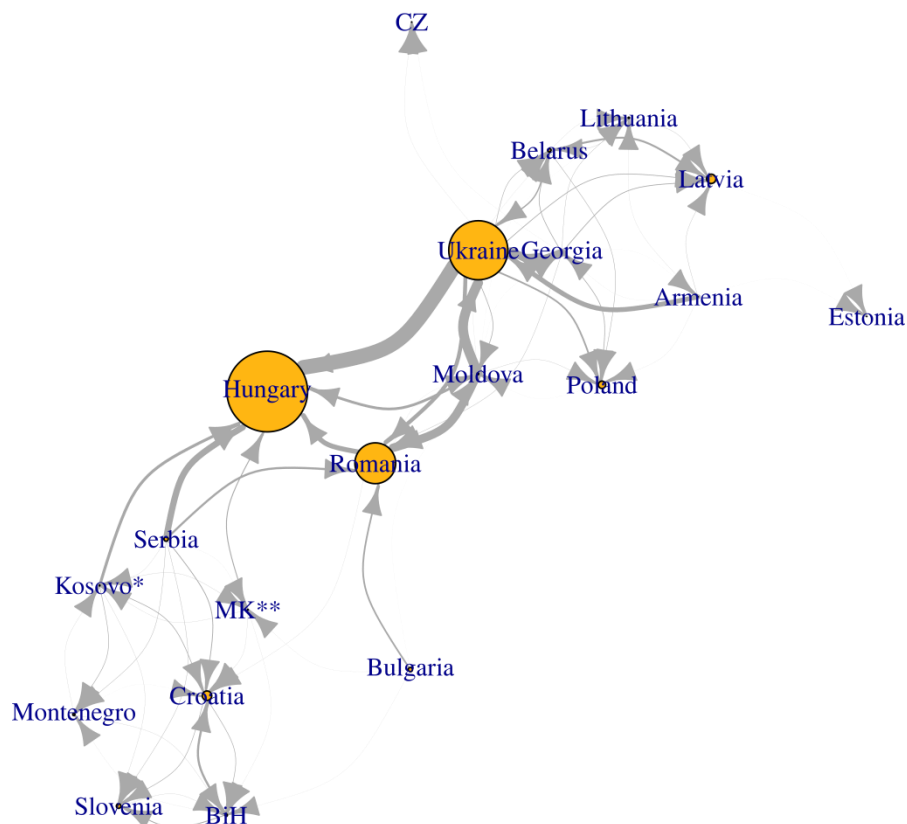
Note: Numbers were included only if they were among the top ten groups in a country. Therefore, the statistics are influenced by countries with higher apprehension numbers. Reporting countries: Armenia, Bulgaria, Croatia, Czech Republic, Estonia, BiH, the former Yugoslav Republic of Macedonia, Georgia, Hungary, Latvia, Lithuania, Poland, Slovenia.

³ Under UNSCR 1244

The following graph (Figure 2, below) shows the connection between the countries concerning irregular migration of nationals of all countries within the region. This means that only citizens of the countries in the CEE regions were considered and analysed according to which countries they are mainly apprehended. A network analysis was done, which looks at the connections between countries in terms of apprehensions of citizens of the other countries included in the region. Figure 2 shows the connections. The larger the points the larger the number of apprehensions of persons of one of the other countries in the respective country and the larger the arrow from one country to the other, the more citizens of the country where the arrow starts were apprehended in the other country were the arrow ends.

The plot is done by an automatic algorithm based on the network analysis but not according to geographic distance. Most interestingly, countries that are closer together are also geographically closer together, which clearly shows that irregular migration is to a large extent a regional issue in Central and Eastern European countries, mostly concerning neighbouring countries. Most apprehensions of citizens of other countries in the region were reported in Hungary, predominantly Ukrainians (indicated by the thick arrow from Ukraine to Hungary). But also in Ukraine, many apprehensions took place, mostly Moldovan citizens. The third most important place of apprehension of citizens within the region is Romania, where many Moldovans but also Ukrainians were apprehended.

The analysis also clearly shows that there is a lot of internal irregular migration in the Western Balkans since most countries and territories are connected by arrows pointing in both directions. This means that for instance Bosnians are among the top ten citizens apprehended in Croatia, but Croatians are also among the top ten citizens apprehended in Bosnia and Herzegovina.

Figure 2: Apprehensions of nationals within the region 2010

Source: own calculations and presentation based on data on top ten nationalities apprehended in each of the countries. Only nationals of the countries in the graph included, which are only available if they are part of the top ten countries. For some countries data for 2009 were used in order to complete the picture. * Kosovo⁴ ** the former Yugoslav Republic of Macedonia.

Most important border sections.

In 2010, most apprehensions were registered at the land border between Greece and Turkey with over 54,000 apprehensions, the second most important border section is at the border between Greece and Albania with over 53,000 apprehensions in 2010 reported by both authorities in Greece and in Albania (33,979 and 19,025). Other border sections report much lower numbers, the most important being the border from Hungary to Serbia (Hungary reports 3,101

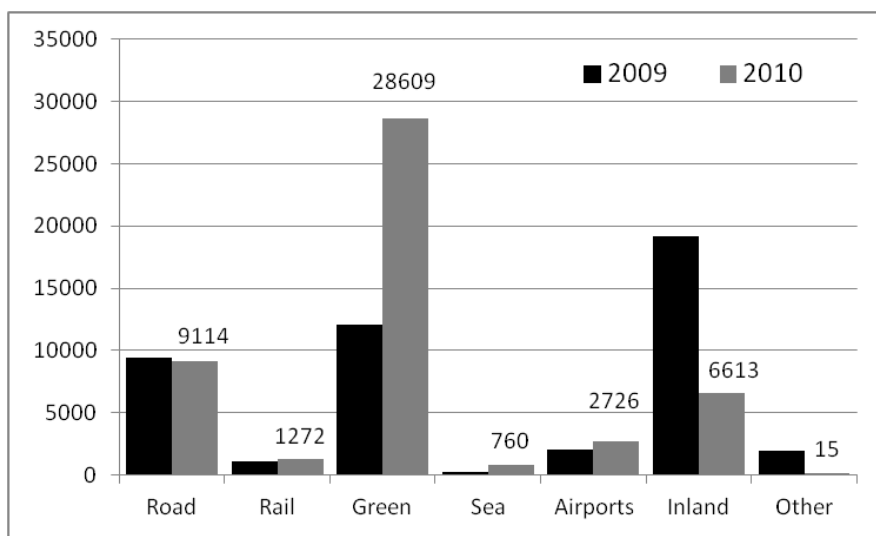
⁴ Under UNSCR 1244

apprehensions), Hungary to Ukraine (over 2,300 reported by Hungary) and Hungary to Romania (over 2,100 apprehensions by Hungarian authorities).

Place of apprehensions.

The most important place of apprehension is the green border, as reported by 15 countries (see Figure 3). By far most apprehensions occurred at the green border in 2010. This was not the case in 2009, where most apprehensions were recorded inland.

Figure 3: Border apprehensions by type of border in 15 countries 2009 and 2010

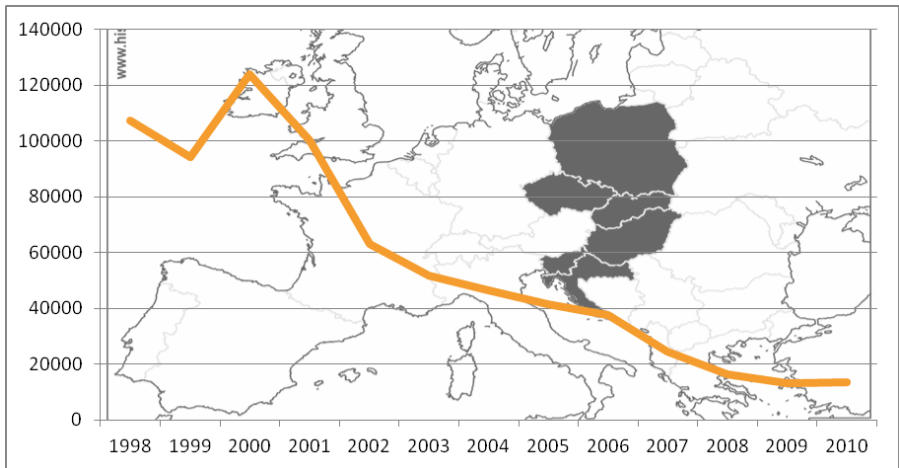


Data from Azerbaijan, Bulgaria, Croatia, the Czech Republic, Estonia, Bosnia and Herzegovina, Hungary, Latvia, Lithuania, Montenegro, Poland, Romania, Serbia, Slovakia, and Slovenia.

Long term trends and projections.

The long term trends which are registered for the six countries shown in Figure 4 show a general decreasing trend in apprehensions in Central and Eastern European countries. This trend was influenced by many factors including EU enlargement in 2004 and 2007, enlargement of the Schengen area as well as a general decreasing trend in irregular and asylum migration to Europe. In 2010, however, the decrease in apprehensions stopped in those six countries and the number of border related apprehensions slightly increased from 12,994 to 13,625.

Figure 4: Border-related apprehensions in six CEE countries from 1998 to 2010



Note: including Poland, Czech Republic, Hungary, Slovenia, Slovakia, Croatia. Map taken from <http://www.hist-geo.com/>.

Rejections at the border

Table 3 shows rejections at the border from 12 countries in the years 2008 to 2010. Comparably many rejections are reported from Croatia, where over 16,600 rejections were registered. In the previous years the number of annual rejections was clearly higher in Croatia between 21,000 and 25,000. Furthermore, Slovenia and Hungary registered considerably more rejections compared to the other countries included in Table 3. While there was an increase in the numbers in Hungary in the three years from 2008 to 2010, the numbers of rejections at the Slovenian border remained rather stable in the three years of observation. A strong increase in rejections in 2010 was found in Georgia, where over 2,000 persons were not allowed to enter the country in 2010, which presents an increase of over 200 percent compared to the previous year. Rejections clearly decreased in Bosnia and Herzegovina (-23%) and as already mentioned in Croatia. In the EU countries included in Table 3 below the rejections slightly increased, while in the Western Balkans a significant decrease can be observed.

When looking at the total numbers, it has to be considered that some countries do have border sections where border controls were abolished, most notably in the Czech Republic since the enlargement of the Schengen area in 2007.

Table 3: Rejections at the border in 12 countries 2008 to 2010

Reporting country	2008	2009	2010	Change in %	% of total 2009
Bosnia and Herzegovina	3102	5103	3514	-31%	6%
Bulgaria	5473	3748	3399	-9%	6%
Croatia	25461	21549	16674	-23%	31%
Czech Republic	257	379	333	-12%	1%
Estonia	2326	916	2502	173%	5%
Georgia	426	675	2041	202%	4%
Hungary	5531	7739	8011	4%	15%
Latvia	877	555	880	59%	2%
Lithuania	2214	1751	1968	12%	4%
Montenegro	2055	2251	2624	17%	5%
Romania	9174	4427	4320	-2%	8%
Slovenia	7848	8147	8110	0%	15%
EU	33700	27662	29523	7%	54%
Western Balkan	30618	28903	22812	-21%	42%
Total	64744	57240	54376	-5%	100%

Deportation and return

Like every year, the Yearbook collects information on deportations of persons from the reporting countries. Last year's edition of the Yearbook especially focused on return of migrants, by looking at practices of return in the region. This year 17 countries and territories reported the number of persons removed from their territory (see Table 4). In 2010, most removals are reported by Slovenia (1,738), followed by Croatia (1,528) and Azerbaijan (1,284). Generally, there is a slight decrease in the year 2010 observed.

While in Kosovo⁵ the strongest increase in returns was reported, followed by Azerbaijan, returns strongly decreased in BiH (at a generally low level), Estonia, Slovakia and Croatia.

Table 4: Removed persons from 17 countries and territories

Reporting country	2009	2010	Change in %	% of total 2010
Albania	37	46	24%	0%
Azerbaijan	461	1284	179%	14%
Bulgaria	417	369	-12%	4%
Bosnia and Herzegovina	22	7	-68%	0%
Croatia	2256	1528	-32%	16%
Czech Republic	1024	1074	5%	11%
Estonia	103	66	-36%	1%
The former Yugoslav Republic of Macedonia	1302	930	-29%	10%
Hungary	634	563	-11%	6%
Kosovo ⁶	7	423	5943%	4%
Latvia	145	109	-25%	1%
Lithuania	144	137	-5%	1%
Moldova	83	58	-30%	1%
Montenegro	162	116	-28%	1%
Romania	392	333	-15%	4%
Slovakia	953	643	-33%	7%
Slovenia	1795	1738	-3%	18%
EU	5607	5032	-10%	53%
Western Balkans	3786	3050	-19%	32%
Total	9937	9424	-5%	100%

⁵ Under UNSCR 1244

⁶ Under UNSCR 1244

Human Smuggling

18 countries reported the numbers of human smugglers apprehended in 2009 and 2010, resulting in a total number of 1,495 apprehensions in 2010. This presents a decrease in apprehensions by 15 percent. Most countries show a decrease in apprehensions of human smugglers, while only Albania, Georgia, Poland and Serbia an increase was reported. Most smugglers were apprehended in Bulgaria, followed by Serbia, Croatia, Hungary, Slovenia and Slovakia.

In the majority of the countries, most smugglers were citizens of the country of apprehension.

Table 5: Number of apprehended smugglers in 18 countries

Reporting country	2009	2010	Change in %	% of total 2009	Most important source countries in 2010
Albania	66	68	3%	5%	Albania
Belarus	n.a.	16		1%	Belarus
Bulgaria	246	235	-4%	16%	Turkey
Bosnia and Herzegovina	78	39	-50%	3%	BiH
Croatia	303	175	-42%	12%	Croatia
Estonia	14	2	-86%	0%	Lithuania
The former Yugoslav Republic of Macedonia	58	55	-5%	4%	The former Yugoslav Republic of Macedonia
Georgia	6	14	133%	1%	Georgia
Hungary	241	179	-26%	12%	Romania
Kosovo ⁷	20	17	-15%	1%	Kosovo ⁷
Latvia	22	15	-32%	1%	Latvia
Lithuania	34	11	-68%	1%	Lithuania
Moldova	93	73	-22%	5%	Moldova
Montenegro	16	1	-94%	0%	Albania
Poland	54	69	28%	5%	Poland
Serbia	156	211	35%	14%	Serbia
Slovakia	150	147	-2%	10%	Slovakia
Slovenia	204	168	-18%	11%	Slovenia
EU	965	826	-14%	55%	
Western Balkan	697	566	-19%	38%	
Total	1761	1495	-15%	100%	

ICMPDs Yearbook is the only publication which currently collects data on numbers of persons being smuggled into a country in the CEE region. Ten countries reported numbers of person making use of smugglers to move to, through and within Central and Eastern Europe. The highest number of persons being smuggled was reported

⁷ Under UNSCR 1244

by Slovakia at 468. Slovakia is followed by Bulgaria at 357. The third most important country of apprehension of smuggled persons is Hungary were 350 persons were apprehended for using smugglers to enter Hungary (see Table 6).

Table 6: Persons being smuggled in ten countries

Reporting country	2009	2010	Change in %	% of total 2009
Albania	30	24	-20%	1%
Bulgaria	293	357	22%	19%
Croatia	166	271	63%	15%
Estonia	27	2	-93%	0%
The former Yugoslav Republic of Macedonia	141	199	41%	11%
Hungary	499	350	-30%	19%
Latvia	20	21	5%	1%
Lithuania	53	12	-77%	1%
Slovenia	214	140	-35%	8%
Slovakia	267	468	75%	25%
Total	1710	1844	8%	100%

Trafficking in Human Beings

In 2010, 12 countries provided data on victims of trafficking in their countries resulting in a total number of 807 victims of trafficking, almost all of them women or girls. By far most victims of trafficking were found in Slovenia, where 309 victims were recorded. In 2009, the number was only 9. Furthermore, in Bulgaria high numbers of victims of trafficking are reported at 248.

Table 7: Number of persons being trafficked in 12 countries

Reporting country	2009	2010	% of total 2010	Percentage of women in 2010
Albania	94	97	12%	86%
Armenia	11	13	2%	77%
Bosnia and Herzegovina	69	25	3%	84%
Bulgaria	228	248	31%	90%
Croatia	8	7	1%	86%
The former Yugoslav Republic of Macedonia	6	5	1%	100%
Georgia		1	0%	100%
Montenegro	2	14	2%	100%
Poland	13	6	1%	100%
Serbia	85	76	9%	92%
Slovakia	9	309	38%	n.a.
Slovenia	13	6	1%	67%
Total	538	807	100%	

Respondents to ICMPD's questionnaire from 15 countries reported some 567 apprehended traffickers in 2010. This presents a slight decrease compared to 2009 in those countries. Traffickers are almost exclusively citizens of the reporting countries, which indicates that trafficking in the region either occurs on an ad-hoc basis or is predominantly organised from within the countries.

Most traffickers were found in Bulgaria (145) followed by Belarus (124), Serbia (99) and Moldova (67). On average some 1.5 victims of trafficking are identified per trafficker.⁸

⁸ However, cases of apprehended traffickers do not need to correspond to the same cases of victims identified in a country.

Table 8: Number of traffickers in 15 countries

Reporting country	2009	2010	Change in %	% of total 2010	% of citizens of reporting country 2010
Albania	17	51	200%	9%	100%
Armenia	16	7	-56%	1%	100%
Belarus	154	124	-19%	22%	93%
Bulgaria	117	145	24%	26%	71%
Croatia	11	10	-9%	2%	80%
Estonia	0	0		0%	-
The former Yugoslav Republic of Macedonia	16	12	-25%	2%	100%
Georgia	37	4	-89%	1%	50%
Lithuania	12	11	-8%	2%	100%
Moldova	159	67	-58%	12%	98%
Montenegro	4	16	300%	3%	94%
Poland	0	1		0%	100%
Serbia	94	99	5%	17%	95%
Slovakia	6	12	100%	2%	25%
Slovenia	11	8	-27%	1%	50%
Total	654	567	-13%	100%	

Detention

Grounds for detention

The main grounds for detention in the countries under study generally refer to detention prior to the implementation of a deportation or expulsion order, or for the purposes of identifying a foreign citizen in cases of doubt or lack of identity papers.

Detention of asylum-seekers

The general policy in most of the countries under study is not to detain asylum seekers, particularly given that, in many countries, those who seek protection/refugee status cannot be held liable for illegal entry into the country, provided that they apply for protection/refugee status within a reasonable time after arriving in the country.

Detention centres

While some countries, such as Belarus, do not yet have a dedicated detention centre for migrants, other centres, such as the Immigration Centre in Bosnia, have been built quite recently.

Statistics

Bulgaria, the Czech Republic and Hungary report the highest numbers of detained asylum seekers in 2009 and 2010. While in Bulgaria over 600 asylum seekers were detained in 2009 and 2010, over 560 asylum seekers were detained in the Czech Republic in 2010, but the number was much lower in 2009. In Hungary the number of detained asylum seekers exceeded 400 in 2009 but was much lower at 27 in 2010. The Czech Republic reports data from two detention centres.

Table 9: Detained asylum seekers in nine countries in 2009 and 2010

Reporting country	Number of centres	Name of Detention Centre(s)	2009	2010
Belarus	1	n.a.	8	5
BiH	1	The Immigration Center	10	13
Bulgaria	1	Home of temporary accommodation of foreigners Sofia	653	674
Croatia	1	Jezevo	24	97
Czech Republic	2	Reception centres of the Asylum and Migration Policy Department in Zastávka u Brna and at the international airport Praha Ruzyně	177	563
Estonia	1	Expulsion Center	17	7
Hungary	1	n.a.	401	27
Latvia	1	n.a.	34	97
Slovenia	1	Foreigners Center	31	27

In 2010, detention of migrants was especially high in Hungary with over 1,350 migrants in detention. Detention of migrants mainly refers to detention prior to deportation. Other countries with high number of detained migrants are Bulgaria (973), Belarus (888) and Czech Republic (745).

Considering top five nationalities of detained migrants in the countries Ukrainian citizens are most often detained in the 15 countries included in Table 10. Ukrainians are mostly detained prior to deportation in the Czech Republic and Belarus. The second most important group of persons detained are migrants from Kosovo⁹, mostly imprisoned in Hungary, but also in Slovenia, Croatia and Montenegro in 2010. The third most important group of detainees comes from the Russian Federation, mostly detained in Belarus. There are also considerable numbers of migrants from Iraq detained in Bulgaria, and Albanians in Croatia, BiH and the former Yugoslav Republic of Macedonia.

Table 10: Numbers of detained migrants in 15 countries in 2010

Reporting country	Number of centres	Name of Detention Centre(s) according to country chapter	2009	2010
Albania	1	n.a.	35	37
Belarus	1	n.a.	925	888
BiH	1	Immigration Center Eastern Sarajevo	191	312
Bulgaria	1	Home of temporary accommodation of foreigners Sofia (Bustmantsi)	831	973
Croatia	1	Ježevo	460	522
Czech Republic	2	Bělá Jezová, Poštorná	1376	745
Estonia	1	Expulsion Center	55	40
The former Yugoslav Republic of Macedonia	1	Reception Center for foreigners	150	130
Hungary	1	n.a.	612	1356
Latvia	1	n.a.	153	94
Lithuania	1	Foreigners Registration Center	212	140
Moldova	1	Main Centre (CVRI)	71	80
Montenegro	1	ZIKS Podgorica	41	74
Romania	2	Otopeni, Arad	477	471
Slovenia	1	n.a.	408	313

Duration of detention

The usually applied durations of detention and the possible maximum duration of detention in the countries under investigation is summarised in Table 11, below. In EU countries the maximum period of detention is usually 18 months as stipulated in the Directive 2008/115/EC, Article 15 (5) and (6). Table 11 shows the regulations for duration of stay, which refers to adults, since some countries note that there are

⁹ Under UNSCR 1244

special conditions for children and families with children (e.g. in the Czech Republic 90 days for children, which is half of the time for adults).

Table 11: Duration of detention of migrants

Reporting country	Duration of detention of migrants
Albania	6 months with possible extension up to 12 months = max. 12 months
Belarus	9 months prior to deportation. Unlimited detention for purpose of identification and expulsion.
BiH	30 days with possibility to extend to another 30 days up to a total maximum of 180 days (~6 months)
Bulgaria	Up to 6 months with possible extension of additional 12 months = max. 18 months
Croatia	180 days with possible extension to another 180 days ~ max. 12 months
Czech Republic	Maximum of 180 days with possible extension to max. 545 days ~ max. 18 months
Estonia	2 months with extension up to 18 months = max. 18 months
The former Yugoslav Republic of Macedonia	Maximum of 12 months
Hungary	6 months with possible extension by additional 6 months = max. 12 months
Latvia	6 months plus additional 12 months = max. 18 months
Lithuania	48 hours at police station. No maximum period of detention was mentioned in the questionnaire. Generally, detention ends when the grounds are no longer in place or the detention period expires. A decision for detention longer than 48 hours has to be taken by the district court.
Moldova	Up to 6 months
Montenegro	90 days with possible extension to another 90 days ~ max. 6 months
Romania	6 months with possible extension to another 12 months = max. 18 months
Slovakia	6 months with possible extension to another 12 months = max. 18 months
Slovenia	6 months with possible extension (no maximum duration mentioned in the questionnaire)

Note: Azerbaijan refers to a duration of detention of 24 hours for investigation which can be extended to up to 3 days. It is assumed that this only applies to detention at police stations. The sign “~” means approximate number of months. In the questionnaire often days are indicated but for better comparison, the number of days was divided by 30 to get the approximate number of months.

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ALBANIA



General Information¹⁰

Location:	South-Eastern Europe, bordering the Adriatic Sea and Ionian Sea, between Greece in the south and Montenegro and Kosovo ¹¹ to the north
Area:	<i>Total:</i> 28,748 sq km – <i>land:</i> 27,398 sq km – <i>water:</i> 1,350 sq km
Land boundaries:	<i>Total:</i> 717 km <i>Border countries:</i> Greece 282 km, the former Yugoslav Republic of Macedonia 151 km, Montenegro 172 km, Kosovo ¹² 112 km
Coastline:	362 km
Population:	3,002,859 (July 2012 est.)

General legislative and institutional developments

Legislative Framework

During 2010, the following legal instruments were passed in Albania:

¹⁰ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html> (March 2012).

¹¹ Under UNSCR 1244

¹² Under UNSCR 1244

-
- Albanian Law on the Moratorium of Vessels of the Republic of Albania, 04.02.2010;
 - "Strategy for the Reintegration of Returned Albanian Migrants, 2010-2015" and Action Plan approved by the Decision of the Council of Ministers No. 461, 09.06.2010;
 - Inter-ministerial Circular No. 408/2 "On the Establishment and Functioning of the National Electronic Register for Foreigners", 11.02.2010;
 - Order of the General Director of the State Police on the "Approval of Responsibilities and Job Descriptions of State Police Personnel" to define the work responsibilities of new professional positions created in the Border and Migration Department, 10.02.2010;
 - Guideline on Risk Analysis of the Deputy General Director of the State Police for Border and Migration, 08.02.2010.

In 2010, the protocols for the implementation of the Readmission Agreements between the Republic of Albania and Slovenia and Slovakia were signed, and another Agreement with Portugal was approved in principle. Furthermore, negotiations were carried out for the implementation of the Readmission Agreements with Malta, France, the Czech Republic, Greece, the Swiss Federal Council and Serbia, and proposals were submitted for Readmission Agreements with Egypt, India, China, Pakistan, Russia and Ukraine.

Institutional changes

In 2010, 16 new positions were added to the structures of the Border and Migration Department for the application of the Criminal Information Management System "MEMEX", specifically five positions at the central level and 11 positions at the regional level. This has increased the capacity to register all the criminal information received from the structures of the Border and Migration Police in the MEMEX system, in order to administer, process and distribute as quickly and securely as possible. In addition to having access to the MEMEX system for data registration, the Border and Migration Police can also access data for consultations.

In order to increase the efficacy of the investigation structures, regional investigation sections were established under the authority of the operational services sections in 2010. In addition, modules of e-visa, e-stay permit and e-work permission have been implemented in the National Electronic Register, enabling online application and online data consultation, as well as the compiling of reports and statistics by the responsible structures.

Irregular migration flows

In 2010, there were 19,321 migration-related border apprehensions in Albania, a slight increase from the previous year (18,966 in 2009). The records of the Albanian authorities for 2009 and 2010 show that the vast majority of apprehensions took place at the border with Greece (19,025 in 2010 and 18,719 in 2009) and that almost all cases were illegal crossings of the green (land) border (19,088 cases in 2010 and 18,795 in 2009). According to the available statistics, both in 2009 and 2010, the number of foreigners apprehended was extremely small (103 people in

2010 and 96 in 2009) compared to that of Albanian nationals, which amounted to approximately 99% of the cases (19,218 people in 2010 and 18,870 in 2009).

The authorities have identified the main route for reaching EU countries as via Greece – Albania – Western Balkans. The majority of migrants crossing the border illegally in 2009 transited through the Thessaloniki area in Greece (mostly Afghans) and attempted to enter Albania across the green border and the Kapshtica (Korca district) border crossing point (BCP) in 2010. The route Athens – Patra – Igumenitsa was also used, by crossing the green border near the Qaf Bota BCP in Albania. Persons from third countries usually attempt to cross the green border during the night or in the early morning, while at BCPs they hide in trucks or buses and use false or forged travel documents (e.g. passports, residence permits, IDs, visa, stamps) or the documents of other people with similar facial features.

Albanian nationals were apprehended mostly at the Albanian–Greek borders near Kakavia and Kapshtica. Illegal border crossings are usually facilitated by locals. The main draws for irregular migration movements are the opportunities of seasonal employment and the informal labour market in Greece.

Smuggling

Statistics

In 2010, there were 24 people apprehended for being smuggled into Albania, a slightly lower figure than in 2009 (30 people). The total number of smugglers apprehended in 2010 was 95, a comparable figure with the previous year (101 smugglers apprehended in 2009). During both years the main nationalities of the apprehended smugglers were Albanian (40 people in 2010 and 38 in 2009) and Afghan (18 people in 2010 and 23 in 2009).

Smuggling Routes

According to information from the Albanian authorities, Albanian citizens who cross the border in the South of Albania and Greece are led by smugglers towards Italy or other Western EU countries. These people often receive help in crossing the border by boat from Igumenitsa (Greece) or carrier or ferry (either legally or illegally). Another way of entering Greece is by using forged travel documents, passports, residence permits or Schengen visas for Italy, Germany or Austria. The payment for these border crossings ranges from 800 to 4,500 EUR, depending on the destination.

In 2010, the Albanian authorities identified several attempts by migrants of Middle Eastern origin to use the Northern Albanian territory as a pathway towards Balkan countries in order to subsequently reach the EU. The movements occurred following the illegal entry of the migrants into Albania at the Southern border with Greece. The most common way to enter Albanian territory was by hiding in international road transport vehicles (TIRs) or by walking across the green border. The apprehensions were carried out during vehicle controls at the BCPs. Investigations ascertained that these were organised attempts to enter the territory of Albania.

The Albanian authorities have also recorded cases of citizens from the Middle and Far East crossing the border individually and without any assistance, with the intention of travelling onwards to EU countries. Investigation of such cases (from Pakistan, Occupied Palestinian Territories, Sudan, Afghanistan and Iran) on Albanian territory revealed that those apprehended were able to travel in a disorganised fashion and without any substantial support through half of Albania, attempting to continue their journey to Montenegro or Kosovo¹³ and eventually to the EU. As they sometimes did not have sufficient funds to pay for their trip, migrants turned to criminal groups.

Additional attempts to enter Albania illegally were recorded at Rinas Airport, by means of falsified passports. However, due to extensive border controls, such attempts have been very limited in number.

Payment for smuggling routes

According to investigations by the Albanian authorities, the amount requested for a journey depends on the final destination and the level of difficulty of the travel, with higher prices paid for the shorter and easier trips. Prices range from:

- Albania – Greece – Italy – EU: 2,500 to 3,000 EUR
- Albania – Montenegro – Croatia – Slovenia – Italy – EU: 2,500 to 4,500 EUR
- Albania – Kosovo¹⁴ – Serbia – Hungary – Austria – EU: 3,000 to 4,500 EUR
- Albania – Macedonia – Greece – Italy – EU: 1,800 to 2,500 EUR

Modes of illegal border crossings

With regard to Albanian nationals, the most common *modus operandi* in 2009 and 2010 was to cross the border with Greece on foot through mountainous terrain, with or without the assistance of facilitators. Often, facilitators lack the capacity to plan and conduct a complete trip from Albania to the intended destination in Greece. Instead, the border crossing is carried out on an *ad hoc* basis.

The illegal border crossing is more organised when networks are involved. The *modus operandi* in such cases is that the migrants first arrive in Tirana from where they are transported to towns near the border. After spending the night at local hotels, they are taken closer to the border. Using darkness, weather conditions and the mountainous terrain to their advantage, they cross the border on foot, usually between 10:00pm and 06:00am. On the Greek side of the border, either a taxi or a rented or stolen car takes them to their place of destination, which is mostly either Athens or Thessaloniki.

¹³ Under UNSCR 1244

¹⁴ Under UNSCR 1244

Regarding non-EU nationals, both in 2009 and 2010, attempts to cross the Greek–Albanian green border were most often conducted in groups of two, four or five people. Albania is used as a transit country towards the EU, especially to Italy. The methods and routes have been increasingly modified, and currently the main route is Athens – Patra – Igumenitsa, from where migrants try to cross the green border near the Kakavija and Qaf Bota BCPs. One possibility for reaching Italy from the Igumenitsa or Patra ports in Greece is to take the ferry. If this is not possible, people gather information on different routes from Greek and/or Albanian nationals living in Greece or information is drawn from the internet.

Trafficking

Albania is not a destination country for human trafficking. The number of people who were identified, examined and assisted in connection to human trafficking in Albania was 94 in the year 2009 and 97 in 2010. The number of human traffickers apprehended amounted to 17 in 2009 and 51 in 2010. All of those apprehended were citizens of Albania.

Albanian law incorporates the UN definitions on trafficking in Articles 110, 114 and 128 of the Penal Code and makes a clear distinction between the definition of trafficked and smuggled persons. Furthermore, a victim of human trafficking will not be apprehended or prosecuted for their involvement in illegal activities that result from the trafficking situation. Article 110/a of the Penal Code sets out the punishments for trafficking in human beings. Article 114/b covers the trafficking of women, while Article 128/b covers the trafficking of children.

Detention

General detention policy

The general policy on the detention of unauthorised migrants in Albania forms part of the return policy, which, in turn, is included in the general migration policy. The return policy on foreigners is incorporated into Albanian legislation in the Readmission Agreements and Implementation Protocols with the countries of the EU, with other countries in the region and other third countries.

Albanian detention policy as a component of migration policy is defined in the following acts:

1. Law No. 9959 “On Foreigners” from 17.07.2008, Section V (Apprehension of foreigners), which covers the following situations:

- Detention in a closed centre
- Subjects of detention in a closed centre
- Objection to the detention order
- Duration of the detention in a closed centre
- Notification of a diplomatic representative
- Rights of foreigners detained in a closed centre
- Detention of unaccompanied minors

2. Joint Circular of the Minister of the Interior and the Director of the State Intelligence Service No. 2947 “On Collaboration between the Structures of the Ministry of the Interior and the State Intelligence Service for treating procedures of

foreigners in the Republic of Albania” from 06.10.2009. Parts VIII, IX and X of this Circular cover the following:

- The removal procedure sets out confinement in a closed centre for cases of forced removal;
- Confinement procedures in a closed centre;
- Procedures for Accompaniment from a closed centre to health institutions/ diplomatic missions/ consulates and courts of law.

3. The Order of the General Director of State Police No. 851 from 03.08.2009 on “Standard Working Procedures of the Border and Migration Police” defines the standard working procedures of migration structures in migration cases.

4. The Decision of the Council of Ministers (DCM) No. 1083 from 28.10.2009 “On the Establishment of the Closed Centre¹⁵ and Approval of its Organisational and Functioning Regulation” published in the Official Gazette No. 165 on 04.12.2009, page 7287. The Decision regulates the establishment and functioning of the centre as well as its organisation and management, the rights and obligations of the detained foreigners, aspects of admission and accommodation, visits, assistance and hygiene, medical, legal and social assistance, leisure, overall development, nutrition, house rules, discipline regime, safety and public order, as well as other administrative aspects.

5. By the Order of the General Director of the State Police No. 1111 from 29.09.2009 “On Coordination and Collaboration within the Border and Migration Police, the collaboration of these structures with other structures of the State Police and with other structures and actors beyond the State Police in the context of identifying illegal immigration to the territory of the Republic of Albania”. This Order sets out methods of detecting irregular immigration on Albanian territory.

Definitions in relation to the detention of immigrants

Detention at a closed centre is an administrative measure carried out by the responsible regional/local state authority for the treatment of foreigners. Foreigners who are subject to forced removal or deportation or who have been readmitted on the basis of international agreements must be detained in a closed centre. The foreigners remain in detention until legal procedures take place to allow for their departure from Albania to the country of return or, if removal cannot be carried out, their detention proceeds in accordance with the provisions of the law. The responsible regional/local state authority for the treatment of foreigners can apprehend a foreigner whose identity or reasons of stay are not clear and/or for reasons of public safety. Foreigners are notified in their native language that they are entitled to legal protection by either hiring a lawyer of their choice or being allocated a lawyer by the state, as well as the right to contact their family.

Foreigners are detained by the Border and Migration Police and placed in a closed centre when:

- They refuse to leave the territory;
- There are substantiated reasons to believe that they may create delays or

¹⁵ For foreigners found in an irregular situation on the territory.

hinder the execution of the removal order;

- They have committed an administrative violation before the issuing of the removal order;
- They do not present themselves at the local Border and Migration Police after receiving a notification;
- They have been sentenced to prison for an intentional crime and are expecting a conclusion of the removal proceedings;
- They are subject to a forced removal order;
- They are subject to a deportation order;
- They are expected to return to their country of origin or to the country they arrived from based on an international agreement.

Detention with the purpose of expelling someone from Albanian territory is an administrative measure undertaken by the regional authority for Border and Migration.

Detention after the arrest of a foreigner is a procedural measure in the context of enforcement of the penal procedural legislation. This measure is taken by the prosecutor and judicial police on their own initiative when it is not possible to wait for the apprehension prosecutor's order because of the urgency of the situation.

Detention centres

In Albania there is only one closed centre for foreigners, which is located in Karc (Durrës). The centre has been operating as a fully functional accommodation centre for foreigners in an irregular situation since February 2010. Its establishment and functioning are regulated by the "Rule for the Establishment, Organisation and Functioning of the Closed Centre", approved by the Decision of the Council of Ministers No. 1083 of 28.10.2009.

The centre accommodates foreigners who are destined for forced removal, deportation or readmission, in accordance with bilateral agreements. The Centre has a capacity of 100 places with separate facilities for men, women and families, as well as special facilities for children if it is necessary to keep them in confinement. It employs an administrative staff of 23 employees, both police and civilian staff.

At the national level, there are 20 short-term transit centres for the detention of foreigners who have received an order to leave Albania or who are to be returned. These centres are situated at the "Nënë Tereza" National Airport in Rinas, at 12 BCPs with neighbouring countries, as well as at seven Police Stations. These transit centres are used for short-term detention of foreigners in an irregular situation, reception, interviewing and follow-up of the procedures for their selection.

The Closed Centre for Foreigners is an institution that is under the Directorate of Migration and Readmissions of the Border and Migration Department at the General Police Directorate at the Ministry of Interior. This centre is headed up by its Director and manages its human, financial and logistical resources independently. There are no plans to build other detention centres in the future, but forecasts regarding future migration movements transiting Albania indicate that at least two medium-term centres should be established at the border with Greece.

Duration of detention

Foreigners are kept in detention at the closed centre for a maximum of six months. After six months, the Border and Migration Police has the power to extend the detention period for no longer than 12 months.

Detention of asylum seekers

In accordance with Law No. 8432 "On Asylum in the Republic of Albania", Article 16 "Detention of asylum seekers", of 14.12.1998, asylum seekers who enter the territory of Albania illegally shall not be prosecuted for illegally crossing the border if they present themselves to the respective authorities no later than ten days after their illegal border crossing.

Asylum seekers who present themselves within the deadline can be detained only for the following reasons:

- To verify their identity;
- If they cannot present any identification documents or have obtained false documents with the intention of deceiving the respective authorities;
- If an international arrest warrant has been issued for them;
- To protect national and public safety.

The maximum duration of the detention of asylum seekers upon arrival in Albania is of 71 days.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	5,135,798	5,577,479
Exit	5,050,894	5,805,777
Total	10,186,692	11,383,256

Total number of persons claiming asylum		
	2009	2010
At the border	1	2
Inland	4	10
Unknown		
Total	-	-

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	1	4
Persons whose applications were negative/rejected	0	0
Persons whose applications were otherwise closed	0	3

Total number of migration-related border apprehensions (including foreigners and citizens of Albania)		
	2009	2010
Foreign nationals	96	103
Citizens of Albania	18,870	19,218
Total	18,966	19,321

Total number of migration-related border apprehensions (including foreigners and citizens of Albania), by gender		
Gender	2009	2010
Male	18,591	19,042
Female	375	279
Unknown	0	0
Total	18,966	19,321

Number of minors apprehended at the border due to border violation including foreigners and citizens of Albania		
Gender	2009	2010
Male	497	578
Female	39	26
Unknown	0	0
Total	536	604

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Albania)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
At road border crossings	62	65
At rail border crossings	0	0
At the green (land) border	18,795	19,088
At the sea border	67	147
At airports	42	21
In the country	0	0
At other places	0	0
Total	18,966	19,321

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of Albania)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Albania on the border with that country	OUT: Number of apprehensions of people LEAVING Albania on the border with that country	Total number of apprehensions on the border with that country
1. Greece	n.a.	n.a.	18,719
2. The former Yugoslav Republic of Macedonia			105
3. Kosovo ¹⁶			30
4. Montenegro			3
Other			109
Total			18,966

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Albania)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Albania on the border with that country	OUT: Number of apprehensions of people LEAVING Albania on the border with that country	Total number of apprehensions on the border with that country
1. Greece	n.a.	n.a.	19,025
2. The former Yugoslav Republic of Macedonia			79
3. Kosovo ¹⁷			22
4. Montenegro			3
Other			192
Total			19,321

Number of apprehended persons being smuggled into Albania

	Apprehensions in 2009	Apprehensions in 2010
Total	30	24
Of total: women	19	15
Of total: minors	11	9

¹⁶ Under UNSCR 1244¹⁷ Under UNSCR 1244

Total number of 'human smugglers' apprehended (including foreigners and citizens of Albania)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	12	15
Citizens of Albania	38	40
Citizenship unknown	16	13
Total	66	68

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Albania)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Albania	38	1. Albania	40
2. Afghanistan	23	2. Afghanistan	18
3. Morocco	9	3. Algeria	7
4. Tunisia	6	4. Occupied Palestinian Territories	3
Other	25	5. Iraq	6
Total	101	Other	21
		Total	95

Number of apprehended persons being trafficked into Albania		
	Apprehensions in 2009	Apprehensions in 2010
Total	94	97
Of total: women	72	83
Of total: minors	22	14

Number of 'human traffickers' apprehended (including foreigners and citizens of Albania)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	0	0
Citizens of Albania	17	51
Citizenship unknown	0	0
Total	17	51

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Albania)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Albania	17	1. Albania	51
Other	-	Other	-
Total	-	Total	-

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Serbia	62	1. Turkey	136
2. Bosnia and Herzegovina	48	2. Serbia	45
3. The former Yugoslav Republic of Macedonia	36	3. Kosovo ¹⁸	41
4. Turkey	32	4. The former Yugoslav Republic of Macedonia	25
5. Kosovo ¹⁹	24	5. Mexico	17
6. Mexico	24	6. Russia	9
7. Pakistan	13	7. Nigeria	8
8. Nigeria	7	8. Ukraine	7
9. China	5	9. Georgia	4
10. Tunisia	4	10. Kazakhstan	3
Other	182	Other	295
Total of ALL rejected persons at the border (of any nationality)	437	Total of ALL rejected persons at the border (of any nationality)	503

¹⁸ Under UNSCR 1244

¹⁹ Under UNSCR 1244

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Albania			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Afghanistan	33	1. Turkey	11
2. China	2	2. Afghanistan	6
3. Iraq	1	3. Brazil	2
4. Cameroon	1	4. Cameroon	2
5. -	-	5. Somalia	2
6. -	-	6. Kosovo ²⁰	2
7. -	-	7. Iraq	1
8. -	-	8. Occupied Palestinian Territories	1
9. -	-	9. Colombia	1
Other	-	Other	17
Total of ALL removed persons at the border (of any nationality)	37	Total of ALL removed persons at the border (of any nationality)	46

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
Total	35	37

Main nationalities of detained migrants in 2009 and 2010			
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2010
1. Afghanistan	33	1. Turkey	11
2. China	2	2. Afghanistan	6
3.		3. Brazil	2
4.		4. Cameroon	2
5.		5. Somalia	4
Other			14
Total	35		37

Information provided by:
Office of the National Anti-trafficking Coordinator
Ministry of Interior of Albania

²⁰ Under UNSCR 1244

ARMENIA



General Information²¹

Location:	Southwestern Asia, between Turkey (to the west) and Azerbaijan
Area:	<i>Total: 29,743 sq km – water: 1,540 sq km – land: 28,203 sq km</i>
Land boundaries:	<i>Total: 1,254 km Border countries: Azerbaijan-proper 566 km, Azerbaijan-Naxcivan exclave 221 km, Georgia 164 km, Iran 35 km, Turkey 268 km</i>
Coastline:	None (landlocked)
Population:	2,967,975 (estimate July 2011)

Irregular migration flows

According to Armenian statistics on apprehensions of border violators, irregular migration is not a widespread phenomenon in Armenia. In 2009, 78 people were apprehended for border violations, increasing to 91 in 2010. In both years, the vast majority of those apprehended were Armenian citizens and more men were apprehended than women.

²¹ Source(s): <https://www.cia.gov/library/publications/the-world-factbook/geos/am.html> (Dec 2011).

Trafficking

In 2009 and 2010, 11 and 13 people, respectively, were identified as trafficked to Armenia, all of them women. In addition, 16 traffickers were apprehended in 2009 and 7 in 2010. Traffickers in human beings are mostly citizens of Armenia.

Statistical tables

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Armenia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Armenia	71	1. Armenia	83
2. Georgia	5	2. Georgia	5
3. Russia	1	3. Iran	2
4. India	1	4. Afghanistan	1
Total	78	Total	91

Total number of migration-related border apprehensions (including foreigners and citizens of Armenia)		
	2009	2010
Foreign nationals	7	8
Citizens of Armenia	71	83
Total	78	91

Total number of migration-related border apprehensions (including foreigners and citizens of Armenia), by gender		
Gender	2009	2010
Male	44	74
Female	34	17
Unknown	0	0
Total	78	91

Number of apprehended persons being trafficked into Armenia		
	Apprehensions in 2009	Apprehensions in 2010
Total	11	13
Of total: women	10	10
Of total: minors	1	3

Number of 'human traffickers' apprehended (including foreigners and citizens of Armenia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	3	0
Citizens of Armenia	13	7
Citizenship unknown	0	0
Total	16	7

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Armenia)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1.Armenia	13	1. Armenia	7
2. Russia	2	2. -	-
3. Georgia	1	3. -	-
Total	16	Total	7

Information provided by:
Police of the Republic of Armenia

AZERBAIJAN



General Information²²

Location:	South-Western Asia, bordering the Caspian Sea, the Russian Federation, Georgia, Armenia, Iran and Turkey
Area:	<i>Total:</i> 86,600 sq km – <i>land:</i> 82,629 sq km – <i>water:</i> 3,971 sq km
Land boundaries:	<i>Total:</i> 2,013 km <i>Border countries:</i> Armenia (with Azerbaijan-proper) 566 km, Armenia (with Azerbaijan-Naxcivan exclave) 221 km, Georgia 322 km, Iran (with Azerbaijan-proper) 432 km, Iran (with Azerbaijan-Naxcivan exclave) 179 km, Russia 284 km, Turkey 9 km
Coastline:	713 km (Caspian Sea)
Population:	9,493,600 (July 2012 est.)

²² Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/aj.html> (March 2012)

General legislative and institutional developments

Legislative changes

Order No. 242 of the President of the Republic of Azerbaijan from 17 March 2010 supplemented the “List of officials authorised to review cases on administrative violations” (approved by Presidential Order No. 634 of 28 September 2007) with a list of officials authorised to fine foreigners and stateless persons, to review cases on administrative violations within their competences and to take decisions on expelling these persons from the territory of Azerbaijan on behalf of the State Migration Service.

On 4 June 2010, the Regulation on the Unified Migration Information System (UMIS) was approved by Decree No. 276 of the President of Azerbaijan. The UMIS is a database established by the State Migration Service in 2009 in order to maintain records of foreigners and stateless persons residing and/or temporarily staying in Azerbaijan and to provide: necessary information for state bodies participating in migration management processes; automatised work on documentation verification and questioning; and analysis-related development of migration e-services. By supplying information on the dynamics of migration processes in Azerbaijan, the system contributes to ensuring security and to taking relevant measures in the fight against irregular migration.

On 1 July 2010, the “Rules on the expulsion of foreigners and stateless persons not having immigrant status from the Republic of Azerbaijan” were approved by Decision No. 130 of the Cabinet of Ministers of Azerbaijan. This decision regulates the rules for the compulsory expulsion of foreigners and stateless persons who grossly violate the rules of residence, temporary stay and transit in Azerbaijan according to the existing legislation.

Decree No. 326 on “Issues related to the registration of visas for foreigners and stateless persons arriving in the Republic of Azerbaijan” was signed by the President of Azerbaijan on 13 September 2010.

On 25 December 2010, the Convention on the “Legal status of labour migrants from CIS countries and their family members” entered into force, having been adopted by the Council of Heads of Governments of CIS Member States on 14 November 2008 and approved in Azerbaijan by Law No. 1064-IIIQ of 30 September 2010.

Institutional changes

In addition to improving the legal base, several institutional measures were also taken in 2010 in the sphere of regulating migration processes and strengthening the fight against illegal migration on a wider scale:

- An additional regional department (Khachmaz Regional Department of the State Migration Service in Baku) was established for the purpose of controlling migration processes within the country and facilitating reviews of foreigners’ and stateless persons’ appeals;
- A Migration Division at the Baku Regional Migration Department at Border Check Points was opened at Heydar Aliyev International Airport in Baku;

- The State Migration Service of the Autonomous Republic of Nakhchivan was established on 31 May 2010.

Furthermore, the "Regulation on competition with candidates for recruitment to serve in migration bodies" was approved on 15 July 2010.

In order to further develop the professional skills of the State Migration Service employees and to assist them in learning international practices in the area of migration, advanced training courses at the Academy of Public Administration and other events within the country and abroad were facilitated. Also, a thematic plan on the "Improvement of work related to theoretical and practical training of employees in migration bodies" was elaborated to enhance staff development policy and to improve the quality of educational programmes. In addition, a computerised training centre was also made operational within the State Migration Service in 2010.

Irregular migration flows

Generally, migrants enter the Republic of Azerbaijan legally, and some of them subsequently become irregular after violating the requirements of the existing legislation. In 2010, a total of 1,284 foreigners and stateless persons were expelled from Azerbaijan on the basis of an administrative order, representing a stark increase from the previous year (461 in 2009). Existing data indicates that this upward trend continued throughout 2011 - during the first eight months of 2011, 1,208 people were expelled, while the corresponding figure for the first eight months of 2010 was 787.

The rapid socio-economic developments and the geopolitical position of Azerbaijan have resulted in the intensification of migration processes, enhancing the need for concrete action in this field. Following the elaboration of a unified migration strategy in 2004, the most important steps taken in this area were the adoption of the State Migration Programme for the years 2006–2008 and the creation of the State Migration Service in 2007 (Presidential Decree No. 560 of 19 March 2007), which regulates and forecasts migration processes and coordinates the activity of relevant state bodies in this field.

The priorities of the State Migration Service are the improvement of state legislation in the area of migration according to international norms and requirements, the elimination of the negative impact of irregular migration processes, the organisation of national security and the stable socio-economic and demographic development of Azerbaijan. Additional duties of the State Migration Service include the efficient use of labour forces, the proportionate settlement of the population on the territory of Azerbaijan, benefiting from the intellectual potential and manpower of migrants and the prevention of irregular migration, including human trafficking.

Detention

General detention policy

Foreigners and stateless persons who do not have a legal status and have received an expulsion order from the territory of Azerbaijan are placed in detention centres for migrants in an irregular situation until the execution of the expulsion order. Their

voluntary placement and detention is regulated by the “Rules on voluntary placement and detention of foreigners and stateless persons who have received an order of expulsion from the territory of Azerbaijan in the detention centres for unauthorised migrants of the State Migration Service of the Republic of Azerbaijan”, approved by Decision No. 267 of the Cabinet of Ministers, 3 December 2008.

Furthermore, according to the Administrative Offences Code, foreigners and stateless persons who are under investigation for administrative offences for violating the rules of residence in Azerbaijan are detained by the State Migration Service for 24 hours in order to investigate the case and determine the person's identity. If identification documents are not available or cannot be obtained, the person in question can be detained by court order for 3 days.

According to the rules, foreigners and stateless persons can be voluntarily placed and detained in the detention centres of the State Migration Service in the following cases:

- If the decision on expulsion from the territory of Azerbaijan is being reviewed or a relevant decision has been adopted;
- If the decision on reviewing a refugee status application has been adopted;
- Other cases as stipulated in the legislation.

Foreigners and stateless persons who are voluntarily placed and detained in the detention centres have the right to leave and return to the centre for a certain period of time during the day. The building of the detention centres for irregular migrants in Baku and Yevlakh has been concluded. It is planned to build two more detention centres. At the moment, irregular migrants are temporarily placed in the temporary detention centre of the Ministry of Internal Affairs.

Detention of asylum seekers

People who apply to the State Migration Service in order to obtain refugee status are not detained. In 2010, the main countries of origin of people applying for asylum in Azerbaijan have remained the same as during the previous year: Pakistan (54 people in 2009 and 19 in 2010), Afghanistan (46 people in 2009 and 14 in 2010) and Iran (17 people in 2009 and 12 in 2010).

Statistical tables

Total number of persons claiming asylum		
	2009	2010
At the border	n.a.	n.a.
Inland		
Unknown		
Total	121	50

ICMPD Yearbook 2010

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	1 (4 incl. family members)	0
Persons whose applications were negative/rejected	117	50
Persons whose applications were otherwise closed	3	0

Removed persons and the top 10 nationalities/citizenships forcibly returned from Azerbaijan			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Pakistan	295	1. Pakistan	410
2. China	70	2. China	332
3. Turkey	33	3. Turkey	209
4. Turkmenistan	20	4. Turkmenistan	72
5. Bangladesh	10	5. Iran	49
6. Russia	8	6. Russia	39
7. Uzbekistan	4	7. Israel	18
8. Israel	4	8. Bulgaria	16
9. Iran	4	9. Uzbekistan	13
10. The former Yugoslav Republic of Macedonia	3	10. Georgia	12
Total of ALL removed persons at the border (of any nationality)	461	Total of ALL removed persons at the border (of any nationality)	1,284

Information provided by:

The State Migration Service of the Republic of Azerbaijan

BELARUS



General Information²³

Location:	Eastern Europe, East of Poland
Area:	<i>Total:</i> 207,600 sq km – <i>land:</i> 202,900 sq km – <i>water:</i> 4,700 sq km
Land boundaries:	<i>Total:</i> 3,306 km <i>Border countries:</i> Latvia 171 km, Lithuania 680 km, Poland 605 km, Russia 959 km, Ukraine 891 km
Coastline:	0 km (landlocked)
Population:	9,542,883 (July 2012 est.)

General legislative and institutional developments

Legislative developments

In 2010, Belarus completed the implementation of the 2008-2010 State Programme to combat human trafficking, illegal migration and related offences and, based on its

²³ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/bo.html> (March 2012)

results, a follow-up 2011-2013 programme was approved by Presidential Decree. The aim of the programme is the provision of planned and coordinated activities by the state bodies on the implementation of information and prevention, organisational and technical measures, and activities in international cooperation aimed at effective prevention, detection and suppression of human trafficking and irregular migration, as well as eliminating the causes of these phenomena.

Issues related to combating irregular migration are also set out in the Decree of the President of the Belarus State Programme on Combating Crime and Corruption for 2010-2012, which provides a number of organisational and practical measures aimed at prevention, detection and suppression of organised groups and criminal organisations in the field of irregular migration, crime and human trafficking.

Furthermore, in order to control migration flows passing through the territory of Belarus, a number of regulations were adopted, which govern social relations in the field of migration:

- The Law "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus" and a number of Decrees of the Council of Ministers, which determine entry, including visa regulations, registration and residence of foreign nationals and stateless persons in the territory of Belarus
- The Law "On foreign labour migration"
- The President's Decree "On Licensing Certain Types of Activities" including activities requiring the employment of citizens abroad.

Belarus has established cooperation with several governments aimed at combating irregular migration. In this context, an agreement on cooperation to combat irregular migration from third countries was signed in the framework of the Customs Union between the governments of Belarus, Kazakhstan and the Russian Federation.

Institutional developments

In 2010, a special unit was established within the Directorate for Combating Organised Crime and Corruption at the Ministry of Internal Affairs to combat international organised crime in the area of irregular migration.

Although there were no organisational and functional changes within the bodies of the Border Service, according to information from the authorities in Belarus, irregular migration movements have been increasingly bypassing the territory of Belarus due to improvements on the State Borders of Belarus, including:

- the restoration of engineering structures, including on the Belarusian-Polish border,
- the development of border infrastructure at the Ukrainian and Baltic borders, and
- the finalisation of the demarcation of the State Borders at the Belarusian-Latvian border.

Irregular migration flows

Throughout 2010, transit routes via Belarus to the EU have continued to be used by persons migrating illegally from post-Soviet states (Georgia, Russia (Chechnyan origin), Kazakhstan, Ukraine, Kyrgyzstan, Armenia, Azerbaijan, Moldova) as well as from Turkey and several Asian countries (Pakistan, Afghanistan and Sri Lanka). New developments include the organisation of illegal transit of citizens from Afghanistan and Vietnam to the Baltic countries and Poland. The situation in Afghanistan, the worsening political tensions in the Caucasus and the Middle East have led to an even more aggravated situation on the migratory routes to Europe, including transit through Belarus.

In 2010, the Belarusian authorities also recorded cases in which foreign nationals studying at institutions in Belarus attempted to illegally cross the Belarusian-Polish border (e.g. students from Sri Lanka).

Modes of illegal border crossings

The means of transportation are arranged depending on the country of origin of the migrants. The most common ways of crossing the border illegally are:

- At border crossing points (BCPs): with forged or other people's documents (e.g. migrants from Georgia, Russia (Chechnya) and Congo) or hidden in trains (e.g. migrants from Moldova and Uzbekistan);
- Outside of BCPs: on foot (arrival at the border area usually by car, without violation of the legislation of Belarus).

In 2010, there was a slight decrease in the number of migration-related border apprehensions compared with the previous year (258 cases in 2010 and 264 in 2009). As in the previous year, also in 2010 the largest number of migration-related border apprehensions occurred on the green (land) border (218 cases, 84% of the total) and the majority of the offenders were foreign nationals (249 persons, 96% of the total).

Also the total number of border violations fell from 635 in 2009 to 564 in 2010. During both years the majority of the violations were committed by citizens of Belarus, Georgia, Ukraine, the Russian Federation and Lithuania. The number of people rejected at the border also decreased in 2010, from 2,029 cases recorded in 2009 to 1,909 in 2010. The top nationalities of the rejected people were in both years Russian, Ukrainian and Georgian.

Smuggling

Depending on the destination country, the payment for smuggling services ranges from USD 500 to 7,000 per migrant. According to information from the Belarusian authorities, most cases of smuggling originated in the Russian Federation. Often foreign nationals arrive to the territory of Belarus by public transport (rail, road or air) without violating the laws, but with falsified or other people's documents. Based on the investigation reports of the authorities, the organisation of smuggling activities is conducted by foreign nationals regularised in Belarus, as well as citizens of neighbouring states.

In the year under review, no changes have been recorded regarding the illegal entry of migrants to Belarusian territory. At the same time, improvements in the tactics used to organise the illegal crossings of the border have been noted, including: studying the routes most likely to have been taken by individuals who were detained for violating the border and immigration laws by employing modern navigation devices and mobile phone software (e.g. GPS features, Google maps).

In 2010, 16 human smugglers were apprehended, representing a decrease from the previous year (22 people in 2009). In both 2009 and 2010, the majority of offenders were nationals of Belarus (6 people in 2010 and 9 in 2009). The foreign nationals apprehended mostly came from the Russian Federation (4 people in 2009 and 1 in 2010), Georgia and Lithuania (2 people from each country apprehended in 2010).

Trafficking

There were no identified cases of victims of human trafficking in Belarus in 2009 and 2010.

Detention

General detention policy in Belarus

The administrative detention of an individual is a short-term restriction of freedom for the purpose of ensuring the implementation of the administrative process for committing an administrative offense vis-à-vis the agency carrying out the administrative process. The detention of immigrants lies within the responsibility of the Ministry of Internal Affairs and the Border Guard Service. Detentions for periods exceeding 48 hours must be authorised by the appropriate prosecutor.

Detention centres in Belarus

In accordance with the laws of Belarus, foreigners applying for international protection have the right to settle independently for the period of time during which their application is being considered. If there is no possibility to reside somewhere independently, the opportunity of living in open-type temporary accommodation is offered.

There are four centres of temporary accommodation in Belarus, which can accommodate 80 people in total (30 people in Vitebsk; 26 people in Gomel; 12 people in Brest; 12 people at Minsk National Airport). The centre at Minsk National Airport is designed for the short-term accommodation of foreigners detained by border guard authorities for illegally crossing the state border of Belarus, while the rest are used for the long-term placement of foreigners applying for international protection. The point in Gomel can also host the most vulnerable foreigners, who have been granted refugee status or subsidiary protection under the mandate for refugees by the UNHCR.

In addition, nearly every territorial authority responsible for interior matters has so-called temporary detention facilities for both the short-term detention of individuals suspected of committing crimes and for holding foreigners residing illegally in Belarus and who are subject to deportation or expulsion from the country, as well as foreigners detained for identification purposes. Irregular migrants are held

separately from people suspected of committing crimes in the temporary detention facilities. At present, the issue of creating a single detention centre for migrants who have been arrested for migration-related offences is being raised.

Duration of detention of foreigners

Depending on the reasons for detention, a foreigner may be detained for the period that is necessary for the implementation of deportation, expulsion or personal identification. The maximum period of detention of a foreigner for the purposes of carrying out a deportation may not exceed nine months from the date of arrest. In cases of detention for the purposes of identification and expulsion, the maximum period of detention is not limited by the legislation and detention continues until the clarification of the identity of the person in question.

Management of the detention centres

The temporary accommodation centres for foreigners applying for protection are: the management of ATC Vitebsk Regional Executive Committee in Vitebsk, the Gomel municipality executive committee in Gomel, the management of the Border Service of Belarus in Brest and Minsk Airport. Temporary detention centres and the isolation of offenders are subject to the territorial bodies for internal affairs.

Detention of asylum seekers

In accordance with the laws, a foreigner who was forced to illegally cross the state border of Belarus and who applies for protection at the competent authority without delay shall be exempt from liability for illegally crossing the state border of Belarus and illegally staying on its territory. Foreigners applying for protection may be detained and placed in an isolation facility for offenders if

- they have no identification documents and are being held for personal identification purposes (for up to one month);
- the decision has been taken to deport the foreigner from Belarus and their application for protection is considered on an expedited basis (for up to one month);
- if the foreigner is waiting for the result of an appeal of the decision on his/her application for protection (for up to one month).

The maximum duration of detention for foreigners applying for protection is three months.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	11,426,003	13,177,843
Exit	11,425,997	13,215,853
Total	22,852,000	26,393,696

Total number of persons claiming asylum²⁴		
	2009	2010
At the border	8	22
Inland	152	147
Unknown	-	-
Total	160	169

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	15	7
Persons whose applications were negative/rejected	61	140
Persons whose applications were otherwise closed	48	33

Number of border violators and the top 10 nationalities/citizenships with the most border violations (including foreigners and citizens of Belarus)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Belarus	169	1. Belarus	142
2. Georgia	110	2. Georgia	121
3. Ukraine	110	3. Ukraine	90
4. Russia	75	4. Russia	67
5. Lithuania	40	5. Lithuania	36
6. Vietnam	14	6. Afghanistan	17
7. Moldova	13	7. Moldova	16
8. Afghanistan	7	8. Vietnam	14
9. Congo	6	9. Congo	11
10. Kyrgyzstan	3	10. Kyrgyzstan	6
Other	88	Other	44
Total	635	Total	564

Total number of migration-related border apprehensions (including foreigners and citizens of Belarus)		
	2009	2010
Foreign nationals	240	249
Citizens of Belarus	24	9
Total	264	258

²⁴ The essential difference between the low number of people contacting the authorities at the state border and the higher number claiming asylum from inside the country arises from the fact that there is no border control in the Belarusian-Russian border area, as it forms the "inner boundary" of the Union between the State of Belarus and the Russian Federation.

Total number of migration-related border apprehensions (including foreigners and citizens of Belarus), by gender		
Gender	2009	2010
Male	248	232
Female	16	26
Unknown	-	-
Total	264	258

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Belarus)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
At road border crossings	10	11
At rail border crossings	28	20
At the green (land) border	215	218
At the sea border	-	-
At airports	11	9
In the country	-	-
At other places	-	-
Total	264	258

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of Belarus)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Belarus on the border with that country	OUT: Number of apprehensions of people LEAVING Belarus on the border with that country	Total number of apprehensions on the border with that country
1. Air Border	6	5	11
2. Latvia	1	17	18
3. Lithuania	1	105	106
4. Poland	-	116	116
5. Ukraine	5	8	13
Other	-	-	-
Total	13	251	264

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Belarus)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Belarus on the border with that country	OUT: Number of apprehensions of people LEAVING Belarus on the border with that country	Total number of apprehensions on the border with that country
1. Air Border	2	7	9
2. Latvia	-	6	6
3. Lithuania	3	139	142
4. Poland	-	92	92
5. Ukraine	3	6	9
Other	-	-	-
Total	8	250	258

Total number of 'human smugglers' apprehended (including foreigners and citizens of Belarus)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	13	10
Citizens of Belarus	9	6
Citizenship unknown	-	-
Total	22	16

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Belarus)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Belarus	9	1. Belarus	6
2. Russia	4	2. Georgia	2
3. Lithuania	2	3. Armenia	2
4. Vietnam	2	4. Lithuania	2
5. Denmark	2	5. Russia	1
Other	3	Other	3
Total	22	Total	16

Number of apprehended persons being trafficked into Belarus		
	Apprehensions in 2009	Apprehensions in 2010
Total	0	0
Of total: women	0	0
Of total: minors	0	0

Number of 'human traffickers' apprehended (including foreigners and citizens of Belarus)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	1 at the border/ 3 within the country	1 at the border/ 9 within the country
Citizens of Belarus	2 at the border/ 151 within the country	1 at the border/ 115 within the country
Citizenship unknown	0/ 0	0/ 0
Total	3/ 154	2/ 124

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most 'human traffickers' apprehended (including foreigners and citizens of Belarus)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Belarus	2 at the border/ 151 within the country	1. Belarus	1 at the border/ 115 within the country
2. Russia	1 at the border/ 2 within the country	2. Russia	6 within the country
3. Turkey	1 within the country	3. Israel	1 at the border/ 1 within the country
4. -	-	4. Kazakhstan	1 within the country
5. -	-	5. Moldova	1 within the country
Total	3/ 154	Total	2/ 124

Persons rejected at the border and the top 10 nationalities/citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Azerbaijan	135	1. Azerbaijan	81
2. Armenia	58	2. Armenia	47
3. Georgia	142	3. Georgia	118
4. Kazakhstan	34	4. China	27
5. Lithuania	92	5. Lithuania	91
6. Moldova	78	6. Moldova	78
7. Russia	698	7. Russia	680
8. Tajikistan	30	8. Tajikistan	25
9. Uzbekistan	99	9. Uzbekistan	113
10. Ukraine	330	10. Ukraine	360
Other	333	Other	289
Total of ALL rejected persons at the border (of any nationality)	2,029	Total of ALL rejected persons at the border (of any nationality)	1,909

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
Total	8	5

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Azerbaijan	1	-
2. Angola	1	-
3. Afghanistan	-	2
4. Georgia	-	2
5. Iran	1	-
6. Kazakhstan	1	-
7. Congo	2	-
8. Pakistan		1
9. Uzbekistan	1	-
10. Ukraine	1	-
Total	8	5

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
Total	925	888

Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Azerbaijan	58	23
2. Georgia	48	19
3. Lithuania	35	22
4. Russia	369	285
5. Ukraine	149	162
Others	266	377
Total	925	888

Information provided by:
 Department of International Cooperation
 State Border Committee of Belarus

BOSNIA AND HERZEGOVINA



General Information²⁵

Location:	South-Eastern Europe, bordering the Adriatic Sea and Croatia
Area:	<i>Total:</i> 51,209.2 sq km – <i>water:</i> 10 sq km – <i>land:</i> 51,187 sq km
Land boundaries:	<i>Total:</i> 1,538 km <i>Border countries:</i> Croatia 932 km, Serbia 357 km, Montenegro 249 km
Coastline:	20 km
Population:	4,622,163 (estimate for July 2011)

General legislative and institutional developments

In 2010, the following legislative changes were approved in Bosnia and Herzegovina (BiH):

- Decision on minimum means of subsistence during intended stay in Bosnia and Herzegovina (*BiH Official Gazette* no. 30/10),
- Amendments to the law on the entry and stay of aliens (*BiH Official Gazette* no. 28/10)

²⁵ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html> (Nov. 2011).

- Law on the content, maintenance and use of official records on foreigners (*BiH Official Gazette* no. 73/10)

In addition, the Ministry of Security of BiH signed a protocol on cooperation for the efficient implementation of Readmission Agreements with the following institutions: the Border Police of BiH, the Service for Foreigners' Affairs, the Federal Police Directorate, the Ministry of the Interior of the Republic of Serbia, Brčko District Police and cantonal ministries of the interior. This protocol was signed in order to improve the efficiency of the implementation of Readmission Agreements signed by BiH, especially the agreement between the European Union and Bosnia and Herzegovina on the readmission of persons residing without authorisation.

Irregular migration flows

The number of migration-related border apprehensions was 322 in the year 2010, representing a decrease of 15.5 percent in comparison to the year 2009. Also in 2010, there were 3,514 refused entries into Bosnia and Herzegovina, as reported by the Border Police, which represented a decrease of 31 percent in comparison to the previous year.

397 residence permits, both non-visa and temporary stay, were cancelled during 2010 (representing a decrease in permits cancelled of 25 percent as compared to 2009). 106 permanent residence permits were cancelled during 2010, which is a much higher number than in 2009, when 36 permanent permits were cancelled.

In 2010, 410 decisions on expulsion were issued (a decrease of 13.5 percent as compared to 2009). In addition, 73 decisions on the cancellation of non-visa or temporary residence permits were issued together with an expulsion measure. During 2010, 19 foreigners were forcibly removed from BiH, representing a decrease of 82.6 percent compared to the previous year.

The Ministry of Security of Bosnia and Herzegovina interprets the generally decreasing numbers in 2010 as the result of the activities implemented by all relevant institutions, organisations and agencies of BiH dealing with irregular migration.

Smuggling

In 2010, 39 people were apprehended for human smuggling (as compared to 78 in 2009). Most of the smugglers were citizens of Bosnia and Herzegovina. The Ministry of Security reports that smuggled people are usually guided to the border and, after crossing the border to Bosnia and Herzegovina, are picked up again by smugglers. In some cases, police officers are bribed at official border crossing points (BCPs).

Smuggled people are usually accommodated privately, but sometimes also at motels or hostels. Smugglers organise themselves in groups of around 10 people, including organisers, guides, people who provide accommodation and people who provide invitation letters and/or guarantees. These groups have similarly organised counterparts in other target countries.

Smuggling fees vary from 1,000 to 5,000 EUR for the transfer to Western European countries. Smuggled people commonly pay part of the costs before travelling and the remaining amount is paid by relatives who receive the smuggled person in the country of destination. Transfers were usually made through Western Union, but recent observations indicate a trend towards payment in cash. Smugglers stay in contact with smuggled people via mobile phones using several SIM cards in order not to be tracked.

Trafficking

The number of people found to have been trafficked to Bosnia and Herzegovina was much lower in 2010 compared to 2009. In 2010, 25 victims of trafficking were identified in BiH; most of these were girls. During the previous year just one third of all of the 69 victims of trafficking were children, but almost all were female.

Detention

The Immigration Centre (IC)

As of 30 June 2008, the Service for Foreigners' Affairs was authorised to set up the Immigration Centre (IC). The Service for Foreigners' Affairs may detain foreign citizens at the IC while undertaking measures. The new facility of the Immigration Centre was inaugurated on 23 November 2009 and has extended its capacity to 120 people. The tasks and activities of the IC, under the Sector for Readmission within the Service for Foreigners' Affairs, are defined by the Law on the Service for Foreigners' Affairs and the Law on the Movement and Stay of Aliens and Asylum, as well as the obligations prescribed by rulebooks that determine the working of the IC.

The tasks of the IC include:

- Reception and accommodation of foreigners to whom a detention order has been issued by the competent body in Bosnia and Herzegovina;
- taking care of security at the centre and the implementation of the procedures prescribed by rulebooks of the IC;
- preparation and implementation of returns from BiH to countries of origin;
- provision of support to the Field Offices concerning taking people into custody;
- statement of expenses accruing from the stay at the IC;
- securing the conditions for the smooth functioning of the IC.

The main task of the IC is therefore to take foreign citizens into custody pending deportation. Detention at the IC is in accordance with prescribed regulations, which take into account respect for a person's dignity and respect international conventions and regulations for the protection of human rights.

The Service for Foreigners' Affairs emphasises that the conditions of reception, accommodation and stay at the IC comply with European standards in this area. There are also plans to create a shelter for victims of trafficking in human beings within the IC. The Ministry of Security is obliged to build this shelter, as laid down in

the Law on the Movement and Stay of Aliens and Asylum and in the Action Plan for 2008-2011.

Duration of detention

Decisions on the detention of foreign citizens are issued by the Service for Foreigners' Affairs for up to 30 days. Detention may be extended for a period of 30 days, while the total duration of detention must not exceed 180 days. An exceptional extension of detention for more than 180 days can be issued in cases when return cannot be implemented.

Detention of Asylum Seekers

Article 114 of the Law on the Movement and Stay of Aliens and Asylum stipulates that the movement of asylum seekers may be temporarily constrained in the following cases:

- a) if the applicant does not respect the public order of BiH, or presents a threat to the public order, peace and national security of BiH;
- b) if the applicant presents threat to the public health of BiH;
- c) if there is a reasonable suspicion that the asylum procedure is being abused;
- d) if the security of other people and property is not ensured; and
- e) if detention is necessary in order to establish the identity of the applicant.

In relation to the difference between open and closed detention, the Law on the Movement and Stay of Aliens and Asylum defines four types of detention:

- a) prohibition of movement outside of a specified territory or place;
- b) prohibition of movement outside certain institutions for the reception of aliens;
- c) prohibition of movement outside the specified area of the organisational unit of the Service for Foreigners' Affairs, if accommodation has been provided therein;
- d) prohibition of movement outside the specified border crossing, if accommodation has been provided therein.

The restriction of movement under item a) represents "open" detention and covers the restriction of movement of an asylum seeker within a specific area, or, more specifically, the territory under the competence of Field Office of the Service for Foreigners' Affairs (SFA). In such cases, an asylum seeker has the obligation of periodic reporting to the relevant SFA Field Office with territorial competence over the region to which the person's movement has been restricted.

The types of restriction of movement under b), c) and d) represent "closed" detention and cover the restriction of movement outside of specialised facilities.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	26,155,059	25,637,696
Exit	25,277,127	24,801,051
Total	51,432,186	50,438,747

Total number of persons claiming asylum		
	2009	2010
At the border	-	-
Inland	32 claims / 71 persons	38 claims / 64 persons
Unknown	-	-
Total	32 claims / 71 persons	38 claims / 64 persons

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	3 claims / 6 persons	-
Persons whose applications were negative/rejected	37 claims / 100 persons	50 claims / 152 persons
Persons whose applications were otherwise closed	20 claims / 61 persons	8 claims / 14 persons

Number of border violators and the top 10 nationalities/citizenships with the most border violations (including foreigners and citizens of Bosnia and Herzegovina)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Bosnia and Herzegovina	2,622	1. Bosnia and Herzegovina	1,758
2. Serbia ²⁶	195	2. Serbia ²⁷	173
3. Croatia	170	3. Croatia	99
4. Turkey	58	4. Turkey	49
5. Albania	46	5. Albania	35
6. Slovenia	45	6. Slovenia	29
7. Germany	44	7. Montenegro	29
8. Montenegro	19	8. The former Yugoslav Republic of Macedonia	17
9. The former Yugoslav Republic of Macedonia	18	9. Germany	13
10. Austria	13	10. Bulgaria	13
Other	116	Other	151
Total	3,346	Total	2,366

²⁶ Territory of Kosovo included

²⁷ Territory of Kosovo included

Total number of migration-related border apprehensions (including foreigners and citizens of Bosnia and Herzegovina)		
	2009	2010
Foreign nationals	212	188
Citizens of Bosnia and Herzegovina	169	134
Total	381	322

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Bosnia and Herzegovina)

Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
At road border crossings	94	78
At rail border crossings	-	-
At the green (land) border	271	229
At the sea border	-	-
At airports	16	15
In the country	-	-
At other places	-	-
Total	381	322

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Bosnia and Herzegovina)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING BiH on the border with that country	OUT: Number of apprehensions of people LEAVING BiH on the border with that country	Total number of apprehensions on the border with that country
1. Croatia	69	144	213
2. Montenegro	69	21	90
3. Serbia	44	18	62
4. Air Border	6	10	16
Total	188	193	381

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Bosnia and Herzegovina)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING BiH at the border with that country	OUT: Number of apprehensions of people LEAVING BiH at the border with that country	Total number of apprehensions at the border with that country
1. Croatia	62	113	175
2. Montenegro	88	14	102
3. Serbia	23	7	30
4. Air Border	7	8	15
Total	180	142	322

Total number of 'human smugglers' apprehended (including foreigners and citizens of Bosnia and Herzegovina)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	23	7
Citizens of Bosnia and Herzegovina	55	32
Citizenship unknown	-	-
Total	78	39

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with the most 'human smugglers' apprehended (including foreigners and citizens of Bosnia and Herzegovina)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. BiH	55	1. BiH	32
2. Serbia	12	2. Serbia	4
3. Slovenia	7	3. The former Yugoslav Republic of Macedonia	2
4. Turkey	2	4. Turkey	1
5. The former Yugoslav Republic of Macedonia	1	-	
Other	1	Other	-
Total	78	Total	39

Number of apprehended persons being trafficked into Bosnia and Herzegovina		
	Apprehensions in 2009	Apprehensions in 2010
Total	69	25
Of total: women	64	21
Of total: minors	23	20

Removed persons and the top 10 nationalities citizenships forcibly returned from Bosnia and Herzegovina			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Serbia	15	1. Serbia	2
2. Romania	2	2. Slovenia	2
3. China	2	3. Montenegro	2
4. Montenegro	1	4. Germany	1
5. Bahrain	1	-	
6. The former Yugoslav Republic of Macedonia	1	-	
Total of ALL removed persons at the border (of any nationality)	22	Total of ALL removed persons at the border (of any nationality)	7

Persons rejected at the border and the top 10 nationalities/citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Croatia	1,470	1. Croatia	935
2. Serbia	1,180	2. Serbia	864
3. Russia	810	3. Russia	434
4. Ukraine	233	4. Ukraine	242
5. Germany	222	5. Montenegro	213
6. Albania	218	6. Turkey	184
7. Turkey	208	7. Albania	143
8. Italy	190	8. Italy	101
9. Montenegro	181	9. Austria	87
10. The former Yugoslav Republic of Macedonia	87	10. Belarus	41
Other	304	Other	270
Total of ALL rejected persons at the border (of any nationality)	5,103	Total of ALL rejected persons at the border (of any nationality)	3,514

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. The Immigration Centre	10	13
Total	10	13

Main nationalities of detained asylum seekers in 2009 and 2010			
Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2010
1. India	4	1. Ethiopia	3
2. Serbia	3	2. Cameroon	1
3. Iraq	1	3. Kazakhstan	1
4. Tunisia	1	4. Pakistan	1
5. Algeria	1	5. Afghanistan	1
Other	-	Other	6
Total	10		13

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Immigration Centre, East Sarajevo	191	312
Total	191	312

Main nationalities of detained migrants in 2009 and 2010		
Nationality/citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Serbia	75	113
2. Albania	33	99
3. Turkey	23	17
4. Afghanistan	0	10
5. Croatia	2	8
Other	58	65
Total	191	312

Information provided by:
The Ministry of Security of Bosnia and Herzegovina

BULGARIA



General Information²⁸

Location:	South-Eastern Europe, bordering the Black Sea, Greece, the former Yugoslav Republic of Macedonia, Romania, Serbia and Turkey
Area:	Total: 110,879 sq km – <i>land</i> : 108,489 sq km – <i>water</i> : 2,390 sq km
Land boundaries:	Total: 1,808 km <i>Border countries</i> : Greece 494 km, the former Yugoslav Republic of Macedonia 148 km, Romania 608 km, Serbia 318 km and Turkey 240 km
Coastline:	354 km (Black Sea)
Population:	7,093,635 (July 2011 est.)

²⁸ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/bu.html> (Jan. 2012)

General legislative and institutional developments

Legislative developments

During 2010, the following legislative changes were implemented in Bulgaria:

- The law amending the Law on Foreigners was adopted by the National Assembly of the Republic of Bulgaria on 11 January 2011 (published in SG 9/28 January 2011). This law transposes the provisions of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.
- An Amendment to the Rules of Implementation of the Law on the Ministry of the Interior introduced the extension in depth of the border zone from 15 km to 30 km.

As of 2010, Bulgaria has signed bilateral agreements on the readmission of people residing without authorisation with:

- 22 EU Member States in the Schengen area;
- Three EU Member States outside the Schengen area: UK, Ireland and Romania;
- Ten third countries: Lebanon, Albania, Armenia, Georgia, Uzbekistan, Ukraine, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Bosnia and Herzegovina.

Bulgaria approved an ordinance for the responsibility and coordination of state bodies engaged in activities under Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. In addition, the Ministry of the Interior of the Republic of Bulgaria applies administrative agreements with Austria and Hungary in practical ways to facilitate the application of the above-mentioned regulation. On 23 September 2010 a similar agreement with Romania was signed.

Institutional developments

In 2010, the competence of the Migration Directorate in the implementation of new European legislation on migration was strengthened, including the optimisation of the fight against irregular migration and the return of illegally staying third-country nationals. Furthermore, the implementation of actions envisaged in the 2008 Annual Programme of the European Return Fund (ERF), part of the Common Programme of the EU "Solidarity and Management of Migration Flows", was successfully launched. During this period, specialised training of the staff of the Migration Directorate was conducted in order to:

- Improve the implementation of compulsory administrative measures;
- Increase the effectiveness of the procedure for returning illegally staying foreigners and mechanisms for voluntary return.

As part of the "Effective implementation of new European legislation on migration" project with the Belgian Migration Service, guidelines and manuals were developed.

Bulgarian experts participated in a joint flight organised by Belgium to Nigeria to return third-country nationals residing illegally on the territory of the EU.

In March 2010, a follow-up strategy for integrated border management 2010-2013 was approved to further strengthen the management and the security of the borders of the Republic of Bulgaria.

In July 2010, an inter-agency working group was set up in order to elaborate a National Strategy in the field of Migration, Asylum and Integration (2011-2020) as a sub-strategy of the Strategy for National Security. The objectives of the Strategy are: to prepare an assessment in regard to the development of migration policies; to identify future policies in the field of migration, among which are amendments to the legislation and structural reforms; and to improve coordination between the competent structures working in the area of migration.

In December 2010, an updated concept for air surveillance of the state border of the Republic of Bulgaria was developed. It defines the concrete tasks of the air component, operational area (zones of operation), risk directions for air surveillance, the current situation and concrete measures to enhance the capacity of air surveillance. It also sets out the organisational structure, basis and the stages of implementation of the concept, with specific activities for each stage.

In December 2010, new staff positions at the two most frequently used border crossing points (BCPs) at the Bulgarian–Turkish and Bulgarian–Serbian borders were created, as follows: the staff of the Kapitan Andreevo BCP has 48 new staff positions for border police officers and Kalotina BCP has ten new staff positions for border police officers. Furthermore, pursuant to the Agreement signed between the governments of Bulgaria and Greece, in 2010, two new BCPs were opened – Zlatograd BCP and Ivailovgrad BCP.

In addition, with the implementation of the newly revised Law on Civil Aviation in 2010, a precise division of responsibilities was established between the airport operators and the Chief Directorate of the Border Police on the territory of Bulgarian airports. Passenger checks were assigned to the airport operators, as well as the checking of hand luggage, people, goods and motor vehicles on entry into the security zones, as well as checking goods on board of aircrafts, goods for airports, and inspections of cargo and postal materials. The perimeter of public zones is defined as within the responsibilities of the Chief Directorate of the Border Police.

In 2010, in the framework of the different financial instruments of the EU, as well as national funding (BGN 80 million/EUR 40.9 million), the following technical equipment was purchased:

- 11 new ships (five marine and six river boats);
- Four helicopters for carrying out border surveillance. The helicopters are equipped with sensory digest systems for video surveillance, with the possibility of recording and submitting data from the video surveillance in real time to stationary and mobile ground stations;
- The new Automated Information System (AIS) “Border Control”, compatible with the Schengen Information System (SIS), was put into operation on 22 October 2010. Since 16 November 2010, through the new

AIS Border Control, automated checks/inquiries in the N.SIS and the National VIS were carried out, and the following additional information was obtained: information on the previous trips of the checked person/vehicle and on the authenticity of the checked document.

- BCPs have been re-equipped with all the necessary modern technical equipment (including mobile) for first- and second-line border checks. In line with the functioning of the AIS Border Control, at the BCPs, new peripherals have been installed - computers, printers, scanners for travel documents and fingerprint scanners, as well as optical readers with the opportunity to work with biometrics. Modern stationary and mobile devices for the detection of hidden people in motor vehicles are being used.
- The new VIS at the BCPs, with the capacity of automated visa issuing, was put into technical use on 30 November 2010.
- At the Bourgas Port BCP and Svilengrad Railway Station, equipment to detect radioactive materials in vehicles, trains and people has been installed.
- The Integrated surveillance system at the maritime border has been functioning since the end of 2010.
- On 8 September 2010, a contract for the construction of an "Integrated system for the control and surveillance of the Bulgarian-Turkish border and the focal point" – first stage – was concluded.
- In November 2010 a project for the delivery, installation and integration of mobile system for access to the centralised Automated Information Systems (AIS) using the TETRA network was implemented. The mobile system ensures that the patrols have access to the AIS in order to check ID cards and other travel documents.

The National Coordination Centre (NCC) has been operating at its new premises since 8 December 2010 and coordinates activities along all borders – land, sea and air. The Centre coordinates on a 24/7 basis the activities of all national bodies responsible for the control of external borders.

Regarding cooperation with neighbouring countries in the area of irregular migration, the following developments took place in 2010:

- Greece: The Agreement on Cross-border Police Cooperation with the Hellenic Republic was signed on 9 June 2010. In addition, the Bulgarian-Greek Contact Centre for Cooperation (Promahona-Kulata) has been operational since 25 June 2010.
- Romania: The Agreement on Cross-border Police Cooperation in Criminal Matters with Romania entered into force on 16 June 2010. In addition, since 9 August 2010, the Common Contact Bureau in Giurgiu at the Bulgarian–Romanian border has been operational as a Common Contact Centre for Police and Customs Cooperation.
- Serbia: The Agreement with the Republic of Serbia on establishing a common contact centre for Police and Customs cooperation at the Kalotina BCP was signed on 26 April 2010. Furthermore, on 10 December

2010, the Agreement with the Republic of Serbia on Police Cooperation entered into force.

- The former Yugoslav Republic of Macedonia: The Agreement between the Government of the Republic of Bulgaria and the Government of the former Yugoslav Republic of Macedonia on the establishment and functioning of a Common Contact Centre for Police and Customs Co-operation was signed. The Agreement entered into force on 14 October 2010.
- Turkey: In August 2010, Bulgaria initiated the establishment of a trilateral Contact Centre for Police and Customs Cooperation between the Republic of Bulgaria, the Hellenic Republic and the Republic of Turkey.

Irregular migration flows

Since Bulgaria is located at the South-Eastern routes of migration flows from Asia to Europe it is affected by irregular migration flows. The forthcoming accession of Bulgaria to the Schengen Area increases its commitments for the protection of the EU external borders and creates a new environment which requires a focus on counteracting irregular migration in the context of national and European security.

Statistics

In 2010, the total number of migration-related apprehensions in Bulgaria was 1,709, slightly less than in 2009 (1,833). Of these, the majority were foreign nationals (86%), and the top five countries of origin in 2010 were Iraq (488), Turkey (316), the Occupied Palestinian Territories (103), Afghanistan (79) and Iran (58). The number of migrants apprehended at the border due to border violations was 234 people in 2010 and 271 in 2009. Both in the case of adults and children, males represent the majority of the cases (83% of adults and 65% of children in 2010).

Both in 2009 and in 2010 the main migration and refugee flows directed towards Bulgaria were from countries with an unstable political and social situation, predominantly those in the Near and Middle East and North Africa. The lack of prospects for the improvement of the political, social and economic situation in these countries of origin in the near future and, at the same time, the high standards of living in EU countries, will continue to be a magnet for citizens of those countries. Due to its geographic location, its EU membership and its forthcoming accession to the Schengen area, Bulgaria is expected to remain an attractive destination for migrants who wish to obtain residence permits, Bulgarian citizenship, or humanitarian and refugee status.

The main directions of illegal state border crossings on entry remain along the Bulgarian-Turkish border (approx. 61% of all apprehensions in 2010 – 1,036 cases) and the Bulgarian-Greek borders (approx. 25% of all apprehensions in 2010 - 419 cases). As indicated in the statistical tables below, the highest number of apprehensions were recorded at road border crossings (878 apprehensions, representing 51% of all cases) and at the green (land) border (755 apprehensions, 44%).

Modes of illegal border crossings

The two main methods by which migrants illegally enter by crossing the green border and BCPs are: (1) hiding in trucks/lorries and other motor vehicles and (2) using counterfeit (false) ID documents.

Illegal crossings of BCPs on **entering** the country are mostly carried out by:

- Hiding in motor vehicles: in places prepared especially for this purpose in trucks/lorries, hidden between the seats of the motor vehicles or in train compartments. The objective is to transit the territory of Bulgaria. Istanbul and the parking lots situated in the vicinity of the Turkish BCPs are considered as "cargo" points. Many attempts of border crossing are done by EU citizens of Turkish origin during their holidays, on their return trip through Bulgaria to other EU countries. Persons were intercepted while transporting persons (mainly relatives) in their cars.
- Avoiding border checks: the offenders are hidden among the passengers, waiting for checking procedures in motor vehicles, trying to avoid border checks. Such methods of illegal border crossing are less successful and rarely used.

The basic method for illegal crossings on exiting the country is by making use of counterfeit ID documents. Since the Bulgarian accession to the EU, the security measures at its international airports have been enhanced and no increase in irregular migration has been observed. The attempts of illegal crossings at air borders through BCPs are based mainly on using falsified personal documents and there are no cases of illegal border crossings by avoiding border checks.

There are no cases of irregular migration along the maritime. The relevant security measures have been taken for efficient border control both on seaborne vessels and at the ports.

Smuggling

In 2010, there were 357 cases of apprehension for being smuggled into Bulgaria, representing an increase of approximately 22% from 2009 (293 people). Of these, almost 20% were women (71) and 14% children (51). The number of human smugglers apprehended in 2010 was 235 (less than in 2009 - 246), 65% of whom were foreign nationals. In 2010, the largest groups of perpetrators were citizens of Turkey (99 people, 42%) and Bulgaria (80 people, 34%).

Organisation of human smuggling

Smuggled migrants are usually organised in small groups and are predominantly nationals of Middle Eastern countries (Iraq, Iran, Afghanistan, the Occupied Palestinian Territories) or, in some rare cases, from African countries (Morocco, Sudan, Tunisia, Somalia and Algeria). The groups are accompanied by facilitators on the neighbouring territory and led to inhabited locations situated very close to the border, where they are left alone to cross the state border of the Republic of Bulgaria.

Once in Bulgarian territory, migrants try to reach Sofia, where they apply for refugee status at the State Agency for Refugees under the Council of Ministers. Cars, minibuses and, on some rare occasions, airplanes are used for human smuggling. Communication activities are performed mainly on Skype and by using money transfers.

Smuggling fees

It was identified that the fees for smuggling of migrants vary from 3,500 to 5,000 EUR for people hidden in special hiding places in motor vehicles and about 3,000 EUR for illegal transfers across the green (land) border. This amount of money covers the entire trip from the starting point to the final destination.

The money for the illegal transfer is given to the facilitator after the migrant's arrival in the country that is considered the final destination. The payment is given to a "guarantor" at the initial point of departure (Turkey or Greece) and the final payment is made after confirmation of arrival.

Trafficking

Generally, trafficking in persons is carried out by small criminal groups, predominantly men with a clear division of roles and tasks. While one person is in charge of the recruitment of victims, another person is responsible for their transportation and a third one controls the labour exploitation of the victims.

As shown in the statistical tables below, the total number of people identified as trafficked in Bulgaria was 248 in 2010, a slight increase from 2009 (228 people). The vast majority of victims were women (223, 90%) and in 10% of the cases the victims were children (25). Most of the victims came from poor families from districts of low economic development, with insufficient education, unemployment and from minority groups, most frequently from small towns and villages. During the last two years an increase in the number of cases of human trafficking of pregnant women was observed, with the women giving birth and then selling the babies in Greece. In 2009 there were two cases, while in 2010 there were 22 cases.

In Bulgaria the following at-risk regions have been identified, where the victims were collected in order to be moved on to the final destination of their labour exploitation:

- Varna and Dobrich for Poland and Germany (sexual exploitation);
- Sliven, Yambol, Stara Zagora and Pazardzhik for Belgium, France and the Netherlands (sexual and labour exploitation);
- Bourgas – known for pregnant women being taken out of the country with the objective of giving birth and selling the newborn babies in Greece;
- Ruse and Razgrad for Greece (labour exploitation or forced labour/begging).

As reflected in the statistical tables below, 145 perpetrators were apprehended in 2010, an increase of 24% from 2009 when 117 human traffickers were apprehended. The majority of perpetrators were of Bulgarian citizenship (104 or almost 72% in 2010 and 115 or 98% in 2009). Other nationalities encountered

among perpetrators were Greek (41 people in 2010) and Romanian (two people in 2009).

Detention

General detention policy

Bulgarian detention policy is based on the Law on Foreigners in the Republic of Bulgaria and European standards and practices. According to Para. 1 of Article 52(g) of the Law on the Ministry of Interior, the Migration Directorate is a national specialised structure for regulation and control of the migration processes of foreigners. In order to implement the tasks under Para. 1, the Migration Directorate carries out activities to accompany foreigners subject to expulsion from the country or to compulsory escort to the border of the Republic of Bulgaria, in compliance with a law or international agreement to which the Republic of Bulgaria is a party. The Migration Directorate establishes special homes for the temporary accommodation of foreigners with imposed compulsory administrative measures (compulsory escort to the border of the Republic of Bulgaria and expulsion, Paras. 2, 3 of Article 39).

Orders to impose compulsory administrative measures are carried out by the offices for administrative control of foreigners or by the bodies for border control, upon their enactment, unless the body that has issued the order has admitted preliminary fulfilment.

Definition and regulations concerning detention of immigrants

The definitions in Bulgaria fully correspond to the EU definitions. In Bulgarian detention centres, foreigners are accommodated for screening reasons and for reason of pre-deportation detention.

According to Para. 6 of Article 44 of the Law on foreigners in the Republic of Bulgaria, when a foreigner in respect of whom a compulsory administrative measure has been imposed (compulsory escort to the border of the Republic of Bulgaria and expulsion, Paras. 2, 3 of Article 39) has unknown identity, hinders the execution of the order or there is a risk of hiding, the authority that has issued the order may issue a new order for compulsory accommodation of the person in a special home for the temporary accommodation of foreigners with the purpose of organising his/her compulsory escort to the border of the Republic of Bulgaria or expulsion.

Detention facilities

Currently, there are two detention centres. Both facilities are used for the temporary accommodation of foreigners only and they are managed by the Migration Directorate of the Bulgarian Ministry of Interior. The Home for temporary accommodation of foreigners is situated in Busmantsi, on the outskirts of Sofia. This centre has a capacity for 400 persons. It is used for illegally staying third-country nationals with imposed administrative measures (Paras. 2, 3 of Article 39).

The second detention centre is situated in the town of Lyubimets, near the Bulgarian-Turkish border, with a capacity for 300 persons. The construction of the centre was financed with funds from the Schengen Facility. Its location is consistent

with the movement of irregular migrant flows entering the territory of Bulgaria and the EU from the South-Eastern direction. The centre was opened in March 2011.

Maximum duration of detention

Para. 6 of Article 44 of the Law on foreigners in the Republic of Bulgaria states that: in cases where a foreigner who is subjected to a compulsory administrative measure according to Paras. 2, 3 of Article 39 (compulsory escort to the border of the Republic of Bulgaria and expulsion) has unknown identity, hinders the execution of the order or there is a risk of absconding, the authorities may issue a new order for compulsory accommodation of the person in a special home for the temporary accommodation of foreigners with the purpose of organising his/her compulsory escort to the border of the Republic of Bulgaria or expulsion.

The accommodation escort shall last until the circumstances under Para. 6 cease to exist, but no longer than six months. By exception, if the person refuses to cooperate with the competent authorities, the receipt of the required documents is delayed, or the person is a threat to national security or public order, the period of accommodation may be additionally extended to 12 months (Para. 8 of Article 44). According to Para 9 of Article 44, by exception, under the circumstances under Para. 6, accompanied or unaccompanied minors or juveniles shall be issued with an order for compulsory accommodation in a special home for a period of up to three months. The specialised home shall have separated premises for accommodation of minor and juvenile foreigners with conditions suitable for their age and needs.

A practice has been established whereby every six months, the Head of the Special Home for the Temporary Accommodation for Foreigners presents a list to the Administrative Court detailing all of the people who have resided at the centre for more than six months due to problems with implementing the return.

Statistics

In 2010, 674 asylum-seekers were detained (slightly more than the figure in 2009 - 653 people), all of whom at the Home for the temporary accommodation of foreigners in Sofia (Bustmantsi). The main countries of origin of the detained asylum seekers in 2010 were Iraq (328, almost three times as many as in 2009 - 120 persons), the Occupied Palestinian Territories (68 people, double the figure for 2009 - 34), Afghanistan (51), Iran (47) and Israel (32, less than half of the figure for 2009 - 57).

The total number of migrants detained in 2010 was 1,023, the majority of whom were from Iraq (360 people, almost double the figure for 2009 - 161), from the Occupied Palestinian Territories (102), Afghanistan (83), Iran (47) and Turkey (38).

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	5,932,358	5,137,239
Exit	7,781,739	6,417,234
Total	13,714,097	11,554,473

Total number of persons claiming asylum		
	2009	2010
At the border	244	225
Inland	828	985
Unknown	0	0
Total	1,072	1,210

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	267	138
Persons whose applications were negative/rejected	380	386
Persons whose applications were otherwise closed	91	202

Number of border violators and the top 10 nationalities/citizenships with the most border violations (including foreigners and citizens of Bulgaria)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Bulgaria	461	1. Iraq	488
2. Turkey	397	2. Turkey	316
3. Occupied Palestinian Territories	216	3. Bulgaria	239
4. Iraq	180	4. Occupied Palestinian Territories	103
5. Germany	50	5. Afghanistan	79
6. Iran	42	6. Iran	58
7. Netherlands	37	7. Germany	44
8. Afghanistan	33	8. Morocco	30
9. Morocco	30	9. Pakistan	26
10. Algeria	24	10. Lebanon	25
Other	363	Other	301
Total	1,833	Total	1,709

Total number of migration-related border apprehensions (including foreigners and citizens of Bulgaria)		
	2009	2010
Foreign nationals	1,372	1,470
Citizens of Bulgaria	461	239
Total	1,833	1,709

Total number of migration-related border apprehensions (including foreigners and citizens of Bulgaria), by gender		
Gender	2009	2010
Male	1,499	1,419
Female	334	290
Unknown	0	0
Total	1,833	1,709

Number of minors apprehended at the border due to border violation including foreigners and citizens of Bulgaria		
Gender	2009	2010
Male	179	152
Female	92	82
Unknown	0	0
Total	271	234

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Bulgaria)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
At road border crossings	958	878
At rail border crossings	30	35
At the green (land) border	786	755
At the sea border	0	0
At airports	59	41
In the country	283	0
At other places	0	0
Total	2,116	1,709

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Bulgaria)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Bulgaria on the border with that country	OUT: Number of apprehensions of people LEAVING Bulgaria on the border with that country	Total number of apprehensions on the border with that country
1. Romania	35	164	199
2. Serbia	19	27	46
3. The former Yugoslav Republic of Macedonia	10	5	15
4. Greece	251	286	537
5. Turkey	937	40	977
6. At sea border	0	0	0
7. At airports	14	45	59
Other			
Total	1,266	567	1,833

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Bulgaria)

Border Section: Name of neighbouring country at the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Bulgaria at the border with that country	OUT: Number of apprehensions of people LEAVING Bulgaria at the border with that country	Total number of apprehensions at the border with that country
1. Romania	18	117	135
2. Serbia	10	45	55
3. The former Yugoslav Republic of Macedonia	15	8	23
4. Greece	252	167	419
5. Turkey	1,009	27	1,036
6. At sea border	0	0	0
7. At airports	3	38	41
Other	0	0	0
Total	1,307	402	1,709

Number of apprehended persons being smuggled into Bulgaria

	Apprehensions in 2009	Apprehensions in 2010
Total	293	357
Of total: women	45	71
Of total: minors	49	51

Total number of 'human smugglers' apprehended (including foreigners and citizens of Bulgaria)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	149	153
Citizens of Bulgaria	88	80
Citizenship unknown	9	2
Total	246	235

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with the most 'human smugglers' apprehended (including foreigners and citizens of Bulgaria)

Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Turkey	123	1. Turkey	99
2. Bulgaria	88	2. Bulgaria	80
3. Citizenship unknown	9	3. Germany	9
4. Germany	5	4. Greece	6
5. Latvia	4	5. Netherlands	5
Other	17	Other	36
Total	246	Total	235

Number of apprehended persons being trafficked into Bulgaria		
	Apprehensions in 2009	Apprehensions in 2010
Total	228	248
Of total: women	198	223
Of total: minors	30	25

Number of 'human traffickers' apprehended (including foreigners and citizens of Bulgaria)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	2	41
Citizens of Bulgaria	115	104
Citizenship unknown	0	0
Total	117	145

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with the most 'human traffickers' apprehended (including foreigners and citizens of Bulgaria)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Bulgaria	115	1. Bulgaria	104
2. Romania	2	2. Greece	41
Other	0	Other	0
Total	117	Total	145

Persons rejected at the border and the top 10 nationalities/citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Turkey	1,687	1. Turkey	1,641
2. The former Yugoslav Republic of Macedonia	415	2. The former Yugoslav Republic of Macedonia	449
3. Serbia	291	3. Serbia	258
4. Russia	136	4. Russia	118
5. Greece	118	5. Ukraine	113
6. Ukraine	116	6. Albania	78
7. Moldova	71	7. Kosovo ²⁹	71
8. Romania	68	8. Iran	69
9. Albania	59	9. Moldova	68
10. Kosovo ³⁰	49	10. Iraq	48
Other	738	Other	486
Total of ALL rejected persons at the border (of any nationality)	3,748	Total of ALL rejected persons at the border (of any nationality)	3,399

Removed persons and the top 10 nationalities/citizenships forcibly returned from Bulgaria			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Turkey	72	1. Turkey	36
2. Afghanistan	47	2. Afghanistan	62
3. Moldova	24	3. Moldova	12
4. Iraq	16	4. Iraq	54
5. Iran	14	5. Iran	15
6. The former Yugoslav Republic of Macedonia	13	6. The former Yugoslav Republic of Macedonia	7
7. Lebanon	7	7. Lebanon	21
8. Algeria	7	8. Algeria	20
9. Syria	3	9. Syria	15
10. Georgia	2	10. Georgia	14
Other	212	Other	113
Total of ALL removed persons (of any nationality or country)	417	Total of ALL removed persons (of any nationality or country)	369

²⁹ Under UNSCR 1244³⁰ Under UNSCR 1244

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Home for the temporary accommodation of foreigners, Sofia (Bustmantsi)	653	674
Elsewhere	0	0
Total	653	674

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/citizenship of detained person	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Iraq	120	328
2. Occupied Palestinian Territories	34	68
3. Afghanistan	43	51
4. Iran	39	47
5. Israel	57	32
Other	360	148
Total	653	674

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Bustmantsi	831	973
Elsewhere	0	0
Total	831	973

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Iraq	161	360
2. Occupied Palestinian Territories	120	102
3. Afghanistan	109	83
4. Turkey	80	38
5. Iran	38	47
Other	269	393
Total	777	1,023

Information provided by:

Chief Directorate of the Border Police, Ministry of the Interior
 Migration Directorate, Ministry of the Interior
 State Agency for Refugees, Council of Ministers.

CROATIA



General Information³¹

Location:	South-Eastern Europe, bordering the Adriatic Sea, Slovenia, Hungary, Serbia, Bosnia and Herzegovina and Montenegro
Area:	Total: 56,594 sq km – <i>land</i> : 55,974 sq km – <i>water</i> : 620 sq km
Land boundaries:	Total: 1,982 km Border countries: Bosnia and Herzegovina 932 km, Hungary 329 km, Serbia 241 km, Montenegro 25 km, Slovenia 455 km
Coastline:	5,835 km (Adriatic sea: mainland 1,777 km, islands 4,058 km)
Population:	4,483,804 (July 2011 est.)

General legislative and institutional developments

In Croatia, issues related to irregular migration are stipulated in the Aliens Act (Croatian Official Gazette 79/07, 36/09), the Criminal Code, the Police Act, the State Border Surveillance Act and corresponding secondary legislation. The new

³¹ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/hr.html> (Feb 2012).

Aliens Act, which came into force on 1 January 2008, has been largely aligned with the EU acquis. Along with this act, new regulations have also entered into force, the most significant of which are the *Rulebook concerning the status and work of aliens in the Republic of Croatia* (Croatian Official Gazette 36/08, 65/10) and the *Rulebook concerning travel documents for aliens, visas and treatment of aliens* (Croatian Official Gazette 36/08, 28/10). Furthermore, pursuant to the Act on the amendments to the Aliens Act (Croatian Official Gazette 36/09), a *Rulebook on the amendments to the Rulebook concerning travel documents for aliens, visas and treatment of aliens* (Croatian Official Gazette 28/10) was adopted and entered into force on 11 March 2010. For the purposes of further alignment with acquis communautaire, the drafting of a new Aliens Act was started in the course of 2010.

In 2010, agreements on the readmission of persons whose entry or stay is illegal between the Government of the Republic of Croatia and the Governments of the Republics of Serbia and the Republic of Montenegro came into force, along with their respective protocols.

With a view to achieving EU standards regarding the suppression of irregular migration and all forms of cross-border crime, in 2010 Croatia focused its activities on further amendments of the legislation regulating the movement and stay of aliens, as well as on efficient state border control.

Irregular migration flows

Irregular migration in Croatia is primarily transit migration and it mainly takes the form of illegal crossings of the state border. After a continuous decreasing trend registered since 2006, in 2010 there was a 30% increase on the previous year in the total number of migration-related border apprehensions (2,435 people apprehended, compared to 1,868 in 2009). The largest number of apprehensions was recorded at the green (land) border: 1,757 people in 2010 (an increase of 23% on 2009).

The majority of migration related apprehensions were registered upon exit from Croatia at the border with Slovenia (895 apprehensions), and upon entry into the territory of Croatia at the borders with Bosnia and Herzegovina (605 apprehensions), Serbia (334 apprehensions) and Montenegro (130 apprehensions). The same patterns of irregular migration have continued throughout 2010: apart from crossing the state border at places other than border crossing points (BCPs), a large number of foreign nationals used falsified documents or documents that belonged to someone else.

Continuing the trend from previous years, in 2010 nationals from South East Europe remained the most important group of migrants in an irregular situation in Croatia. The main countries of border violators in 2010 were Croatia (487 people, +51% on 2009), Bosnia and Herzegovina (408 people, -21% on 2009), Albania (307 people, +75% on 2009), Afghanistan (261 people), Serbia (143 people), Kosovo³² (116 people, -37%) and Turkey (90 people, -18%). According to the assessment of Croatian authorities, the main reason for the large increase in the number of

³² Under UNSCR 1244

Albanian nationals apprehended while crossing the border illegally is related to the abuse of the liberalisation of the visa regime between Albania and Croatia. Upon entering Croatia under favourable conditions, Albanian nationals attempt to migrate illegally onwards to EU countries, particularly to Italy.

At the same time, the Croatian authorities note an increase in the number of irregular border crossings attempted by nationals of non-European states in 2010, in particular nationals of African and Asian countries, both in relative terms and absolute numbers (e.g. 261 Afghans apprehended in 2010, approx. 11% of total apprehensions). The structure of this group changed every year, and up until 2010, they usually accounted for an insignificant percentage in the total number of illegal crossings.

In 2010, there was also a 70% increase in the number of children apprehended at the border due to border violation compared to 2009 (271 people in 2010).

Smuggling

In relation to smuggling of migrants, which is arranged and organised in advance, Zagreb is mainly a place of transit, where migrants in an irregular situation stay for a shorter period of time, mostly to establish contacts with the facilitators and to organise their onward transfer. A 26% increase in the number of migrants in an irregular situation who were assisted in illegal crossings was recorded in 2010 (1,948 people apprehended while being smuggled) compared to 2009 (1,546 people). In addition, 175 human smugglers were apprehended in 2010, a 42% decrease on the previous year (303 people in 2009). The majority of the facilitators were Croatians (115) and the rest were nationals of Serbia, Bosnia and Herzegovina, and Slovenia.

Organisational setup of human smuggling

According to the assessment of the Croatian authorities, individuals organising migrant smuggling to EU countries are mostly foreign nationals who manage criminal organisations outside of Croatia. In this context, Croatian territory is mostly a transit area and Croatian nationals perform only the part of the job relating to the organisation of stay in Croatia and organisation of onward transport towards Slovenia and other EU countries.

Criminal groups in Croatian territory are flexible and their interest in illegal activities depends on the profitability. However, it has been observed that in Croatia there are a number of criminal groups who have been involved in this criminal activity for a longer period of time and possess the necessary knowhow, and have established connections and a relationship of trust with members of criminal groups in other countries and with the organisers of smuggling activities. The usual size of such organised groups ranges from five to ten people. The analysis of perpetrators of these criminal offences shows a large number of repeat offenders, who continue with this form of criminal activity even after being prosecuted.

In addition, most organised criminal groups involved in the smuggling of people along an established smuggling route also smuggle narcotic drugs, weapons and

explosives. Furthermore, they are also involved in the procurement of falsified personal documents and visas by means of which they facilitate their criminal activities.

Police actions carried out in relation to the suppression of human smuggling have confirmed a strong link and cooperation of human smugglers in all countries along the smuggling route. There is a clear division of tasks between the organisers and immediate perpetrators of this type of criminal activity and only a minimum necessary number of people (guides) who are well familiarised with the state border area participate in the direct transfer of smuggled persons.

Technical facilities of human smuggling

For the purposes of carrying out the criminal activity of human smuggling, members of criminal groups in Croatia use mostly passenger cars or trucks, boats and fast ships. For the purposes of human smuggling, alterations are made to passenger vehicles and trucks, but also to camping vehicles, where ten or more people are placed in specially designed compartments. In their mutual communication, apart from mobile phones, smuggler networks also use the services of different social networks (e.g. Twitter, Facebook) and communication via Skype.

Smuggling fees

According to the information available, the fee for one person being smuggled from Zagreb to Ljubljana ranges from 500 to 800 EUR, which is mostly paid by money transfer through Western Union. Sometimes the money is delivered in person.

Changes and developments

One of the changes during recent years has been that, upon the accession of Romania and Bulgaria to the EU, the use of previously well-established smuggling channels through Croatia has declined. Instead, an eastward shift of smuggling routes to Serbia, Romania, Bulgaria and Hungary and further to EU countries has been observed. According to the assessment of the Croatian authorities, these changes reduce the cost of travelling and allow the organisers to make larger profits. Likewise, smugglers increasingly avoid engaging criminal groups from Croatia, which serves only as a transit zone where smuggling is carried out within the shortest possible time with the engagement of foreign nationals serving as drivers.

Another new method reported by the Croatian authorities is for citizens of Afghanistan and Iran who wish to transfer to EU countries to get in contact with individuals in Croatia for the purposes of obtaining an invitation letter and a letter of guarantee or hotel reservations to justify their arrival to Croatia. In this context, there are records of cases of human smuggling by ships rented in Croatia and used to load smuggled persons in Montenegro and Albania, who are then taken to Italy.

Smuggled persons generally tend to travel in small groups from the country of origin to Croatia by means of invitation letters and letters of guarantee, hotel reservations and possession of sufficient financial means to stay in Croatia. If their entry into

Croatia is prevented, they use illegal ways of entry into Croatia. Once a larger group of smuggled persons is formed, criminal groups transfer them illegally to Slovenia.

In each country there are members of criminal groups who receive migrants and take care of accommodation and further transfer. Likewise, part of the money for the services provided in relation to human smuggling is paid through Western Union and is withdrawn using the codes delivered. Smuggled individuals sometimes pay for their further transfer from one country to the other by themselves. So-called "screen" companies are also used to provide letters of guarantee for the purposes of proving the legality of stay in Croatia. Individuals owning small capacity hotels or motels are engaged for the provision of accommodation services.

Trafficking

Article 3 of the Palermo Protocol, i.e. the UN definition of human trafficking, was completely transposed into Croatian law by the changes and amendments to the Penal Code in 2006. Furthermore, in 2008, the definition was expanded by additional criminalisation, so that, besides the main definition of trafficking, the use of services provided by victims of trafficking (especially in cases of sexual exploitation) was also criminalised, as well as illicit child adoption and criminal offences committed by an official person while performing a public duty.

In 2010, seven people being trafficked into Croatia were apprehended (of whom six were women and two children), which represents a steady trend from 2009, when eight victims of trafficking were recorded. Similarly, the number of perpetrators has also remained stable: 10 human traffickers were apprehended in 2010 (eight of whom were nationals of Croatia), compared with 11 persons apprehended in 2009.

Detention

General detention policy

Within the Ministry of the Interior, issues of irregular migration are primarily the responsibility of the Illegal Migration Department. Within the Border Police Directorate, these issues are directly addressed by the Foreigners' Reception Centre and the Mobile Unit for the implementation of state border surveillance.

Pursuant to the Aliens Act, the movements of a foreigner may be restricted through his/her accommodation at the Foreigners' Reception Centre if he/she has been arrested or detained, if his/her identity needs to be determined, and in cases prescribed by the Asylum Act. The new Aliens Act currently in preparation will be aligned to a large extent with the *acquis communautaire* with respect to the restriction of the movement of foreigners.

Detention facilities

The Republic of Croatia currently has one Foreigners' Reception Centre with a capacity for 96 people in Ježevo, which is run by the Ministry of the Interior. A

procedure has been initiated to expand the existing capacities of the centre to include the accommodation of unaccompanied minors.

In addition, in the next two years the Ministry of the Interior plans to build two further transit reception centres for foreigners at Tovarnik, on the eastern border with the Republic of Serbia and at Trilj, on the southern border with Bosnia and Herzegovina. The capacities of these two centres would be about 50 beds each. Once these two transit reception centres have been built and become operational, the Republic of Croatia will have enough capacity to detain foreigners, who are in the process of forced removal or readmission.

Maximum duration of detention

Pursuant to the Aliens Act, detention at the Foreigners' Reception Centre is possible for a period of up to 180 days. Exceptionally, detention at the Reception Centre may be extended for another 180 days if the foreigner's identity has not been established, if during the procedure of forced removal the foreigner has requested asylum or subsidiary protection, if the preparations for the foreigner's forced removal need to be completed, or if the foreigner prevented the forced removal in some other way.

Detention of asylum seekers

Article 74 of the Asylum Act (Croatian Official Gazette 79/07 and 88/10) lays down the conditions under which the movement of asylum seekers may be restricted.

- Pursuant to Article 74(1), an asylum-seeker's movements may be restricted for the following reasons: the exclusion of asylum or subsidiary protection; determining his/her identity; preventing the spread of infectious diseases; a suspicion that the submission of the application for asylum represents a fraud and abuse of the asylum procedure; his/her leaving or attempting to leave the Republic of Croatia before the completion of the procedure; preventing situations where the lives and possessions of other persons are put in danger; protecting national security and legal order; the submission of an application for asylum during the procedure of forced removal in order to prevent a further procedure of forced removal.
- Article 74(6) sets out that movement may be restricted for a period of up to three months, and based on justified reasons it may be extended for another three months. When preventing situations where the lives and possessions of other people are put in danger the restriction of movement shall be valid as long as the reasons for the restriction exist.
- Article 74(3) sets out that movement may be restricted ("open" detention) based on:
 - o prohibition of moving outside the Asylum Seekers' Reception Centre
 - o prohibition of moving outside a specific area or
 - o prohibition of leaving a specific address.

- Article 74(1)(5,6,7,8) sets out that the accommodation of asylum seekers at the Foreigners' Reception Centre ("closed" detention) is possible in cases where: they leave or attempt to leave the Republic of Croatia before the completion of the procedure; to prevent situations where the lives and possessions of other people are put in danger; to protect national security and legal order; and when an application for asylum is submitted during the procedure of forced removal in order to prevent implementation of forced return. The restriction of movement in the cases referred to in Paragraph 1, Items 5 and 8 shall not apply to vulnerable groups.

Statistics

In total, 522 migrants were detained in 2010 (13% more than in 2009), the largest number of whom were Albanian citizens (167 people, +193%). Further significant changes were recorded in the number of Afghans (140 people, +422% from 2009) and citizens of Kosovo³³ detained (54 people, -56% from 2009).

Regarding asylum seekers, 97 people were detained in 2010, 304% more than in 2009, when 24 persons were detained. The majority of the detained asylum seekers came from the Occupied Palestinian Territories (29 people), Afghanistan (17) and Western Sahara (10).

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	71,129,700	71,139,026
Exit	70,253,747	70,031,020
Total	141,383,447	141,170,046

Total number of persons claiming asylum		
	2009	2010
At the border	31	30
Inland	117	260
Unknown	-	-
Total	148	290

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	5	6
Persons whose applications were negative/rejected	60	58
Persons whose applications were otherwise closed	70	161

³³ Under UNSCR 1244

Number of border violators and the top 10 nationalities/citizenships with the most border violations (including foreigners and citizens of Croatia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Bosnia and Herzegovina	520	1. Croatia	487
2. Croatia	322	2. Bosnia and Herzegovina	408
3. Serbia	205	3. Albania	307
4. Kosovo ³⁴	186	4. Afghanistan	261
5. Albania	175	5. Serbia	143
6. Turkey	110	6. Kosovo ³⁵	116
7. The former Yugoslav Republic of Macedonia	96	7. Turkey	90
8. Slovenia	29	8. The former Yugoslav Republic of Macedonia	25
9. Montenegro	28	9. Romania	20
10. China	3	10. Montenegro	6
Other	194	Other	572
Total	1,868	Total	2,435

Total number of migration-related border apprehensions (including foreigners and citizens of Croatia)		
	2009	2010
Foreign nationals	1,546	1,948
Citizens of Croatia	322	487
Total	1,868	2,435

Total number of migration-related border apprehensions (including foreigners and citizens of Croatia), by gender		
Gender	2009	2010
Male	1,691	2,253
Female	177	182
Unknown	0	0
Total	1,868	2,435

Number of minors apprehended at the border due to border violation including foreigners and citizens of Croatia		
Gender	2009	2010
Male	122	230
Female	38	41
Unknown	0	0
Total	160	271

³⁴ Under UNSCR 1244

³⁵ Under UNSCR 1244

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Croatia)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
At road border crossings	334	299
At rail border crossings	27	16
At the green (land) border	1,426	1,757
At the sea border	26	136
At airports	5	13
In the country	50	214
At other places	0	0
Total	1,868	2,435

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Croatia)			
Border Section: Name of neighbouring country at the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Croatia at the border with that country	OUT: Number of apprehensions of people LEAVING Croatia at the border with that country	Total number of apprehensions at the border with that country
1. Slovenia	116	882	998
2. Bosnia and Herzegovina	522	35	557
3. Serbia	56	11	67
4. Montenegro	137	3	140
5. Hungary	8	18	26
6. Sea border	29	6	35
Total	868	955	1,823

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Croatia)			
Border Section: Name of neighbouring country at the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Croatia at the border with that country	OUT: Number of apprehensions of people LEAVING Croatia at the border with that country	Total number of apprehensions at the border with that country
1. Slovenia	102	895	997
2. Bosnia and Herzegovina	605	81	686
3. Serbia	334	7	341
4. Montenegro	130	13	143
5. Hungary	28	10	38
6. Sea border	11	5	16
Total	1,210	1,011	2,221

Number of apprehended persons being smuggled into Croatia		
	Apprehensions in 2009	Apprehensions in 2010
Total	1,546	1,948
Of total: women	177	182
Of total: minors	166	271

Total number of 'human smugglers' apprehended (including foreigners and citizens of Croatia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	64	60
Citizens of Croatia	239	115
Citizenship unknown	0	0
Total	303	175

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with the most 'human smugglers' apprehended (including foreigners and citizens of Croatia)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Croatia	239	1. Croatia	115
2. BiH	12	2. Serbia	27
3. Serbia	12	3. Bosnia and Herzegovina	12
4. Slovenia	11	4. Slovenia	10
5. Turkey	11	5. Kosovo ³⁶	4
Other	18	Other	7
Total	303	Total	175

Number of apprehended persons being trafficked into Croatia		
	Apprehensions in 2009	Apprehensions in 2010
Total	8	7
Of total: women	6	6
Of total: minors	1	2

Number of 'human traffickers' apprehended (including foreigners and citizens of Croatia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	10	2
Citizens of Croatia	1	8
Citizenship unknown	0	0
Total	11	10

³⁶ Under UNSCR 1244

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with the most 'human traffickers' apprehended (including foreigners and citizens of Croatia)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Serbia	8	1. Serbia	8
2. Bosnia and Herzegovina	2	2. Bosnia and Herzegovina	1
3. Croatia	1	3. Croatia	1
Other	0	Other	0
Total	11	Total	10

Persons rejected at the border and the top 10 nationalities/citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Bosnia and Herzegovina	8,066	1. Bosnia and Herzegovina	6,310
2. Serbia	1,835	2. Serbia	1,674
3. Kosovo ³⁷	1,286	3. Albania	952
4. Italy	1,076	4. Slovenia	830
5. Moldova	849	5. Turkey	567
6. Slovenia	795	6. Russian Federation	420
7. Germany	582	7. Ukraine	332
8. The former Yugoslav Republic of Macedonia	580	8. The former Yugoslav Republic of Macedonia	283
9. Turkey	549	9. Montenegro	124
10. Albania	542	10. -	
Other	5,389	Other	5,182
Total of ALL rejected persons at the border (of any nationality)	21,549	Total of ALL rejected persons at the border (of any nationality)	16,674

³⁷ Under UNSCR 1244

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Removed persons and the top 10 nationalities/citizenships forcibly returned from Croatia			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Albania	160	1. Bosnia and Herzegovina	476
2. Bosnia and Herzegovina	890	2. Albania	288
3. Montenegro	25	3. Serbia	129
4. Kosovo ³⁸	234	4. Kosovo ³⁹	114
5. The former Yugoslav Republic of Macedonia	114	5. Afghanistan	106
6. Romania	79	6. Turkey	78
7. Russia	31	7. Israel	49
8. Slovenia	45	8. Iraq	28
9. Serbia	209	9. Romania	26
10. Turkey	105	10. Slovenia	24
Other	364	Other	210
Of the total: number of overstayers	2,256	Total of ALL removed persons (of any nationality or country)	1,528

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Ježevo	24	97
Total	24	97

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Afghanistan	4	17
2. Pakistan	4	4
3. Serbia	3	0
3. Bosnia and Herzegovina	3	2
4. Iran	2	5
4. Occupied Palestinian Territories	0	29
5. Algeria	0	5
6. Western Sahara	0	10
Other	8	25
Total	24	97

³⁸ Under UNSCR 1244

³⁹ Under UNSCR 1244

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
-	460	522
Total	460	522

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Albania	57	167
2. Kosovo ⁴⁰	124	54
3. Turkey	78	59
4. Bosnia and Herzegovina	29	55
5. Afghanistan	9	47
Other	163	140
Total	460	522

Information provided by:

Border Police Directorate, General Police Directorate, Ministry of the Interior of Croatia

Neighbouring Countries Department, Section for Risk Analysis

⁴⁰ Under UNSCR 1244

CZECH REPUBLIC



General Information⁴¹

Location:	Central Europe, bordering Austria, Germany, Poland and Slovakia
Area:	<i>Total:</i> 78,867 sq km – <i>land:</i> 77,247 sq km – <i>water:</i> 1,620 sq km
Land boundaries:	<i>Total:</i> 1,989 km <i>Border countries:</i> Austria 362 km, Germany 815 km, Poland 615 km, Slovakia 197 km
Population:	10,190,213 (July 2011 est.)

General legislative and institutional developments

Legislative developments

On 5 April 2010, Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas entered into force in the Czech Republic.

⁴¹ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/ez.html> (Jan. 2012)

Institutional developments

In 2010, the Aliens Police Service was restructured to prepare for the implementation of the amendment of the Law on the Stay of Aliens on the territory of the Czech Republic, which entered into force on 1 January 2011. The restructuring process lasted from September 2010 until the end of the year, during which time the long-term stay portfolio was transferred from the Aliens Police to the Ministry of the Interior. As a part of this process, seven regional Aliens Police directorates were dissolved and 14 departments of Aliens Police were created and subordinated to Regional Police Headquarters.

Irregular migration flows

In 2010 2,988 people in an irregular situation were detected in the Czech Republic, a decrease of 33% in comparison with 2009 (4,457 people). Of these, 2,848 people (95.3%) were detected inside the territory and 140 people (4.7%) while attempting an illegal crossing of the Schengen external border of the Czech Republic. This represents a slight decrease from 2009, when 190 border violators were recorded (see statistical tables below).

Citizens of Ukraine represented the largest group of migrants in an irregular situation detected in 2010 (971 people, 32.5%), followed by Vietnam (320, 10.7 %), Russia (262, 8.8%), Mongolia (140, 4.7%) and Slovakia (135, 4.5%). The top five nationalities of offenders have not changed in comparison to 2009. The biggest decrease was noted among Ukrainian citizens (by 551 people, i.e. -36.2% on 2009 figures).

Illegal stay in the Czech Republic

The total number of illegally staying foreigners detected in 2010 was 2,848, a decrease by 33.3% in comparison with 2009 (4,267 people). The largest groups of illegally staying foreigners detected in 2010 were Ukrainian citizens (953 people, 33.5%), followed by citizens of Vietnam (310, 10.9%), Russia (261, 9.2%), Mongolia (139, 4.9%) and Slovakia (135, 4.7%). There were no changes in terms of the top five nationalities recorded in 2009, but there were significant decreases in the number of cases registered from several countries: Ukraine (-549 people, -36.6%), Russia (-115, -30.6%) and Mongolia (-114, -45.1%).

Where data is available on the legal situation of the illegally staying foreigners at the time of entering the country,⁴² it is observed that legal entry prevails (72.5% of the total cases of illegal stay). Instead of leaving the territory after the determined period, foreigners who have legally entered the territory remain there unlawfully and, in some cases, at the end of their legal stay, they request international protection at asylum reception centres (98 such cases in 2010). In 581 cases, people who had received a decision on administrative expulsion did not respect the decision and remained in the territory or left the country and then entered it again.

20.5% of the cases of illegally staying foreigners were detected at **air borders** (570 cases), both upon exiting the Czech Republic's external Schengen border and

⁴² For 2,461 cases or 86.4% of the total number cases of illegal stay recorded in 2010.

crossing the internal Schengen border. Of these, 283 were cases where the illegal stay of a foreigner who had entered the Czech territory legally was detected at the air border upon departure from the Czech Republic, an increase of 42.9% on 2009 (198 cases). The largest group of offenders were citizens of the Russian Federation (108 persons, +57 than in 2009, i.e. +111.8 %). The departure destinations were Moscow, Istanbul, Kiev, Dubai, London and Cairo.

In addition, 261 of the cases detected at air borders refer to illegally staying foreigners detected while attempting to exit the Schengen area following their arrival from another Schengen country. This represents a decrease by 35.2% on 2009 (403 cases). Such cases were mainly recorded among citizens of the Russian Federation (56, 21.5%), Ukraine (41), Armenia (32), Lebanon (21), Egypt (17) and Syria (14). The offenders arrived mainly from Paris, Stockholm, Brussels, Milan and Oslo.

Of the total number of cases of illegal stay recorded in 2010 (2,848 people), 109 people (3.8%) proved their identity with irregular travel documents, representing a decrease of 41.7% on 2009 (187 people). The largest number of such kinds of offences came from citizens of Ukraine (27, 24.8%), Vietnam (17) and Moldova (17).

In addition, illegally staying foreigners sometimes used other types of forged documents: driving licenses, asylum applicant documents and accommodation confirmations. 119 irregular travel documents were seized in 2010 (some people owned more documents), a 38% decrease from 2009 (192 documents). The main abused documents were those of EU countries (90 documents, 75.6%), most from Slovakia (17), Romania (17), Lithuania (17) and Bulgaria (12). Non EU documents were from Vietnam (12).

Illegal crossings of the Czech Republic's external Schengen border

In 2010, 140 people were apprehended while attempting an illegal crossing of the Schengen external border of the Czech Republic, mainly citizens of Ukraine (18 people, 12.9%), Egypt (11), Vietnam (10) and China (9). Only marginal changes were recorded on the figures in 2009, the most notable decrease being in the number of Syrian citizens detained for border violations: from 33 in 2009 to 1 in 2010.

Almost 73% of the cases of Schengen external border violations were due to identification with irregular documents (102 people), mostly by citizens of Ukraine (18), Vietnam (10) and China (9). In this regard, there were no major changes registered in 2010 in comparison to the previous year.

104 irregular travel documents were detected at the external Schengen border in 2010, among which Bulgarian travel documents were the most abused (13), followed by Vietnamese (10) and Chinese (7). 40 cases were of forgery of Schengen visas or residence permits (mostly of German (16) and Slovakian (10) permits), almost the same figure as in 2009 (39 cases of forged Schengen visas or residence permits). In addition, 30 cases of use of fake identity were recorded in 2010, a decrease by 12 cases (approx. 30%) from the previous year.

Also the number of people illegally crossing the Schengen internal land borders has decreased in 2010: only 29 people compared with 198 people in 2009, amounting to a decrease of 85.4%. The cases refer to Georgian and Russian citizens illegally entering the territory from Poland, where they had requested asylum.

Facilitation of irregular migration (smuggling and trafficking)

In 2010, a total of 140 facilitators of irregular migration were detected, which includes cases of facilitation of illegal border crossings and facilitation of illegal stay after legal entry (e.g. through false paternity claims and fake marriages). This amounts to a decrease of 28.9% on 2009 (197 people). Czech citizens represent the majority of facilitators (106 people, 75.7%), followed by citizens of Ukraine (14 people, 10.0 %).

Organisational setup and technical facilities

Criminal organisations dealing with irregular migration are found in countries of origin (e.g. Vietnam, China, Tunisia, Iran and Iraq), of transit (e.g. Czech Republic, Hungary, Poland and Slovakia) and of destination (e.g. Denmark, Sweden, France and the United Kingdom). Organisations are usually composed of 10 people or less and they operate according to clear hierarchies and rules regarding the division of responsibilities (e.g. main organiser, drivers, recruiters, visa providers, counterfeiters etc.). Facilitators use classic devices such as mobile phones, e-mails, Skype and postal services, as well as specific equipment for the production of forged documents.

Modus operandi

Since Czech Republic's accession to the Schengen area in 2007, facilitation of irregular border crossings has mainly taken the form of (a) facilitating illegal entry with the documents of other people who look like them (fake identity) or (b) facilitating the transfer of people who have legally entered the Czech Republic on the basis of a short-stay visa to other EU countries. This latter method is mainly used by citizens of Mongolia, Vietnam, Ukraine, Georgia, Moldova, Russia (of Chechnyan origin), Turkey and Iraq.

The number of people transported depends on the means of transportation used, for instance 30-40 people on trucks, up to 10 people in vans and 2-4 people in cars. Aliens Police officers carry out checks of vehicles in border regions on a random basis and controls have a preventative effect. For instance, due to the improved control activities on the Czech-Polish border, routes shifted mainly to the territories of Slovakia, Hungary and Austria.

The Aliens Police provides an illustrative example of a common irregular migration path in the case of Vietnamese migrants:

The transfer route of migrants runs from Vietnam (Hanoi) – Moscow – Poland – Czech Republic – to Western Europe. The country of destination is decided upon in Vietnam (usually Austria, Germany, France, UK or Italy). The cost of the transfer is about 26,000 USD (approx. 20,500 EUR) per person. A cash advance is paid in Vietnam and the rest is paid after arrival at the final destination, from money earned there.

Usually, work is pre-arranged for these migrants. Departure from Vietnam takes place within ten days of the first contact with the group of smugglers. The smugglers provide all documents: flight ticket to Moscow, passport, Russian visa. Usually a group of around 20 people travel together. Entry into Russia is formally legal, then after some days the migrants are transferred through Ukraine to Poland. Illegal border crossing of the Schengen border takes place on foot and all documents are taken away from the migrants.

At this stage, the smugglers are European citizens. In Poland, the migrants are selected and then transferred to destination countries. This transfer is carried out by car, van or lorry, according to the situation and the size of the smuggled group. The Czech Republic is usually used as a transit country. The whole transfer is organised from Poland or the Czech Republic by Vietnamese citizens living in the Czech Republic on a permanent or long-term basis.

Smuggling fees

Smuggling fees depend on the means used and the difficulty of the operation. For example, all arrangements to obtain an entry visa for the Czech Republic are organised by mediators in countries of origin upon payment of a fee (often around 8,000 USD/6,300 EUR). Upon arrival in the Czech Republic an additional fee is required (around 300 USD/236 EUR), for instance for a transfer to Germany. In addition, the Aliens Police has identified cases where irregular migration to other EU countries is facilitated for foreigners who have lost their jobs in the Czech Republic due to the economic crisis, for a fee of approx. 600 EUR. In cases of facilitating illegal stay, the fee for arranging claims of false paternity or fake marriages amounts to around 10.000 EUR per person.

Statistics

Since 2008, cases of direct apprehensions of smuggled persons and human smugglers (facilitators) at the border have been less frequent than before Schengen accession. Instead, smugglers now mainly concentrate on facilitating illegal stay on the territory of the Czech Republic (see previous section) and on facilitating irregular transit to other countries, upon legal entry into the Czech Republic. In this context, the number of abused visas has increased significantly since 2008.

Detention

General detention policy and legislation

On 24 December 2010, Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals came into force and was transposed into the national legislation. Post-detention restrictive measures have been incorporated into the legal system by Law No. 326/1999 Coll. on the stay of aliens in the territory of the Czech Republic and its further amendments.

Detention of asylum seekers

International protection issues are regulated by the No. 325/1999 Coll. on asylum and its further amendments. Detention of asylum seekers is regulated by the following acts:

- Law No. 325/1999 Coll., by which the foreigner is detained as a safeguarding measure, for a medical check to be carried out;
- Law No. 326/1999 Coll., which sets the criteria for the detention of asylum seekers who have received a negative decision, after the order for administrative expulsion has been issued or once the procedure has started:
 - o If a well-founded danger exists that the foreigner, during his or her stay on the territory, could threaten state security by using force for the achievement of political aims through activities threatening the foundations of the democratic state or aiming to violate territorial integrity;
 - o If a well-founded danger exists that the foreigner, during his or her stay on the territory, could infringe upon public order in a serious manner;
 - o If the foreigner crosses the border under cover or attempts to do so;
 - o If the foreigner crosses the border outside the border crossing point (BCP).

Furthermore, the law also regulates the question of open and closed detention of foreigners within a detention facility.

Migrants and applicants for international protection can also be detained if they commit offences or criminal activities. The relevant legal instruments for the regulation of offences and crimes are:

- Law No. 200/1990 Coll. and further amendments (on offences)
- Law No. 40/2009 Coll. and further amendments (on the Penal Code)
- Law No. 141/1961 Sb. and further amendments (on the Penal Process Code)

Institutional setup

The main authorities dealing with the stay of foreigners on the territory of the Czech Republic are:

- The Asylum and Migration Policy Department (Ministry of Interior);
- The Directorate of Aliens Police Service;
- The Aliens Police Departments of the Regional Police Directorates.

The main authorities dealing with offences and criminal activities are:

- The Police of the Czech Republic
- Public Prosecutor's Offices
- Courts

Detention centres are managed in cooperation by the administration of the refugee centres of the Ministry of the Interior and the Police. The police staff receives methodological guidance from the Directorate of Aliens Police Service.

Definition and regulations concerning detention of immigrants

The definitions employed in the Czech Republic correspond to the EU definitions drawn from Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, which has been transposed into national legislation (Law No. 326/1999 Coll.).

Detention facilities

There are two detention centres for foreigners on the territory of the Czech Republic, namely:

- Poštorná Detention Centre, South Moravia (capacity 170 persons);
- Bělá-Jezová Detention Centre, Central Bohemia (capacity 270 persons).

In addition, two reception centres run by the Asylum and Migration Policy Department of the Ministry of the Interior are located at the Praha Ruzyně international airport (capacity 45 persons) and in Zastávka u Brna, South Moravia (capacity 202 persons).

All centres are used as centres for long-term operation.

Maximum duration of detention

The maximum period of detention of foreigners is regulated by § 27 Law No. 273/2008 Coll. on the Czech Republic Police, which sets out the permitted period of detention as 24 hours. This period can be extended for a further 24 hours, making the total maximum detention time 48 hours.

The maximum period of detention for foreigners in centres is regulated by § 125 Law No. 326/1999 Coll. It cannot be longer than 180 days and 90 days in the case of children or families with children. The police authorities are empowered to extend the detention period to a maximum of 545 days, in total.

Statistics

In 2010, 563 asylum seekers were detained, a 218% increase from 2009 (177 persons). The two main countries of origin of asylum seekers both in 2009 and 2010 were Ukraine and Mongolia, followed by Belarus, Russia and Turkey (see statistical tables below).

At the same time, the total number of migrants detained decreased significantly from 1,376 people in 2009 to 745 in 2010 (45% decrease). In 2010, the main countries of origin were Ukraine (342 people) and Vietnam (115), followed by Russia and Mongolia (each with 40). Large decreases (of more than 100 people) were recorded in the numbers detained from Vietnam, the Russian Federation and Georgia (see statistical tables below).

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	5,383,243	5,311,331
Exit	5,408,732	5,304,364
Total	10,791,975	10,615,695

Total number of persons claiming asylum		
	2009	2010
Total	1258	833

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	75	125
Persons whose applications were negative/ rejected	401	369

Number of border violators and the top 10 nationalities/citizenships with the most border violations (including foreigners and citizens of the Czech Republic)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Syria	33	1. Ukraine	18
2. Ukraine	20	2. Egypt	11
3. Vietnam	13	3. Vietnam	10
4. China	11	4. China	9
5. Sri Lanka	11	5. Occupied Palestinian Territories	8
6. Occupied Palestinian Territories	10	6. Nigeria	8
7. Nigeria	9	7. Turkey	8
8. Turkey	9	8. Georgia	7
9. Lebanon	9	9. Pakistan	7
10. stateless	8	10. Iraq	7
Other	57	Other	47
Total	190	Total	140

Total number of migration-related border apprehensions (including foreigners and citizens of the Czech Republic)		
	2009	2010
Foreign nationals	190	139
Citizens of the Czech Republic	0	1
Total	190	140

Total number of migration-related border apprehensions (including foreigners and citizens of the Czech Republic), by gender		
Gender	2009	2010
Male	131	99
Female	47	36
Unknown	12	5
Total	190	140

Number of minors apprehended at the border due to border violation including foreigners and citizens of the Czech Republic		
Gender	2009	2010
Male	4	9
Female	1	3
Unknown	11	5
Total	16	17

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of the Czech Republic)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
At airports	190	140
In the country	4267	2848
Total	4457	2988

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of the Czech Republic)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING the Czech Republic on the border with that country	OUT: Number of apprehensions of people LEAVING the Czech Republic on the border with that country	Total number of apprehensions on the border with that country
1. Air border	146	44	190
Other	0	0	0
Total	146	44	190

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of the Czech Republic)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING the Czech Republic on the border with that country	OUT: Number of apprehensions of people LEAVING the Czech Republic on the border with that country	Total number of apprehensions on the border with that country
1. Air border	119	21	140
Total	119	21	140

Total number of 'facilitators of irregular migration'⁴³ apprehended (including foreigners and citizens of in the Czech Republic)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	101	34
Citizens of the Czech Republic	88	106
Citizenship unknown	8	0
Total	197	140

Number of 'facilitators of irregular migration'⁴⁴ apprehended and the top 5 nationalities or citizenships with the most 'facilitators' apprehended (including foreigners and citizens of the Czech Republic)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Czech Republic	88	1. Czech Republic	106
2. Vietnam	23	2. Ukraine	14
3. Mongolia	14	3. Poland	5
4. Russia	11	4. Mongolia	3
5. Poland	9	5. Vietnam	2
Other	52	Other	10
Total	197	Total	140

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Russia	85	1. Russia	55
2. Armenia	44	2. Turkey	32
3. Ukraine	40	3. Refugee – Convention 1951	27
4. Refugee – Convention 1951	16	4. The former Yugoslav Republic of Macedonia	24
5. India	15	5. Armenia	20
6. Turkey	13	6. Ukraine	19
7. Philippines	12	7. Syria	14
8. Nigeria	11	8. Egypt	12
9. Belarus	11	9. China	12
10 The former Yugoslav Republic of Macedonia	11	10. Iraq	11
Other	121	Other	107
Total of ALL rejected persons at the border (of any nationality)	379	Total of ALL rejected persons at the border (of any nationality)	333

⁴³ Includes facilitators of illegal stay.

⁴⁴ Includes facilitators of illegal stay.

Removed persons and the top 10 nationalities/citizenships forcibly returned from the Czech Republic			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Ukraine	413	1. Ukraine	430
2. Vietnam	169	2. Vietnam	168
3. Slovakia	115	3. Mongolia	109
4. Mongolia	87	4. Slovakia	99
5. Moldova	55	5. Moldova	55
6. Russia	36	6. Russia	23
7. Romania	19	7. Romania	21
8. Lithuania	15	8. Belarus	17
9. Belarus	15	9. Kyrgyzstan	16
10. Georgia	14	10. Poland	15
Other	86	Other	121
Total of ALL removed persons (of any nationality or country)	1 024	Total of ALL removed persons (of any nationality or country)	1 074

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Reception centre of the Asylum and Migration Policy Department at Zastávka u Brna	127	494
2. Reception centre of the Asylum and Migration Policy Department at the Praha Ruzyně international airport	50	69
Total	177	563

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Ukraine	203	115
2. Mongolia	159	96
3. Belarus	54	56
4. Russia	57	51
5. Turkey	66	49
Other	319	251
Total	1,258	833

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Bělá Jezová	872	513
2. Poštorná	504	232
Total	1376	745

Main nationalities of detained migrants in 2009 and 2010			
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2010
1. Ukraine	416	1. Ukraine	342
2. Vietnam	276	2. Vietnam	115
3. Russia	148	3. Russia	40
4. Georgia	123	4. Mongolia	40
5. Mongolia	81	5. Moldova	34
Other	332	Other	174
Total	1376	Total	745

Information provided by:

The Directorate of Aliens Police Service, International Relations Department

ESTONIA



General Information⁴⁵

Location:	Eastern Europe, bordering the Baltic Sea and Gulf of Finland, Latvia and the Russian Federation
Area:	<i>Total:</i> 45,228 sq km – <i>land:</i> 42,388 sq km (including 1,520 islands in the Baltic Sea) – <i>water:</i> 2,840 sq km
Land boundaries:	<i>Total:</i> 633 km <i>Border countries:</i> Latvia 343 km, the Russian Federation 290 km
Coastline:	3,794 km (Baltic Sea)
Population:	1,282,963 (July 2011 est.)

General legislative and institutional developments

Legislation

On 1 October 2010, the new Aliens Act entered into force. It did not bring any extensive changes to immigration policy, but rather the changes made were mainly related to re-arranging the structure of the act and its implementation. The new act

⁴⁵ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/en.html> (Feb 2012).

foresees more elaborate regulations regarding foreigners who study or are employed in Estonia and extends liability in the event of a violation of the law.

Furthermore, on 24 December 2010, the amendments to the Obligation to Leave and Prohibition on Entry Act entered into force, bringing the act into compliance with Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

Institutional Development

As of 1 January 2010, all migration and international protection issues are handled by one agency of the Ministry of the Interior, namely the Police and Border Guard Board (PBGB). The PBGB was established by the amalgamation of the Border Guard Board, the Citizenship and Migration Board, the Police Board, the Central Criminal Police and the Personal Protection Service. Thus, since 2010, the Police and Border Guard Board has been responsible for migration, asylum and border issues.

Irregular migration flows

Throughout 2010, Estonia continued to be mainly a transit country for irregular migration rather than a destination country. In 2010, no increased irregular migration was observed. There were no significant changes in the countries of departure, nor in the number of persons apprehended for irregular migration: 62 people in 2010 compared to 69 in 2009, all from the Russian Federation.

In 2010, the most common method used for crossing the external border with the Russian Federation was to enter Estonia with a legally issued visa for tourism or business purposes and subsequently stay in the country after the visa expires (overstay). Some foreigners who applied for asylum in Lithuania tried to reach Finland by crossing the internal borders between Lithuania, Latvia, Estonia and Finland.

Smuggling

Routes

In 2008, a smuggling route (the so-called “Afghani corridor”) became common for transiting people of Afghani origin through Lithuania, Latvia and Estonia to Finland or Sweden. As a consequence, during the second half of 2009 there was a sudden increase in irregular migration from Afghanistan. However, by the end of 2009, the channel was closed through the work of a joint international investigation team (Estonia-Finland-Latvia).

As part of the same investigation, it was confirmed that, in addition to the 54 migrants from Afghanistan apprehended by border guard officers in 2009 along this smuggling route, 112 migrants from Afghanistan had illegally passed along the route Latvia-Estonia-Finland during the period from December 2008 to December 2009. As a result of these investigations, four groups of smugglers composed of ten Latvian citizens and five Estonians were apprehended in 2009. At present, all

people apprehended in Estonia and in Finland have received criminal convictions for smuggling migrants.

Following the decrease in 2009, the number of smuggling cases decreased significantly in 2010: only two people were apprehended for being smuggled into Estonia in 2010, 25 less than the year before (27 people in 2009). At the same time, two human smugglers were apprehended in 2010, both of whom were Lithuanians. This represents an 85 percent decrease on the previous year (14 people detained in 2009, 8 of whom were Latvian).

Operational aspects

Most often, the role of Estonian facilitators is to facilitate the transportation of migrants to the territory of Estonia and, if needed, also to Finland. The names of facilitators are usually not known to the people being smuggled and there is only a one-way mobile phone communication or no phone communication at all between the migrants and the smugglers. Smugglers may contact each other, sometimes using pre-paid phone cards.

In the case identified in 2010, the migrants smuggled into Estonia entered the country in buses driven through border check points (BCPs) open to international traffic, using falsified documents or by illegally crossing the temporary border between the BCPs in boats.

Smuggling fees

Currently there is no clear evidence regarding smuggling costs to or via Estonia. According to the statements of apprehended people, smuggling fees from Afghanistan to Scandinavia can vary between 8,000 and 15,000 USD (6,300-11,900 EUR).

Trafficking

No cases of human trafficking were identified in Estonia in 2010.

Detention

General detention policy

The authorities in Estonia responsible for return of illegally staying immigrants are the Police and Border Guard Board and the Estonian Security Police.

The general return policy is regulated by the Obligation to Leave and Prohibition of Entry Act. Estonian definitions correspond to the EU definitions. An alien is detained for the purpose of ensuring the obligation to leave.

An order to leave the country is issued to an illegally staying alien, in compliance with the Administrative Act and the Obligation to Leave and Prohibition of Entry Act. The order to leave specifies whether the enforcement of the obligation to leave shall be carried out immediately or by voluntary compliance. In order to ensure compliance, the Police and Border Guard may, by an order or a decision, require an alien to comply with surveillance measures and to make a penalty payment. An

alien shall be expelled from Estonia upon expiry of the term for obligation to leave as assigned in the order to leave.

If expulsion cannot be implemented within 48 hours, the person to be expelled will be placed in an expulsion centre, on the basis of a judgment of an administrative court judge. The person to be expelled is obliged to fully co-operate with the authorities to submit all the necessary information and documents.

Detention facilities

In Estonia there is an Expulsion Centre under the responsibility of the Police and Border Guard Board. The centre is located nearby Tallinn in Harku district, it is used only for foreigners and it has a capacity of up to 60 persons (24 female and 36 male). According to the government development plan for 2012-2015, the new expulsion centre is planned to be built in Tallinn in 2015.

Maximum duration of detention

An administrative court may extend the duration of detention in the Expulsion Centre of a person to be expelled by up to 2 months at a time until expulsion is enforced or until the alien is released. According to the Obligation to Leave and Prohibition of Entry Act, a person to be expelled shall be released from the Expulsion Centre if the expulsion has not been completed within 18 months.

A person to be expelled may also be detained in a police detention house for up to 30 days instead of detention at the Expulsion Centre.

Detention of asylum seekers

In Estonia there is no detention centre for asylum seekers. The Act on Granting International Protection to Aliens mentions that in addition to the open reception centre for asylum seekers, also an initial reception centre (closed centre for asylum seekers) should exist. However no such initial reception centre has been created.

The only exception in detaining asylum seekers is when application for asylum is lodged by a person who is being under detention in the expulsion centre, prison or house of detention. According to the Act on Granting International Protection to Aliens an applicant who has submitted an application for asylum during his or her stay at the expulsion centre, in a prison or house of detention, or in the course of execution of the expulsion procedure, shall remain at the expulsion centre, in the prison or house of detention, respectively, until the termination of the asylum proceedings. If an alien who has submitted the application for asylum during his or her stay in a prison or detention centre is released from serving his or her sentence in the prison or detention centre, he or she shall be referred to the reception centre (open reception centre for asylum seekers).

Statistics

In 2010, 40 migrants were detained in the Expulsion Centre, 15 people less than in the previous year (55 migrants detained in 2009). The largest number of detainees are from Georgia (11 people) and the Russian Federation (9 people). The most significant change recorded is in the number of Afghans: a decrease of 12 people (from 15 people detained in 2009 to 3 in 2010).

Of all migrants detained in the Expulsion Centre, 7 were asylum seekers (compared to 17 in 2009), the majority of them citizens of Afghanistan (5 people).

Statistical tables

Total number of persons legally crossing the border⁴⁶		
	2009	2010
Entry	3,200,000 (est.)	3,300,000 (est.)
Exit	3,300,000 (est.)	3,300,000 (est.)
Total	6,500,000 (est.)	6,600,000 (est.)

Total number of persons claiming asylum⁴⁷		
	2009	2010
At the border	0	9
Inland	36	21
Total	36	30

Total number of persons who were granted (refused) asylum⁴⁸		
	2009	2010
Persons whose applications were positive	4	17
Persons whose applications were negative/ rejected	15	22
Persons whose applications were otherwise closed ⁴⁹	2	n.a.

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Estonia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1.Estonia	75	1.Estonia	62
2.Russian Federation	25	2.Russian Federation	38
3.Unknown	15	3.Latvia	5
4.Afghanistan	12	4.Unknown	2
5.France	6	5.Armenia	2
6.Finland	4	6.Belgium	1
7.Latvia	3	7.	-
8.Armenia	2	8.	-
9.Somalia	2	9.	-
10.Ukraine	1	10.	-
Other	2	Other	-
Total	147	Total	110

⁴⁶ External Schengen border.

⁴⁷ Number of applicants, repeated applications not included.

⁴⁸ Final decisions on asylum applications.

⁴⁹ Processing of an application has been terminated on the basis of clauses 43(1) 2)-4) of the Administrative Procedure Act (due to the withdrawal of an application, departure of an applicant from Estonia or the death of an applicant).

Total number of migration-related border apprehensions (including foreigners and citizens of Estonia)		
	2009	2010
Foreign nationals	62	67
Citizens of Estonia	0	0
Total	62	67

Total number of migration-related border apprehensions (including foreigners and citizens of Estonia), by gender		
Gender	2009	2010
Male	40	43
Female	22	24
Unknown	0	0
Total	62	67

Number of minors apprehended at the border due to border violation including foreigners and citizens of Estonia		
Gender	2009	2010
Male	8	7
Female	7	7
Unknown	0	0
Total	15	14

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Estonia)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	23	43
On rail border crossings	20	22
On the green (land) border	17	0
At the sea border	0	12
On airports	2	3
In the country	48	24
On other places	0	2
Total	110	106

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Estonia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Estonia on the border with that country	OUT: Number of apprehensions of people LEAVING Estonia on the border with that country	Total number of apprehensions on the border with that country
1. Russian Federation	56	4	60
Other	0	2	2
Total	56	6	62

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Estonia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Estonia on the border with that country	OUT: Number of apprehensions of people LEAVING Estonia on the border with that country	Total number of apprehensions on the border with that country
1. Russian Federation	64	3	67
Other	0	0	0
Total	64	3	67

Number of apprehended persons being smuggled into Estonia

	Apprehensions in 2009	Apprehensions in 2010
Total	27	2
Of total: women	6	0
Of total: minors	10	0

Total number of 'human smugglers' apprehended (including foreigners and citizens of Estonia)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	2	2
Citizens of Estonia	2	0
Citizenship unknown	10	0
Total	14	2

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Estonia)

Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Latvia	8	1. Lithuania	2
2. Non-citizen residents of of Estonia	2	2. -	-
3. Estonia	2	3. -	-
4. Russian Federation	1	4. -	-
5. Hong Kong	1	5. -	-
Other	0	Other	0
Total	14	Total	2

Number of apprehended persons being trafficked into Estonia

	Apprehensions in 2009	Apprehensions in 2010
Total	0	0

Number of 'human traffickers' apprehended (including foreigners and citizens of Estonia)

	Apprehensions in 2009	Apprehensions in 2010
Total	0	0

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border

Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Russian Federation	371	1. Russian Federation	1,703
2. Philippines	333	2. Philippines	456
3. Myanmar/ Burma	43	3. Myanmar/ Burma	79
4. Turkey	42	4. Cape Verde	57
5. Ukraine	35	5. India	50
6. Pakistan	19	6. Ukraine	32
7. India	17	7. Turkey	29
8. Belarus	7	8. Egypt	21
9. Turkmenistan	6	9. Malaysia	15
10. China	5	10. Cuba	9
Other	38	Other	51
Total of ALL rejected persons at the border (of any nationality)	916	Total of ALL rejected persons at the border (of any nationality)	2502

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Estonia			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Russian Federation	19	1. Russian Federation	16
2. Unknown citizenship	15	2. Latvia	9
3. Afghanistan	13	3. Unknown citizenship	9
4. Latvia	12	4. Lithuania	6
5. Lithuania	6	5. Syria	4
6. Belarus	4	6. Finland	3
7. Poland	4	7. Afghanistan	2
8. Azerbaijan	4	8. Belarus	2
9. Ukraine	3	9. Georgia	2
10. Kazakhstan	3	10. Armenia	2
Other	20	Other	11
Total of ALL removed persons at the border (of any nationality)	103	Total of ALL removed persons at the border (of any nationality)	66

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Expulsion Centre	17	7
Total	17	7

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Afghanistan	10	5
2. Syria	5	0
3. Armenia	0	1
4. Unknown citizenship	0	1
5. Georgia	1	0
Other	1	0
Total	17	7

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Expulsion Centre	55	40
Total	55	40

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Georgia	3	11
2. Russian Federation	11	9
3. Unknown citizenship	7	5
4. Armenia	2	3
5. Afghanistan	15	3
Other	17	9
Total	55	40

Information provided by:

Migration and Border Policy Department, Estonian Ministry of the Interior

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA



General Information⁵⁰

Location:	South-Eastern Europe, bordering Albania, Kosovo ⁵¹ , Serbia, Bulgaria, and Greece
Area:	<i>Total:</i> 25,713 sq km – <i>land:</i> 25,433 sq km – <i>water:</i> 280 sq km
Land boundaries:	<i>Total:</i> 766 km <i>Border countries:</i> Albania 151 km, Bulgaria 148 km, Greece 246 km, Kosovo ⁵² 159 km, Serbia 62 km
Population:	2,082,370 (July 2012 est.)

General legislative and institutional developments

Legal developments

In the former Yugoslav Republic of Macedonia, the most relevant legislation acts in the area of irregular migration are the Penal Code, the Law on Foreigners and the

⁵⁰ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html> (Apr 2012)

⁵¹ Under UNSCR 1244

⁵² Under UNSCR 1244

Law on Border Control. The Law on Border Control was adopted in 2010, replacing the Law on Surveillance of the State Border.

In 2010, readmission agreements were signed with the EU and the Republic of Serbia. Thus the number of total readmission agreements concluded by the former Yugoslav Republic of Macedonia has reached 22. So far, readmission agreements have been signed with 14 EU Member States, 2 countries signatories to the Schengen Agreement and 6 other non-EU countries. In addition, protocols for the implementation of readmission agreements were signed with the EU, Austria, Estonia and Serbia in 2010.

Also in 2010, a Memorandum of Understanding was concluded between several countries from the Western Balkans for the establishment of a data exchange mechanism on irregular migration, as well as concerning the participation in the regional system for early warning developed in 2009 in the context of the Aeneas project and directly supported by FRONTEX. On the basis of the above mentioned memorandum, there were 4 working meetings organised between the signatories (the former Yugoslav Republic of Macedonia, Serbia, Croatia, Albania, Bosnia and Herzegovina, and Montenegro) and Frontex in 2010, the outcome of which were quarterly risk-analysis reports prepared by Frontex.

Institutional developments

In accordance to the national regulations, in this area there are a couple of institutions involved: Border Police, Unit for Combating THB and Smuggling (Mol) as well as customs. Through internal agreements between Mol and Customs, their roles and responsibilities are further defined.

Important: “integrated database for foreigners, visa and migration” started in 2009 with support of Now govt, continued in 2010 with expectations that will be functional in 2011. Administrative system that gives an opportunity to electronically collect data related to illegal crossings and procedures for identity checks, accommodation in reception centres and return procedure, as well as risk analysis (indicators).

In the border police, in accordance with the systematisation of the Mol, they established a mobile unit of the Border Police for internal detection of irregular migrants. In 2010 they also started procedures for the establishment of central database for falsified documents.

Irregular migration flows

Flows of illegal migration

The former Yugoslav Republic of Macedonia is primarily a country of transit. In 2010 there were 1,103 migration related apprehensions, which represents a 22% decrease from 2009 (1,415 persons). 92% of the apprehensions in 2010 were of foreign nationals 1,009, primarily Albanians (892 persons, 80% of the total). Other countries of origin include Kosovo⁵³, Occupied Palestinian Territories, Afghanistan, Bulgaria and Somalia. 70% of the apprehensions were conducted at the green border (766 persons) and the rest in the country (337).

⁵³ Under UNSCR 1244

The security situation on the border did not present any new features in 2010, compared with 2009. The law enforcement authorities highlight that the region is still under the influence of Albanian smuggling networks and it is also part of the illegal transit route between Turkey and Greece with final destination in EU countries. In the assessment of the authorities, this transit route is used by irregular migrants from Africa (Algeria, Morocco, Tunisia and Somalia) and Asia (Afghanistan and Pakistan), the number of which is expected to increase in the future.

As in the previous year, the highest pressures were registered upon exit at the border section with Greece (412 migration-related apprehensions) and upon entry at the border section with Albania (130 migration-related apprehensions). However, in 2010 there was a 43% decrease in the total number of apprehensions recorded at the border with Greece. Moreover, the authorities also noted a decrease in irregular migrants from Albania in 2010 compared to 2009 (892 apprehensions in 2010 and 1,155 in 2009), which can be mainly explained in the context of the visa liberalisation for Albanian citizens at the end of 2010.

Modes of illegal crossings

As identified during investigations conducted at the state borders of the former Yugoslav Republic of Macedonia, the most common modes of illegal border crossings by Albanian citizens include the use of:

- Taxi companies that are close to the border section with Greece or unlicensed Macedonian taxi drivers,
- small hotels near border with Greece (as safe accommodation), and
- local guides for crossing the borders on foot.

In addition, in the course of investigations some level of corruption within the customs and police has been identified, however the authorities assess it as being rather low.

Trafficking

The Border Police is in charge of combating trafficking in human beings and smuggling as long as it does not involve organised crime. In contrary cases, the Department for Organised Crime is in charge, with its unit for combating trafficking in human beings and smuggling of migrants.

In 2010, 5 persons that were being trafficked were apprehended. This is a comparable figure with the one in the previous year (6 persons apprehended in 2009). The total number of "human traffickers" apprehended in 2010 was 12, comparable to the figure in 2009 (16 "human traffickers" apprehended). In both years all of the offenders were from the former Yugoslav Republic of Macedonia, with the exception of one person from Kosovo⁵⁴ apprehended in 2009.

⁵⁴ Under UNSCR 1244

Smuggling

In 2010 there were 199 apprehensions of persons being smuggled into the former Yugoslav Republic of Macedonia. This represents a 41% increase from the previous year, when 141 persons were apprehended. The total number of “human smugglers” apprehended in 2010 was 55, slightly less than in 2009 (58 persons). In both years, the large majority of the offenders were citizens of the former Yugoslav Republic of Macedonia (approximately 90%). Other countries of origin for the remaining smugglers in 2010 were the Occupied Palestinian Territories (2 persons), Greece (1), Albania (1) and Afghanistan (1).

Technical support

Smugglers use common communication means, such as telephones and computers. Transportation is usually organised by car, train or plane.

Fees

Fees depend on several factors, including the country of origin, the destination, the method used for smuggling and the type of documents used (price of falsified visa or document). Payments for smuggling within the national borders of the former Yugoslav Republic of Macedonia range from EUR 600 – 1000 (when no documents are included in the price) up to EUR 3,500 (when smugglers provide false visas or travel documents).

Changes and developments

No significant changes have been recorded, compared to previous years. The most notable observation is the establishment of new routes from Greece to the former Yugoslav Republic of Macedonia and Serbia, with the final destination in Western European countries. Based on information from the Ministry of Interior, this route is used by irregular migrants from Afghanistan and several African countries such as Somalia, Nigeria and the Occupied Palestinian Territories.

Detention

In 2010, there were 130 migrants detained in the former Yugoslav Republic of Macedonia. This represents a decrease of 13% from the previous year (150 persons detained in 2009). In 2010, the majority of migrants detained were from the Occupied Palestinian Territory (39 persons), Albania (26), Afghanistan (18) and Somalia (15). Compared with the figures in the previous year, the numbers of Albanian migrants detained remained by and large stable (29 persons in 2009) and the largest decrease was recorded in the number of Afghanis detained (89 persons in 2009, -80% in 2010). In 2009 there were no detained migrants from the Occupied Palestinian Territories.

General detention policy

Detention of foreigners who illegally entered the former Yugoslav Republic of Macedonia and of foreigners who are no longer fulfilling the conditions of entry and stay on the territory lays under the responsibility of the Ministry of Internal Affairs.

Definitions

In accordance with the law on foreigners, if a foreigner cannot prove his/her identity within 12 hours, he/she will be kept in the reception centre for foreigners on the basis of a court decision.

In addition, the reception centre for foreigners also accommodates persons who received an order of forced removal but cannot be removed, as well as those who have received a decision for deportation but do not possess a valid travel document.

Detention centres

A reception centre for foreigners with a capacity of 100 persons functions under the responsibility of the Ministry of the Interior. This centre does not accommodate persons convicted for criminal offences (according to the penal code).

Maximum period of detention

A foreigner cannot be held for longer than 12 months.

Asylum seekers

In the former Yugoslav Republic of Macedonia there are no cases of detention of asylum seekers, as no limitations of freedom or of movement are acceptable under the law on asylum and temporary protection. The Department of Asylum within the Ministry of Interior does not keep evidence according to nationality, but according to country of departure of asylum seekers.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	6,665,474	7,480,288
Exit	6,277,011	6,667,188
Total	12,942,485	14,147,476

Total number of persons claiming asylum		
	2009	2010
At the border		
Inland	88	156
Unknown	0	0
Total	88	156

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive		
Persons whose applications were negative/ rejected	2	10
Persons whose applications were otherwise closed	85	140

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of the former Yugoslav Republic of Macedonia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Albania	1,155	1. Albania	892
2. The former Yugoslav Republic of Macedonia	131	2. The former Yugoslav Republic of Macedonia	94
3. Afghanistan	60	3. Kosovo ⁵⁵	30
4. Kosovo ⁵⁶	40	4. Occupied Palestinian Territories	17
5. Serbia	9	5. Afghanistan	16
6. Greece	5	6. Bulgaria	13
7. Occupied Palestinian Territories	4	7. Somalia	10
8. Netherlands	2	8. Greece	8
9. China	2	9. Serbia	7
Other	7	Other	16
Total	1,415	Total	1,103

Total number of migration-related border apprehensions (including foreigners and citizens of the former Yugoslav Republic of Macedonia)		
	2009	2010
Foreign nationals	1,284	1,009
Citizens of the former Yugoslav Republic of Macedonia	131	94
Total	1,415	1,103

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of the former Yugoslav Republic of Macedonia)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings		
On rail border crossings		
On the green (land) border	1,111	766
At the sea border		
On airports		
In the country	304	337
On other places		
Total	1,415	1,103

⁵⁵ Under UNSCR 1244⁵⁶ Under UNSCR 1244

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of the former Yugoslav Republic of Macedonia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING the former Yugoslav Republic of Macedonia on the border with that country	OUT: Number of apprehensions of people LEAVING the former Yugoslav Republic of Macedonia on the border with that country	Total number of apprehensions on the border with that country
1. Greece	62	791	853
2. Albania	106	30	136
3. Kosovo ⁵⁷	54	24	78
4. Serbia	17	20	37
5. Bulgaria	0	7	7
Other			
Total	239	872	1,111

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of the former Yugoslav Republic of Macedonia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING the former Yugoslav Republic of Macedonia on the border with that country	OUT: Number of apprehensions of people LEAVING the former Yugoslav Republic of Macedonia on the border with that country	Total number of apprehensions on the border with that country
1. Greece	71	412	483
2. Albania	130	43	173
3. Kosovo ⁵⁸	42	30	72
4. Serbia	14	13	27
5. Bulgaria	1	10	11
Other			
Total	258	508	766

Number of apprehended persons being smuggled into the former Yugoslav Republic of Macedonia		
	Apprehensions in 2009	Apprehensions in 2010
Total	141	199
Of total: women	30	12
Of total: minors	22	6

⁵⁷ Under UNSCR 1244

⁵⁸ Under UNSCR 1244

Total number of 'human smugglers' apprehended (including foreigners and citizens of the former Yugoslav Republic of Macedonia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	5	7
Citizens of the former Yugoslav Republic of Macedonia	53	48
Citizenship unknown	0	0
Total	58	55

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of the former Yugoslav Republic of Macedonia)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. The former Yugoslav Republic of Macedonia	53	1. The former Yugoslav Republic of Macedonia	48
2. Serbia	3	2. Occupied Palestinian Territory	2
3. Albania	1	3. Greece	1
4. Nigeria	1	4. Albania	1
		5. Afghanistan	1
Other	0	Other	2
Total	58	Total	55

Number of apprehended persons being trafficked into the former Yugoslav Republic of Macedonia		
	Apprehensions in 2009	Apprehensions in 2010
Total	6	5
Of total: women	5	5
Of total: minors	5	5

Number of 'human traffickers' apprehended (including foreigners and citizens of the former Yugoslav Republic of Macedonia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	1	0
Citizens of the former Yugoslav Republic of Macedonia	15	12
Citizenship unknown	0	0
Total	16	12

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of the former Yugoslav Republic of Macedonia)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. The former Yugoslav Republic of Macedonia	15	1. The former Yugoslav Republic of Macedonia	12
2. Kosovo ⁵⁹	1		
Total	16	Total	12

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Albania	1,558	1. Albania	1,735
2. Kosovo ⁶⁰	243	2. Bulgaria	326
3. Turkey	236	3. Turkey	224
4. Germany	203	4. Kosovo ⁶¹	212
5. Russia	183	5. Germany	165
6. Serbia	147	6. Russia	127
7. Bulgaria	127	7. Serbia	87
8. Greece	81	8. Ukraine	52
9. Ukraine	76	9. Sweden	40
Other	495	10. Other	545
Total of ALL rejected persons at the border (of any nationality)		Total of ALL rejected persons at the border (of any nationality)	

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
Reception centre for foreigners	150	130
Total	150	130

⁵⁹ Under UNSCR 1244⁶⁰ Under UNSCR 1244⁶¹ Under UNSCR 1244

Removed persons and the top 10 nationalities/ citizenships forcibly returned from the former Yugoslav Republic of Macedonia			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Albania	1,210	1. Albania	850
2. Kosovo ⁶²	63	2. Kosovo ⁶³	49
3. Serbia	16	3. Bulgaria	12
4. Greece	3	4. Greece	7
5. Bulgaria	2	5. Serbia	6
6. China	2	6. Afghanistan	2
7. Turkey	2	7. Germany	1
8. Netherlands	2	8. Turkey	1
9. Croatia	1	9. Morocco	1
10. USA	1	10. Occupied Palestinian Territory	1
Other	0	Other	0
Total of ALL removed persons at the border (of any nationality)	1,302	Total of ALL removed persons at the border (of any nationality)	930

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Afghanistan	89	18
2. Albania	29	26
3. Serbia	8	3
4. Kosovo ⁶⁴	8	7
5. Turkey	6	1
6. Somalia	1	15
7. Occupied Palestinian Territory	-	39
Other	9	21
Total	150	130

Information provided by:

Director of Public Security, Ministry of Internal Affairs

⁶² Under UNSCR 1244

⁶³ Under UNSCR 1244

⁶⁴ Under UNSCR 1244

GEORGIA



General Information⁶⁵

Location:	South-Western Asia, bordering the Black Sea, the Russian Federation, Azerbaijan, Armenia, and Turkey
Area:	<i>Total: 69,700 sq km</i>
Land boundaries:	<i>Total: 1,461 km</i> <i>Border countries: Armenia 164 km, Azerbaijan 322, Russian Federation 723 km, Turkey 252 km</i>
Coastline:	310 km (Black Sea)
Population:	4,585,874 (estimate for July 2011)

General legislative and institutional developments

Legislation

Illegal cross-border migration is criminalised under Article 344 of the Criminal Code of Georgia. The crime is considered to be committed in aggravated circumstances when/if carried out (a) by a group or (b) under coercion or threat of coercion. However, Article 344 of the Criminal Code specifically notes that this article shall not apply to aliens and stateless persons, who entered the territory of Georgia and requested asylum to the Government of Georgia, provided there are no other elements of crime. The article does also not apply to victims of trafficking, also if the illegal border crossing was committed before receiving the victim status.

⁶⁵ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/gg.html> (Feb 2012)

In addition to the general regulative framework as provided by the Criminal Code, the Law of Georgia on the Legal Status of Aliens sets out specific preconditions for a legal stay in Georgia, as well as it enumerates a number of grounds that qualify as illegal stay:

- (a) Presenting false or invalid documents in order to obtain a Georgian visa;
- (b) Acting against the security interests of Georgia;
- (c) Expiration of residence permit or visa in Georgia;
- (d) Expiration of a work permit, if the residence permit was issued on this ground;
- (e) Expiration of guardianship of a citizen of Georgia/by a citizen of Georgia, if the residence permit was issued on this ground;
- (f) Pro forma marriage, with the aim to receive a residence permit;
- (g) Expulsion from Georgia;
- (h) Expiration of a visa.

Illegal stay itself gives ground to deportation. Deportation procedure might be administered either by the Ministry of Justice of Georgia, or by the court (of first instance). The Ministry of Justice deports persons if:

- the person illegally entered the territory of Georgia and
- there are no longer legal grounds to justify a person's further stay in Georgia.

The deportation procedure via court proceedings takes place when a person's residence in Georgia contradicts the interests of national security and public order, or he/she has committed one or several malicious crimes.

On the state institutional level, the deportation procedure is initiated by the Civil Registry Agency (CRA) and is directed to the Ministry of Justice of Georgia which assesses the legal grounds of the prospective deportation and within 7 days decides whether the person is deported or not. If the Ministry of Justice confirms the grounds of deportation, the CRA inserts a stamp in the alien's passport or other travel document with the English inscription "Expelled."

The Law provides an opportunity for an appeal of the decision on deportation. The decision of the Court of the First Instance is appealed to the Court of Appeals, while the Decree of the Minister of Justice of Georgia is appealed to the Court of First Instance. The time limit of commencing the appeals procedure is 14 days.

In the assessment of Georgian authorities, the country is facing serious impediments to regulate migration related issues in the occupied territories of Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia bordering Russian Federation. As these regions are not under the control of the Georgian authorities, Georgia is unable to carry out border management of these regions and establish checkpoints at the northern borders with the Russian Federation. At the same time, Georgia is aware of its positive obligations under human rights law in

relation to persons residing in occupied territories, as well as of its duty to prevent cases of illegal migration, human smuggling and trafficking. For this reason, when relevant facts occur, the law enforcement authorities initiate investigation and take all feasible measures to carry out effective measures in these territories.

Institutional development

An Inter-Agency State Commission on Migration Issues was established on 13 October 2010 upon the decision of the Government of Georgia, with the purpose to support the implementation of state policy on migration and improve the migration management system in the country. The Commission is composed of the representatives from following institutions:

- Ministry of Justice of Georgia (the Ministry Chair's Commission);
- Ministry of the Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia;
- State Minister's Office on European and Euro-Atlantic Integration;
- Ministry of Internal Affairs of Georgia;
- Ministry of Foreign Affairs of Georgia;
- Ministry of Economy and Sustainable Development of Georgia;
- Ministry of Health, Labour and Social Affairs of Georgia;
- Ministry of Education and Science of Georgia;
- Ministry of Finance of Georgia;
- State Minister's Office of Georgia for Diaspora Issues;
- National Statistics Service of Georgia (LEPL);

The Civil Registry Agency provides all administrative, technical and organisational support to the commission. Currently, the main objectives of the commission are to:

- Increase coordination and facilitate exchange of information between relevant authorities
- Prepare recommendations on migration issues
- Support reintegration process and cooperation on effective implementation of international agreements
- Advance and monitor the effective implementation of readmission and visa facilitation agreements.

The commission creates subject-based working groups, which include representatives of respective ministries and various experts. At present, three working groups were established: a WG Facilitating Reintegration and Consolidation, a WG on Statelessness and WG on Strategy Drafting. The WG on Statelessness has prepared a set of recommendations aimed at improving the legal

framework regulating citizen rights. The commission has discussed recommendations, which will be presented to the government.

Furthermore, the commission agreed to develop a Migration Strategy in May 2011. For this purpose, the commission is involved in the EU funded project „Support Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement“. Also in this context, the WG on Strategy Drafting held two meetings and shared experience with international experts.

In 2009, a significant border management reform took place, which resulted in the MIA Patrol Police Department replacing the MIA Border Police, and assuming the responsibility over the border check points. In the assessment of Georgian authorities, this change substantially improved coordination of all relevant units involved in the border management and, as a result, more efficient detection, eradication and prevention of criminal activities as well as administrative offences at the border is ensured. Also in 2009, the Border Police Coast Guard was merged with the Armed Forces Navy, and it retained its primary role as the law-enforcement agency on the sea. Additional changes included:

- BP Special aviation unit was subordinated to the MOD Air Force;
- BP Rapid Reaction unit was subordinated to the MIA Special Tasks Main Division;
- MIA Information – Analytical Department undertook the functions of GBP C2 & Border Technologies Centre;
- Border Faculty of the MIA Police Academy assumed the functions of BP Training and Retraining Centre.

National Integrated Border Management Strategy and Action Plan

In 2008, a National Integrated Border Management Strategy (IBMS) with 5-year targets was developed by the Temporary Inter-Agency Commission at the National Security Council (NSC), with the assistance of the EU Special Representative to South Caucasus. Subsequently, the President approved in 2009 an Action Plan for the implementation of the strategy, which was developed by an Interagency Working Group operating under the NSC in cooperation with EUSR Border Support Team. The Action Plan envisages a wide range of activities to be implemented for the effective management of state borders in terms of intra-agency and international cooperation, as outlined in the IBMS.

In late 2010, the Interagency Commission under the NSC updated the IBMS, with support from the South Caucasus Integrated Border Management project. The draft is agreed with all stakeholders and is pending on presidential signature together with other security related strategic papers to be approved once the National Security Concept is adopted. The update of the Action Plan will be carried out after the approval of updated IBMS.

The IBMS Action Plan is implemented by the Georgian authorities, under the supervision of the NCS. “Green Border” Standard Operating Procedures (SOPs) were elaborated with the assistance of EUSR BST experts and approved by the

special order issued by the Chief of Border Police. Elaboration of the SOPs for Patrol Police at BCPs is ongoing with active support of the South Caucasus Integrated Border Management project. It is envisaged that the elaboration of SOPs for all BCPs, including for the pilot BCP "Red Bridge", will be completed until the end of 2011.

In order to bring operations of the Patrol Police and of the Customs' services more in line with the principles of Integrated Border Management, the Joint Order of the Ministers of Internal Affairs and the Finance has been issued. The Joint Order authorises the customs officers at the BCPs to inspect travel documents of drivers as well as to put entry and exit markings whenever applicable. Furthermore the Civil Registry of the Ministry of Justice (responsible for issuing the national IDs and Passports) has the relevant level access to the MoIA border crossing database as well as the Patrol Police can access the CRA database in case of need.

Georgia counts with operational BCPs adapted and modernised to control different flows, fully in line with international best practices. The standard design model applied to all Georgian BCPs stipulates safe and well organised movement of passengers and cargoes. All road, sea, railroad and air BCPs are fully equipped with radiation detection equipment and Police Officers and Customs Officials have been trained in appropriate procedures. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control. Furthermore, the Personal Identification and Registration System (PIRS) is installed at all BCPs. This not only accelerate immigration administration, but it also enables the border officials to efficiently detect fraudulent documents and to maintain a database on exits and entries into the country, therefore allowing for data analysis and exchange of information on migration trends. Software allowing linking of the border crossing database with other MoIA databases as well as verification of persons entering or leaving Georgian territory online is operational at every BCP. Software is provided together with new passport readers which substantially increases the speed of the travel document processing. In parallel, digital photos of travellers are taken, which enhances identification and control of crime. In the framework of the South Caucasus Integrated Border Management project as well as the US State Department programme on Georgian Border Security and Law Enforcement (GBSLE), a second line document inspection equipment has been purchased, which includes fixed integrated passport readers and mono-microscopes video spectral comparators. In this context, the second line "labs" at all BCPs were expected to be fully equipped and operational by September 2011.

International cooperation on border issues

An implicit example of successful international cooperation within the IBM concept is the existence of Immigration Liaison Officers Point (LOP) of the Republic of Latvia, the Republic of Lithuania and the Republic of Estonia in Georgia. The LOP is staffed with Latvian Border Guard officials and operates in Tbilisi International Airport with the main objective of preventing illegal migration and providing assistance with detecting fraudulent travel documents as well as sharing information on operational issues.

Cooperation Agreements on border issues exist with: Azerbaijan, Turkey, Russia, Bulgaria, Latvia, Ukraine, China, Hungary, Poland, Germany, Finland and Switzerland.

In 2008, the Ministry of Internal Affairs of Georgia and FRONTEX have signed a Working Arrangement for Establishment of the Operational Cooperation. The objectives of cooperation are countering irregular migration and cross-border crime, strengthening security at the borders between EU Member States and Georgia, developing of good working relations and mutual trust between border management authorities of the EU Member States and Georgia. In this context, a 2-year Cooperation Action Plan was agreed and entered into force in October 2010, which foresees cooperation in five areas:

- Exchange of information
- Risk analysis and exchange of relevant analytical products and tools
- Joint operations and pilot projects
- Training, Education
- Research and Development.

Irregular migration flows

Modes of illegal border crossings

Attempts to cross the border illegally occur mainly at the “green” border, often by making use of forged documents. In 2010, 27 cases of migrants using forged documents have been detected. In 2010, the total number of migration-related apprehensions was 220, slightly less than in 2009 (232 persons). 157 border violators were apprehended in 2010, around 35% less than in the previous year (244 persons in 2009), the large majority of which were Georgian (101 persons). Most of the cases of attempted illegal border crossings that have been identified were via the regions of Abkhazia and Tskhinvali/South Ossetia.

In 2010 there was a 202% increase in the number of persons rejected at the border as compared to 2009 (2,041 persons in 2010 and 675 in 2009). The main countries of origin of the persons rejected at the border were Ukraine (594), India (485; +454 persons than in 2009), Russian Federation (340; +158 persons than in 2009) and Azerbaijan (112; +49 persons in 2009).

Smuggling

In 2010 there were 2 attempts of human smuggling identified, in total involving 16 migrants and 14 facilitators (of which 13 Georgian).

The first case was registered in April 2010 and it involved a group of citizens of Turkey, Georgia and Azerbaijan attempting to smuggle citizens of Bangladesh from Azerbaijan through Georgia to Turkey via the “green” border. The smugglers were not organised in a clear structure. Instead, members of the group contacted each-

other on an ad-hoc basis and were not planning further smuggling activities. In total 16 individuals (citizens of Bangladesh) were being smuggled. The group of smugglers was using mobile phones for communication and a personal minivan for transportation from the Azeri-Georgian border to the Georgian-Turkish border. The smuggling fee varied between USD 1500 to 5000.

The second case, registered in August 2010, involved a Georgian citizen attempting to smuggle 3 citizens of Uzbekistan from Georgia to Turkey again via the "green" border. The smuggling fee amounted to USD 1000.

Trafficking

Definition of trafficking

Georgia ratified the UN Convention against Transnational Organized Crime and its two additional protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air on September 5, 2006. Under Georgian legislation, international conventions have a direct effect and require no additional measures for implementation. Therefore, definitions of human smuggling and trafficking apply directly and, in cases of inconsistency, may prevail over the national legislation.

Statistics

In 2010 only one person was identified as being trafficked in Georgia (no data available for 2009). Current practice reveals that victims of trafficking entered Georgian territory with legal documents (hence, they were not smuggled persons) and were dragged into trafficking afterwards. Accordingly, there is no connection between smuggled and trafficked persons.

The number of "human traffickers" apprehended in 2010 was of 4 persons, a significant decrease from the previous year (37 persons apprehended in 2009). All human traffickers apprehended in 2009 and 2010 were Russian citizens.

Detention

Detention of asylum seekers

Georgian legislation does not allow general detention of an asylum seeker. According to the legal framework, an asylum seeker can be detained only in case if he/she commits a crime that is penalised under the Criminal Code of Georgia. Therefore, in Georgia there is neither an open nor a closed detention system for asylum seekers.

The regime that applies for asylum seekers is regulated by the Presidential Decree No. 387 of June 25, 1998. This decree stipulates the conditions under which the refugee status is granted to aliens and the administrative procedure to be followed. Requirements for granting such status is in compliance with the standards set out by the 1951 Convention on the Status of Refugees as well as the 1967 Additional Protocol.

The application form of an asylum seeker shall be presented at the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. The decree sets 4 months timeline for processing the application of an asylum seeker. The outcome shall be appealed within 15 days at the Common Courts of Georgia. Based on the information submitted by the asylum seeker, the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia prepares a recommendation and submits it to the President of Georgia. Final decision on granting the refugee status is made by the President. Until the decision process is not finalised, the asylum seeker shall not be expelled to his/her country of origin and shall have the following guarantees: (1) freedom of movement and the right to a temporary residence; (2) access to food supplies, on a daily basis; (3) receive certain amount of financial support from the state budget.

Government of Georgia has recently prepared draft amendments to the Law on Refugees in order to fully harmonise it with international recommendations and 1951 Convention on the Status of Refugees. The new draft aims to further strengthen existing legal and institutions framework. Draft amendments will be duly presented to the parliament of Georgia.

Special Centre for Asylum Seekers

The UNHCR assisted the Government of Georgia in establishing a Special Centre for Asylum Seekers in Martkophi, Georgia. The centre can accommodate up to 60 persons. As of 2011, 40 asylum seekers are located in the centre. They receive monthly allowance of GEL 175.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	3,484,259	4,121,856
Exit	3,450,057	4,103,719
Total	6,934,316	8,225,575

Total number of persons claiming asylum		
	2009	2010
At the border	34	49
Inland	4	5
Unknown	5	3
Total	43	57

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	6	5
Persons whose applications were negative/ rejected	31	49
Persons whose applications were otherwise closed	6	3

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Georgia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1.Armenia	20	Azerbaijan	4
2.Turkey	9	Armenia	8
3.Azerbaijan	5	Turkey	4
4.Russian Federation	11	Russian Federation	5
5.Moldova	4	India	7
6.Iran	5	Iran	3
7.Nigeria	2	Pakistan	2
8.Ivory Coast	1	Bangladesh	1
9.Finland	2	Uzbekistan	2
10.Uzbekistan	1	Moldova	1
Georgia	143	Georgia	101
Other	41	Other	19
Total	244	Total	157

Total number of migration-related border apprehensions (including foreigners and citizens of Georgia)		
	2009	2010
Foreign nationals	96	92
Citizens of Georgia	136	128
Total	232	220

Total number of migration-related border apprehensions (including foreigners and citizens of Georgia), by gender		
Gender	2009	2010
Male	164	175
Female	68	45
Unknown	0	0
Total	232	220

Number of minors apprehended at the border due to border violation including foreigners and citizens of Georgia		
Gender	2009	2010
Male	4	0
Female	0	0
Unknown	0	0
Total	4	0

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Georgia)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	0	n.a.
On rail border crossings	0	
On the green (land) border	89	
At the sea border	9	
On airports	0	
In the country	0	
On other places	134	
Total	232	

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of Georgia)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Georgia on the border with that country	OUT: Number of apprehensions of people LEAVING Georgia on the border with that country	Total number of apprehensions on the border with that country
1.Azerbaijan	21	3	24
2.Armenia	22	5	27
3.Turkey	27	13	40
4.Russian Federation	7	0	7
Total	77	21	98

Number of apprehended persons being smuggled into Georgia

	Apprehensions in 2009	Apprehensions in 2010
Total	n.a.	16
Of total: women		
Of total: minors		

Total number of 'human smugglers' apprehended (including foreigners and citizens of Georgia)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	1	1
Citizens of Georgia	5	13
Total	6	14

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Georgia)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1.Turkey	1	1.Georgia	13
2.Georgia	5	2.Turkey	1
Total	6	Total	14

Number of apprehended persons being trafficked into Georgia		
	Apprehensions in 2009	Apprehensions in 2010
Total	n.a.	1
Of total: women		1
Of total: minors		0

Number of 'human traffickers' apprehended (including foreigners and citizens of Georgia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	0	2
Citizens of Georgia	37	2
Citizenship unknown	0	0
Total	37	4

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Russian Federation	182	1. Ukraine	594
2. Azerbaijan	63	2. India	485
3. Turkey	58	3. Russian Federation	340
4. Ivory Coast	43	4. Azerbaijan	112
5. Cameroon	38	5. Turkey	75
6. India	31	6. Pakistan	44
7. Nigeria	26	7. Ivory Coast	34
8. Pakistan	25	8. Iraq	30
9. Bangladesh	23	9. Nigeria	30
10. Iran	20	10. Nepal	29
Other	166	Other	268
Total of ALL rejected persons at the border	675	Total of ALL rejected persons at the border	2041

Information provided by:

Ministry of Justice of Georgia; Ministry of Internal Affairs of Georgia; Ministry of IDPs from the Occupied Territories, Accommodation and Refugees of Georgia

GREECE



General Information⁶⁶

Location:	Southern Europe, bordering the Aegean Sea, Ionian Sea, and the Mediterranean Sea, between Albania and Turkey
Area:	<i>Total:</i> 131,957 sq km – <i>land:</i> 130,647 sq km – <i>water:</i> 1,310 sq km
Land boundaries:	<i>Total:</i> 1,228 km <i>Border countries:</i> Albania 282 km, Bulgaria 494 km, Turkey 206 km, the former Yugoslav Republic of Macedonia 246 km
Coastline:	13,676 km
Population:	10,767,827 (July 2012 est.)

General legislative and institutional developments

At the end of 2009, the National Action Plan for the management of illegal migration and the reform of the national asylum system was developed and submitted to the European Commission. In relation to asylum, the plan foresees the establishment of the Initial Reception Service and the Asylum Service, and the management of asylum applications by police authorities during the transition period, until these services become fully operational. Greece has also co-signed the Operating Plan for Deploying Asylum Support Teams with a duration of two years with the

⁶⁶ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/gr.html> (Apr 2012)

European Asylum Support Office (EASO). The Asylum Support Teams will provide knowledge and best practices to the Greek Authorities on asylum and reception procedures.

Irregular migration flows

Statistics

Greece is known for high numbers of apprehensions of people entering or staying irregularly in the country. The total figure for migration-related apprehensions in 2010 was 132,524, a 5% increase on the previous year (126,145 in 2009). The largest proportion of these in 2010 was recorded at the land borders (83,639, or 63% of the total apprehensions). The significant variations in the number of apprehensions recorded in 2009 and 2010 at both the land borders (+65%) and sea borders (-77%) can be explained by a change in the situation at the borders with Turkey. In 2010, the data from the Greek Police show a significant decrease in apprehensions at the Greek-Turkish sea border (from 27,685 in 2009 to 6,204 in 2010) and a related increase in apprehensions at the Greek-Turkish land border (from 8,787 in 2009 to 47,088 in 2010).

Cumulatively, the number of migration-related apprehensions at the land and sea borders with Turkey (53,292 in 2010) represents the largest share of the total number of apprehensions in Greece (40%). These are followed by apprehensions within the country (40,237 in 2010, 30% of the total number of apprehensions) and at the Albanian border (33,979 in 2010, 26%). Compared to the situation at the borders, the number of apprehensions recorded within the country (30% of the total apprehensions in 2010) remained more stable: a 10% decrease was registered from 2009 to 2010, from 45,037 apprehensions to 40,237, respectively.

Modes

The Eastern Mediterranean route, mainly comprising land borders, is used by the vast majority of migrants entering Greece. The seaborne and air routes are more commonly used by those leaving Greece for other EU countries. Individual land border crossings are rare and migrants usually cross the border at night, on foot, and in small groups. The facilitators do not themselves cross the border, but rather leave the migrants close to the border and instruct them as to how to cross, how to behave, and how to continue their journey once they have entered Greece. Irregular migrants have been detected hiding in vehicles at Border Crossing Points (BCPs), often within concealed areas of specially modified lorries, which can be used several times for this purpose. Overstaying a visa is another common *modus operandi* in Greece.

Modes – Greek-Albanian border

Irregular migrants from Albania enter Greece mainly on foot, gathering independently or with the assistance of a facilitator in small groups in cities and small villages close to the Greek-Albanian borders. They then usually enter Greece at night, across unprotected and difficult-to-access crossings. They then try to find work in larger urban centres or become engaged in seasonal work in the countryside.

In some cases, irregular migrants from Albania enter Greece with the assistance of facilitators and using vehicles. In this case, the facilitator transports the migrants as far as the Greek-Albanian borders and instructs them as to how to cross the borders illegally. Vehicles usually pass the passport control at the Kakavia or Kristallopigi BCPs and then wait for the migrants in a predetermined area close to the border within Greek territory. The migrants then cross illegally, meet with the facilitator, enter the vehicle and continue inland. The facilitators are usually either Albanians or Greeks.

The length and terrain of the Greek-Albanian borders (rocky mountains and rough ground) render the work of the Hellenic authorities in monitoring and surveillance of the borders and detection of migrants extremely difficult.

Modes – Greek-Turkish border

Irregular migrants who come to Greece through Turkey are usually non-EU citizens from Asia and Africa. Having either legally or illegally crossed Turkey's borders with Iran or Iraq, they are gathered in Istanbul by networks of facilitators, where they remain for a period of from a few days up to 2-3 months, staying in cheap hotels or other forms of accommodation provided by the facilitators until their transportation to the Greek-Turkish land or sea borders is organised.

Some of these migrants reach Turkey directly from the African coasts (Egypt) and gather on the Western Turkish coasts, opposite the Greek islands, until their transportation to the islands is organised. There have also been incidents where boats with migrants arrived on the coasts of Crete and of the south-western Peloponnese directly from the African coasts (Egypt and Libya).

The migrants are transported by their facilitator across the land borders (River Evros) in covered lorries so that the migrants cannot see the areas through which they cross the border. Before the vehicles go through passport control at the Kipoi BCP, they leave the migrants in an area close to the borders, instructing them as to how to illegally cross the borders and enter Greek territory. As soon as the vehicle has gone through passport control, it waits for the migrants at a predetermined place, where they later enter the vehicle and continue inland.

Irregular migrants continue inland and get off the vehicle in a Greek city or continue their trip to other countries in Western Europe. The facilitators are usually Turkish or Greek. The migrants pay between 1,500 and 3,000 EUR to the facilitators for their transportation, in part or in total after their arrival at their final destination. Also, in some cases, migrants enter Bulgaria from Turkey in order to subsequently, with the help of facilitators, enter Greece.

Trends

So-called “marriages of convenience” are also increasing. There are many reports of false documents submitted in support of visa and asylum applications or residence permits. Forged or counterfeit documents are mainly used at Greek airports by migrants attempting to enter other EU countries by air. The main challenges for Greece remain the screening of people who are in real need of protection from those who enter Greece irregularly, as the daily pressure at the EU

external borders in Greece are disproportionately strong. The identification of minors is another relevant issue.

Statistical tables

Asylum applications at the Police Directorates of border regions in Greece ⁶⁷		
	2010	2011
Orestiada (GR/TR land border)	22	76
Alexandroupoli (GR/TR land border)	58	219
Rodopi (Northern Greece)	94	123
Lesvos (GR/TR sea border)	20	0
Dodecanese islands (GR/TR sea border)	403	413
Samos (GR/TR sea border)	30	22
Cyclades (central Aegean sea)	38	28
Chios (GR/TR sea border)	97	51
Herakleion (Crete)	173	166
Lasithi (Crete)	25	2
Rethymno (Crete)	16	35
Chania (Crete)	34	17
Total	1,010	1,152

⁶⁷ Source: Greek Police data shared by the UNHCR Office in Greece.

Total numbers and Top 5 nationalities/citizenships of people applying for asylum, or granted refugee status or other forms of protection in Greece in 2009 and 2010			
Asylum/Protection applications			
Nationality/citizenship of asylum/protection applicants	2009		2010
1. Pakistan		1. Pakistan	
2. Georgia		2. Georgia	
3. Bangladesh		3. Bangladesh	
4. Afghanistan		4. Albania	
5. Syria		5. China	
Total	15,928		10,273
Overall decisions granting refugee status			
Nationality/citizenship of refugees	2009		2010
1. Iraq		1. Iran	
2. Iran		2. Iraq	
3. Republic of the Congo		3. Afghanistan	
4. Lebanon		4. Russia	
5. Bangladesh		5. Somalia	
Total	36		91
Other forms of protection⁶⁸			
1. Iran		1. Afghanistan	
2. Afghanistan		2. Iran	
3. Iraq		3. Turkey	
4. Central African Republic		4. Nigeria	
5. Sudan		5. Ivory Coast	
Total	104		25

⁶⁸ These figures only refer to subsidiary protection. Status is also granted for humanitarian reasons (2009: 26 decisions; 2010: 28 decisions).

Number of illegal border crossings and the top 10 nationalities/citizenships with most of the illegal border crossings (including foreigners and citizens of Greece)			
Citizens of the following countries in 2009	Number of illegal border crossings in 2009	Citizens of the following countries in 2010	Number of illegal border crossings in 2010
1. -	-	1. Albania	50,175
2.		2. Afghanistan	28,299
3.		3. Pakistan	8,830
4.		4. Occupied Palestinian Territories	7,561
5.		5. Algeria	7,336
6.		6. Somalia	6,525
7.		7. Iraq	4,968
8.		8. Bangladesh	3,264
9.		9. Morocco	1,645
10.		10. Eritrea	1,628
Other		Other	12,293
Total		Total	132,524

Total number of migration-related border apprehensions (including foreigners and citizens of Greece)		
	2009	2010
Foreign nationals	-	132,524
Citizens of Greece		0
Total		132,524

Number of migration-related apprehensions in Greece, by place of apprehension ⁶⁹		
	2009	2010
At the green (land) border	50,564	83,639
At the sea border	30,544	6,204
At airports	-	6,163
Inside the country	45,037	34,074
At other places	-	2,444
Total	126,145	132,524

⁶⁹ Compiled by Triandafyllidou & Maroukis 2012 (forthcoming) on the basis of Greek Police data, available at www.astynomia.gr.

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Greece)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Greece on the border with that country	OUT: Number of apprehensions of people LEAVING Greece on the border with that country	Total number of apprehensions on the border with that country
1. Albania	33,979	n.a.	33,979
2. The former Yugoslav Republic of Macedonia	1,589	n.a.	1,589
3. Bulgaria	983	n.a.	983
4. Turkey	53,292	n.a.	53,292
Other	-	-	-
Total	-	-	-

Persons rejected at the border and the top 10 nationalities/citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. -	-	1. The former Yugoslav Republic of Macedonia	1,414
2.		2. Albania	1,016
3.		3. Serbia	308
4.		4. Turkey	197
5.		5. Georgia	74
6.		6. Egypt	69
7.		7. Syria	60
8.		8. Russia	58
9.		9. Pakistan	48
10.		10. India	23
Other		Other	537
Total of ALL rejected persons at the border (of any nationality)		Total of ALL rejected persons at the border (of any nationality)	3,804

Removed persons and the top 10 nationalities/citizenships forcibly returned from Greece			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1.		1. Albania	13,125
2.		2. Iraq	676
3.		3. Afghanistan	421
4.		4. Pakistan	405
5.		5. Bulgaria	368
6.		6. Georgia	333
7.		7. Turkey	286
8.		8. Romania	234
9.		9. Syria	162
		10. Iran	133
		Other	-
Total of ALL removed persons at the border (of any nationality)		Total of ALL removed persons at the border (of any nationality)	17,340

Information provided by:

ELIAMEP

Aliens Division at Hellenic Police Headquarters, Ministry of Citizens' Protection

HUNGARY



General Information⁷⁰

Location:	Central Europe, bordering Austria, Slovakia, Ukraine, Romania, Serbia, Croatia, and Slovenia
Area:	<i>Total: 93,028 sq km – land: 89,608 sq km – water: 3,420 sq km</i>
Land boundaries:	<i>Total: 2,185 km</i> <i>Border countries: Austria 366 km, Croatia 329 km, Romania 443 km, Serbia 166 km, Slovakia 676 km, Slovenia 102 km, Ukraine 103 km</i>
Population:	9,958,453 (July 2012 est.)

General legislative and institutional developments

Legislation

In 2010 there was no new legislative development in the area of border control. The “Return Directive” (Directive 2008/115/EC) was transposed into national legislation by the decrees of 24 December 2010 amending the immigration laws.

Institutional development

Due to increasing irregular migration in 2010, several temporary detention centres had to be opened by the Police, which were closed once the pressure from the incoming flows ended.

⁷⁰ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/hu.html> (March 2012)

Irregular migration flows

Flows of irregular migration

Compared with the earlier years, irregular migration flows increased in 2009 and 2010. The total number of migration-related border apprehensions recorded in 2010 was 8,799, only slightly lower than in the previous year (8,826 cases in 2009). The largest number of migration related border apprehensions were registered on road border crossings (5,056 persons in 2010) and at the green border (3,182 persons in 2010). Of the total number of migration related border apprehensions, the largest numbers are recorded upon entry from Serbia (2,193 apprehensions) and upon exit into Ukraine (1,792 apprehensions).

The main route for irregular migration was through the Western Balkans, most commonly via Turkey – Greece – the former Yugoslav Republic of Macedonia – Serbia – Hungary and Turkey – Bulgaria – Romania – Hungary. Most migrants in an irregular situation arrive in Hungary without valid travel documents or in some cases without any kind of documents to prove their identity. Top nationalities of border violators apprehended in 2010 include citizens from Ukraine (2,780 persons in 2010 and 2,277 in 2009, representing the largest increase +22%), Serbia (1,184 persons in 2010 and 1,832 in 2009, representing the largest decrease -35%), Romania (918 persons in 2010, 533 in 2009), Afghanistan (716 persons in 2010, 970 in 2009) and Kosovo⁷¹ (542 in 2010, 837 in 2009). In addition, according to the Hungarian authorities, the numbers of irregular migrants from Maghreb countries (Algeria, Tunisia, and Morocco) as well as the Occupied Palestinian Territories increased in 2010.

Modes of illegal border crossings

Migrants enter Hungary illegally either in groups, hidden in vehicles crossing the green border, or by using forged documents. There is also a significant number of migrants arriving in Hungary legally and later leaving the country illegally to other EU member states.

According to the experiences of the authorities, when arriving on their own, migrants are often briefed by smugglers on how to get to their destination country. In most cases migrants possess maps printed from Google, saved on their mobile phones or handmade, on which the main points along their way are marked. The mobile phones are used not only to get guidance but also to keep the contact with the organisers in case they are lost. Upon their illegal entry they call a taxi driver using a phone number given in advance. The migrants are transported usually to Budapest and, after a short stay, further on to their destination country. Cases are also known where migrants have been transported to other EU countries directly from the green border.

Regarding the use of fake documents, relevant authorities point to a wide-range of difference in the quality of forged documents. Forged documents of higher quality are provided by the facilitators for a price of approximately EUR 1,000 - 2,000, which does not include the cost of transportation. To make their fake identity more

⁷¹ Under UNSCR1244.

credible, migrants possess not only a single forged document but a set of documents (e.g. driving license, ID card, birth certificate). It has been observed that migrants often use documents of “new” EU member states assuming they are not well known by the authorities. Thus a considerable increase in the use of Romanian, Bulgarian and Hungarian forged documents and visas has been recorded.

Use of false information can also be employed during the visa application stage. As the final aim is to obtain entry permission the Schengen area, supporting documents such as fake invitation letters issued and hotel booking confirmations are sometimes submitted.

Migrants who are not able to pay the higher prices of good quality fake documents or of other means of transportation, are hidden in trucks or specially-built compartments in smaller vehicles and smuggled via the border control points along the Romanian and Serbian border section. From the cases recorded by the authorities, drivers are Greek, Polish and Slovakian citizens who receive their tasks from organisers of Arab origin living in Greece.

Smuggling

In 2010, 350 persons that had been smuggled into Hungary were apprehended, a 30 percent decrease from the previous year (499 persons in 2009). Among the 179 “human smugglers” apprehended in 2010 (26 percent decrease from 2009), the highest percentage were Romanian citizens (25%, 45 persons), Serbian (21%, 37 persons), Turkish (8%, 14 persons), Hungarian and Bulgarian (6%, 12 nationals of each country).

Organisational setup of human smuggling

Groups of smugglers are organised around common nationalities and usually do not hold on to the same staff for a long time. The group leaders often are EU nationals.

According to the Hungarian authorities, smugglers are well organised. Organised criminal groups involved in human smuggling coordinate their work with:

- Recruiters in the source country
- People supplying transportation and accommodation all along the migration route
- Guides
- Officials at the border control points (police, customs)
- People receiving the migrants in the destination countries

Technical facilities of human smuggling

As in the previous years, the most common means of transportation continue to be cars and trucks. In order to communicate, perpetrators use mobile phones and the internet, but may also organise personal meetings in public places to discuss details of the smuggling activity.

Smuggling fees

The cost of illegal transportation depends on the nationality of the migrants and the country of departure. According to the authorities, the amount paid by migrants most probably varies from EUR 500 to EUR 4,000. During an investigation conducted with a Vietnamese group it was revealed that the requested amount from Budapest to the UK was between EUR 7,000 - 12,000, which included flight tickets, accommodation fees during the trip and, as the smugglers use look-alike passports, the cost of hairdressers and wigs.

Detention

General detention policy

Rules of detention are based on the Act II of 2007 on the Entry and Stay of Third-Country Nationals and its implementation orders. According to the immigration rules, the immigration authority shall have power to detain a third-country national in order to secure her/his expulsion or her/his transfer within the scope of the "Dublin Regulation" if:

- She/he is hiding from the authorities or is obstructing the enforcement of the expulsion or transfer in any other way;
- She/he has refused to leave the country, or, based on other substantiated reasons, is presumably delaying or preventing the enforcement of expulsion or transfer;
- She/he has seriously or repeatedly violated the rules of conduct of the place of compulsory residence;
- She/he has failed to present herself/himself at the authority as ordered, by means of which she/he impedes the pending immigration proceeding or the "Dublin" proceeding;
- She/he is released from imprisonment for which she/he was sentenced for a deliberate crime.

In addition, the immigration authority may order the detention of the third-country national prior to expulsion in order to secure the conclusion of the immigration proceedings pending, if his/her identity or the legal grounds of his/her residence are not established.

Detention prior to expulsion may be ordered:

- By the Police if the third-country national's identity is not established;
- By the competent regional directorate if the third-country national's right of residence is uncertain.

Detention shall be terminated immediately when the grounds for it no longer exist.

As a general rule, the detention of a third-country national who is a minor may not be ordered. In that specific case, when the aim of the detention cannot be achieved by confiscating the travel documents or appointing a place of compulsory residence

taking into consideration first and foremost the best interest of the child, detention of a family with children can be ordered only as a last resort, up to 30 days.

With the exceptions set out below, the duration of detention shall be determined in hours and the authority ordering the detention of a third-country national shall strive to keep it as short as possible. Any duration of the extension of a detention order by the local court shall be specified in days, with any fraction of a day counted as a whole.

Maximum duration of detention

Detention under immigration laws may be ordered for a maximum duration of 72 hours, and it may be extended by the court of jurisdiction by reference to the place of detention until the third-country national's departure or for a maximum of 30 days. Detention can last up to six months, which can be prolonged in the above mentioned way for other six months in specific cases, where the enforcement of the expulsion order was not possible because:

- The third-country national did not cooperate with the authority;
- The necessary travel documentation was unobtainable because of the fault of the state of origin or the state that is obliged to take back the third-country national.

Detention ordered under immigration laws shall be terminated immediately:

- When the conditions for carrying out the expulsion are secured;
- When it becomes evident that the expulsion cannot be executed; or
- After six months from the date when the expulsion was ordered.

In connection with the termination of detention under the last two points, the immigration authority ordering the detention shall designate a compulsory place of confinement for the third-country national affected.

Detention prior to expulsion may be ordered for a maximum duration of 72 hours, and it may be extended by the court of jurisdiction by reference to the place of detention until the third-country national's identity or the legal grounds of his/her residence is conclusively established, or for maximum 30 days. The duration of detention prior to expulsion shall be included in the duration of detention.

Detention centres

In Hungary there are five detention centres administered by the police which are used only for foreign citizens committing migration related offences. In the cases of deportation by air, the Airport Police Directorate in Budapest is used as a short term detention centre before departure.

1. Győr - Transdanubia Region (for male detainees; capacity: 40 persons)
2. Kiskunhalas – South Plain Region (for male detainees; capacity: 138 persons)
3. Nyírbátor – North Plain Region (for male detainees; capacity: 161 persons)

4.Békéscsaba - South Plain Region (for female detainees, couples, families, vulnerable groups; capacity: 86 persons)

5.Airport Police Directorate, Budapest (for male/female detainees – before deportation; capacity: 23 persons).

Detention of asylum seekers

The rules of possible detention of third country nationals in Hungary are determined by Act II of 2007 on the Entry and Stay of Third-Country Nationals. Though they may affect asylum-seekers as well (asylum applicants in connection with whom restriction of free movement was ordered under immigration procedure before asylum procedure), this procedure is conducted by the immigration authority and is separated from the asylum procedure.

The immigration authority shall have power to detain a third-country national in order to secure her/his expulsion or her/his transfer within the scope of the Dublin Regulation.

In Hungary asylum seekers are usually not detained, but only under certain circumstances. If a migrant in an irregular situation lodges an asylum application during his detention, he/she will remain in custody until he/she gains different title of residence. In the case of detainees, priority shall be given to conducting the asylum procedure.

Expulsion cannot be executed until the conclusion of the first asylum proceeding. In case the first asylum proceeding ends with rejection or is terminated, the second application for asylum will not have a suspending effect on the execution of the expulsion, unless the court or the authority previously ordered that the principle of non-refoulement applies.

Detention can be ordered by the Immigration Authority for an initial period of 72 hours. Afterwards, it is the court that must decide whether there is a well-founded reason for the prolongation of the detention. Court can prolong the detention by 30 days at a time.

Detention cannot be ordered for children under the age of 18 years. The maximum duration of the detention is 6 months, which can be extended by further 6 months. Detention is ordered by the alien police authority and there is a judicial overview in 24 hours after the order was issued and afterwards every month regularly.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	17,138,138	17,177,303
Exit	15,759,336	16,101,333
Total	32,897,474	33,278,636

Total number of persons claiming asylum		
	2009	2010
At the border	37	37
Inland	4,635	2,067
Unknown	0	0
Total	4,672	2,104

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	234	189
Persons whose applications were negative/rejected	1,383	772
Persons whose applications were otherwise closed	3,280	1,384

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Hungary)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Ukraine	2,277	1. Ukraine	2,780
2. Serbia	1,832	2. Serbia	1,184
3. Afghanistan	970	3. Romania	918
4. Kosovo ⁷²	837	4. Afghanistan	716
5. Romania	533	5. Kosovo ⁷³	542
6. Moldova	505	6. Moldova	500
7. Turkey	504	7. Turkey	428
8. The former Yugoslav Republic of Macedonia	215	8. Occupied Palestinian Territory	364
9. Croatia	189	9. Hungary	233
10. Hungary	136	10. The former Yugoslav Republic of Macedonia	177
Other	1,341	Other	2,004
Total	9,339	Total	9,846

Total number of migration-related border apprehensions (including foreigners and citizens of Hungary)		
	2009	2010
Foreign nationals	8,767	8,753
Citizens of Hungary	59	46
Total	8,826	8,799

⁷² Under UNSCR 1244⁷³ Under UNSCR 1244

Total number of migration-related border apprehensions (including foreigners and citizens of Hungary), by gender		
Gender	2009	2010
Male	6,988	7,063
Female	1,837	1,730
Unknown	1	6
Total	8,826	8,799

Number of minors apprehended at the border due to border violation including foreigners and citizens of Hungary		
Gender	2009	2010
Male	674	587
Female	153	103
Unknown	0	0
Total	827	690

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Hungary)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	4,554	5,056
On rail border crossings	165	276
On the green (land) border	3,887	3,182
At the sea border	0	0
On airports	205	272
In the country	0	0
On other places	15	13
Total	8,826	8,799

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of Hungary)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Hungary on the border with that country	OUT: Number of apprehensions of people LEAVING Hungary on the border with that country	Total number of apprehensions on the border with that country
1. Serbia	2,668	832	3,500
2. Ukraine	982	1,170	2,152
3. Romania	949	796	1,745
4. Croatia	31	136	167
Other	90	109	1,262
Total	4,720	3,043	8,826

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Hungary)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Hungary on the border with that country	OUT: Number of apprehensions of people LEAVING Hungary on the border with that country	Total number of apprehensions on the border with that country
1. Serbia	2,193	908	3,101
2. Ukraine	519	1,792	2,311
3. Romania	1,100	1,046	2,146
4. Croatia	12	142	154
Other	75	151	1,087
Total	3,899	4,039	8,799

Number of apprehended persons being smuggled into Hungary

	Apprehensions in 2009	Apprehensions in 2010
Total	499	350
Of total: women	46	31
Of total: minors	73	69

Total number of 'human smugglers' apprehended (including foreigners and citizens of Hungary)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	192	159
Citizens of Hungary	32	12
Citizenship unknown	17	8
Total	241	179

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Hungary)

Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Romania	46	1. Romania	45
2. Serbia	38	2. Serbia	37
3. Hungary	32	3. Turkey	14
4. Turkey	29	4. Hungary	12
5. Bulgaria	11	5. Bulgaria	12
Other	85	Other	59
Total	241	Total	179

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Ukraine	3,584	1. Ukraine	4,589
2. Serbia	1,474	2. Serbia	1,293
3. Croatia	695	3. Croatia	590
4. Moldova	278	4. Turkey	361
5. Turkey	234	5. Moldova	268
6. The former Yugoslav Republic of Macedonia	180	6. Russian Federation	219
7. Russian Federation	146	7. The former Yugoslav Republic of Macedonia	137
8. Bosnia and Herzegovina	97	8. Bosnia and Herzegovina	125
9. Albania	23	9. China	26
10. China	16	10. Nigeria	23
Other	266	Other	380
Total of ALL rejected persons at the border (of any nationality)	6,993	Total of ALL rejected persons at the border (of any nationality)	8,011

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Hungary			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Serbia	207	1. Kosovo ⁷⁴	225
2. Kosovo ⁷⁵	197	2. Serbia	107
3. Romania	44	3. Afghanistan	33
4. Moldova	42	4. Romania	25
5. Ukraine	27	5. Moldova	25
6. Turkey	23	6. Ukraine	20
7. Slovakia	9	7. Albania	19
8. The former Yugoslav Republic of Macedonia	8	8. Nigeria	12
9. Bosnia and Herzegovina	3	9. Slovakia	9
10. Albania	1	10. Tunisia	8
Other	73	Other	80
Total of ALL removed persons (of any nationality or country)	634	Total of ALL removed persons (of any nationality or country)	563

⁷⁴ Under UNSCR 1244⁷⁵ Under UNSCR 1244

Number of detained asylum seekers in 2009 and 2010⁶		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
Total	401	832

Main nationalities of detained asylum seekers in 2009 and 2010⁷		
Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Afghanistan	112	233
2. Occupied Palestinian Territories	78	130
3. Kosovo ⁷⁸	74	80
4. Georgia	13	39
5. Turkey	21	36
Other	103	314
Total	401	832

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
Total	612	1,356

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Kosovo ⁷⁹	231	310
2. Serbia	91	58
3. Moldova	43	24
4. Turkey	31	32
5. Vietnam	29	39
Other	187	893
Total	612	1,356

Information provided by:

Refugee Affairs Directorate, Office of Immigration and Nationality

Department of International Affairs, International Relations and Funds Unit

⁷⁶ Refers to the number of asylum seekers who lodged their application during their detention.

⁷⁷ Refers to the number of asylum seekers who lodged their application during their detention.

⁷⁸ Under UNSCR 1244

⁷⁹ Under UNSCR 1244

KOSOVO (UNDER 1244)



General Information⁸⁰

Location:	South-East Europe, bordering Albania, Montenegro, Serbia, and the former Yugoslav Republic of Macedonia
Area:	<i>Total: 10,887 sq km</i>
Land boundaries:	<i>Total: 702 km</i> <i>Border countries: Albania 112 km, the former Yugoslav Republic of Macedonia 159 km, Montenegro 79 km, Serbia 352 km</i>
Population:	1,836,529 (July 2012 est.)

General legislative and institutional developments

The development and advancement of the legal structure and laws has contributed significantly to the efficiency of combating irregular migration. In 2010 the following laws were adopted in the field of migration:

- Law No. 03/L-208 on Readmission
- Law No. 03/L-217 on Amending and Supplementing the Law No. 03/L-037 on Travel Documents.⁸¹

⁸⁰ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html> (Apr 2012)

⁸¹ Source: Ministry of Internal Affairs, <http://www.mpb-ks.org/?page=2,169&date=2010-00-00> (Apr 2012)

In addition, several readmission agreements have been signed between the government of Kosovo⁸² and Austria, Norway, France, Denmark, Germany and Switzerland⁸³.

Irregular migration flows

Flows of illegal migration

In 2010 there were 320 cases of border violations recorded by the Border Police, the same figure as in the previous year. The largest number of offenders in 2010 were citizens of Kosovo⁸⁴ (92 persons, 32% decrease from 2009), Albania (77 persons), Afghanistan (24 persons), the former Yugoslav Republic of Macedonia (24 persons), Serbia (23 persons) and Montenegro (22 persons).

The number of persons rejected at the border was 1009 in 2010, only marginally larger than in 2009 when 995 persons were rejected. As in the previous year, the large majority of rejections are for Albanian nationals (310 persons in 2010 and 503 in 2009). Also the largest category of removed persons was of Albanian origin in 2010, namely 145 persons or 34% of the total 423 removals. This figure represents an exceptional increase from last year's figure of only 7 removals.

Modes of illegal border crossings

The most frequent means employed for crossing the border illegally is by using false documents and transportation is most often carried out by road. Irregular migration movements occur frequently on the border with Serbia in the Gnjilane region, given the mixed population living on both sides of the border.

Smuggling

In 2010 there were 17 "human smugglers" apprehended, a slight decrease from the figure recorded in the previous year (20 persons apprehended in 2009). As in 2009, the majority of the smugglers were from Kosovo⁸⁵ (13 persons in 2010 and 16 in 2009). The remaining smugglers were citizens of Serbia (2 persons) and France (2 persons).

The cases investigated by the Kosovo⁸⁶ authorities provide indications that smugglers are well organised and have good connections in the countries where they operate. They are careful in their use of phone communications and often use cars or small vehicles, especially for shorter distances. Information provided by the Kosovo⁸⁷ Police indicates that cooperation between Albanian and Serbian smugglers is particularly well developed in North Mitrovica. Cases of migrant smuggling have been also reported by train and by boat, on the Gazivoda Lake.

Testimonials from smuggled persons also reveal the serious risks and threats that they are exposed to, such as in cases where they are abandoned by the smugglers

⁸² Under UNSCR 1244

⁸³ Source: Ministry of Internal Affairs, <http://www.mpb-ks.org/?page=2,171&date=2010-00-00> (Apr 2012)

⁸⁴ Under UNSCR 1244

⁸⁵ Under UNSCR 1244

⁸⁶ Under UNSCR 1244

⁸⁷ Under UNSCR 1244

once all their money is taken. Smuggling fees for European destinations range from EUR 3,500 - 4,000, especially in the cases where forged or misused documents and more secure conditions are provided. For riskier trips the rates can be also cheaper.

Changes and developments

The visa liberalisation in neighbouring countries has also affected the movements involving smuggling of migrants. Characteristic of the last two years is that many Kosovars have provided and have attempted to obtain new Serbian travel documents or to misuse documents from the former Yugoslav Republic of Macedonia.

Detention

General detention policy

Foreign nationals who illegally stay in Kosovo⁸⁸ are not detained, instead they can continue to reside at the address given and their movement is limited to a particular area until their removal from Kosovo⁸⁹. The responsible authorities in this context are the Department for Migration and Foreigners operating within the Border Police and the Courts.

National definition and regulations concerning detention of immigrants

Based on the statement of Kosovo⁹⁰ authorities, national definitions on detention of foreigners are in line with EU definitions. The most common reason for the detention of immigrants is the illegal crossing of the border. Foreigners are also held in detention for criminal offenses.

Detention centres

There are eight detention centres in Kosovo⁹¹: Prizren, PEJ, Mitrovica, Lipjan, Pristina, Dubrava, Gnjilane and Smrekonicë, which are used for persons who have committed crimes. The management is ensured by the Kosovo⁹² Prison Department, which operates under the Ministry of Justice.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	5469011	4393352
Exit	5326365	2674433
Total	10,795,376	7,067,785

⁸⁸ Under UNSCR 1244

⁸⁹ Under UNSCR 1244

⁹⁰ Under UNSCR 1244

⁹¹ Under UNSCR 1244

⁹² Under UNSCR 1244

Total number of persons claiming asylum		
	2009	2010
At the border	10	65
Inland	21	202
Unknown	0	
Total	31	267

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Kosovo⁹³)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Kosovo ⁹⁴	136	1. Kosovo ⁹⁵	92
2. Albania	69	2. Albania	77
3. Germany	24	5. Afghanistan	24
4. The former Yugoslav Republic of Macedonia	19	6. The former Yugoslav Republic of Macedonia	24
5. Montenegro	15	7. Serbia	23
6. Italy	12	3. Montenegro	22
7. France	8	10. France	5
8. Belgium	6	9. Belgium	4
9. Afghanistan	3	4. Germany	3
10. Serbia	3	8. Italy	2
Other	25	Other	44
Total	320	Total	320

Number of apprehended persons being smuggled into Kosovo⁹⁶		
	Apprehensions in 2009	Apprehensions in 2010
Total	n.a.	n.a.
Of total: women	4	1
Of total: minors	3	2

Total number of 'human smugglers' apprehended (including foreigners and citizens of Kosovo⁹⁷)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	4	4
Citizens of Kosovo ⁹⁸	16	13
Citizenship unknown		
Total	20	17

⁹³ Under UNSCR 1244⁹⁴ Under UNSCR 1244⁹⁵ Under UNSCR 1244⁹⁶ Under UNSCR 1244⁹⁷ Under UNSCR 1244⁹⁸ Under UNSCR 1244

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Kosovo ⁹⁹)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Kosovo ¹⁰⁰	15	1. Kosovo ¹⁰¹	13
2. Serbia	1	2. Serbia	2
3. Turkey	2	3. France	2
4. Albania	2	4.	
Other		Other	
Total	20	Total	17

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Albania	503	1. Albania	310
2. Germany	38	2. Bosnia and Herzegovina	81
3. Italy	31	3. Italy	48
4. Bosnia and Herzegovina	20	4. Germany	24
5. Montenegro	17	5. France	21
6. France	14	6. Montenegro	21
7. Turkey	12	7. Turkey	21
8. Belgium	9	8. Belgium	7
Other	351	Other	476
Total of ALL rejected persons at the border (of any nationality)	995	Total of ALL rejected persons at the border (of any nationality)	1,009

⁹⁹ Under UNSCR 1244¹⁰⁰ Under UNSCR 1244¹⁰¹ Under UNSCR 1244

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Kosovo¹⁰²			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Moldova	2	1. Albania	145
2. Ukraine	1	2. Serbia	57
3. Cameroon	1	3. Bulgaria	29
4. Albania	1	4. Moldova	22
5. China	1	5. Russia	12
6. Slovenia	1	6. Ukraine	11
		7. Philippines	9
		8. Nigeria	8
		9. China	6
		10. Thailand	5
		Other	119
Total of ALL removed persons at the border (of any nationality)	7	Total of ALL removed persons at the border (of any nationality)	423

Information provided by:

Name and address of the Institution / Competent Authority, which gave the above answers:

Border Police, Kosovo Police

¹⁰² Under UNSCR 1244

LATVIA



General Information¹⁰³

Location:	Eastern Europe, bordering the Baltic Sea, between Estonia and Lithuania
Area:	<i>Total:</i> 64,249 sq km – <i>land:</i> 62,249 sq km – <i>water:</i> 2,340 sq km
Land boundaries:	<i>Total:</i> 1,382 km <i>Border countries:</i> Belarus 171 km, Estonia 343 km, Lithuania 576 km, the Russian Federation 292 km
Coastline:	498 km (Baltic Sea)
Population:	2,191,580 (July 2012 est.)

General legislative and institutional developments

Legislation

In 2008, the Directive of the European Parliament and of the Council 2008/115/EK of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals entered into force. In March 2010,

¹⁰³ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/lg.html> (April 2012)

Latvia held events to introduce the requirements of the directive into the national legislation. The Education Law of the Republic of Latvia was changed to include the right of a minor alien irregularly residing in Latvia to receive a basic education during the period of his/her detention or during the delayed term for the execution of the voluntary return. Other requirements of the directive were introduced in 2011.

In 2010, the Executive protocol was signed with the Republic of Moldova on the implementation of the EU Agreement with the Republic of Moldova on the return of persons residing on the territory irregularly.

Institutional Developments

In 2010, improvements were made in the planning and realisation of the educational and professional development activities for the officials of the State Border Guard. Furthermore, the structure of the State Border Guard was optimised in various ways:

- Consolidated structures:
 - Inspection Service and Secret Regime Service of the State Border Guard
 - Information and communication service logistical service of the Riga Board of the State Border Guard
- Eliminated structures:
 - Internal audit unit of the State Border Guard
 - 3 Boards and 4 separate services of the Central Board of the State Border Guard
 - 11 structural units of the State Border Guard's College.

Irregular migration flows

Latvia is not considered as a destination country for irregular migration, but rather serves primarily as a transit country for those migrants travelling from Russia to Nordic countries or to Western Europe.

Over the last three years the State Border Guard has detected the following main routes and trends of irregular migration:

1. West African countries (Democratic Republic of the Congo, Cameroon, others) via: Kenya – United Arab Emirates (Dubai) – Russian Federation – Latvia (railway) – Western Europe (Belgium, France). Detected use of forged visas, residence permits, ID cards issued by French, Belgian or Italian responsible services. Travel by railway;
2. West African countries (Democratic Republic of the Congo, Cameroon, others) via: Morocco – Russian Federation – Latvia (railway) – Western Europe (Belgium, France, Italy). Detected use of forged visas, residence permits, ID cards issued by French, Belgian or Italian responsible services. Travel by railway;
3. Country of origin in Asia via: Tajikistan (Dushanbe) – Latvia (Riga) – Western European countries. Detected use of forged Danish (or other EU

Member State) visas, German residence permits, Finnish travel documents (passports). Travel primarily by air transport;

4. Country of origin in Asia via: Turkey (Istanbul) – Latvia (Riga) – Scandinavian countries and Finland. Detected use of passports of the former Yugoslav Republic of Macedonia, stolen Polish visas and forged documents of other European Union Member States. Travel primarily by air transport;

5. Country of origin in Asia via: Uzbekistan (Tashkent) – Latvia (Riga) – Western European countries. Detected use of Belgian residence permits, German and Czech visa documents. Travel primarily by air transport;

6. Country of origin in Asia or Africa via: United Arab Emirates (Dubai) – Latvia (Riga) – Scandinavian countries. Detected use of Bangladeshi passports, special Turkish passports or Portuguese passports. Travel primarily by air transport;

7. Member States of the Commonwealth of Independent States and Georgia via: Belarus (Minsk) – Latvia (Riga, air transport) – Scandinavian countries (detected usage of German visas or those issued by other EU Member States) – Travel primarily by air transport or maritime traffic (e.g. ferry to Sweden);

8. Via Georgia (Tbilisi): Belarus (Minsk) – Latvia (Riga) – Travel by ferry to Nordic countries, air transport to Minsk, or coach transport to the border between Latvia and Belarus.

In 2010, the majority of migration-related apprehensions were at airports (2139 persons), followed by those apprehended at road border crossings (1646 persons) and within the country (1531 persons). This is a change from 2009, for which most apprehensions by far took place along road border crossings (2701 persons), in particular, at the road border crossing along the Latvian-Russian border for those entering the country.

In 2010, 4840 border violations were recorded, of which 3875 involved foreign nationals, in comparison to 3557 of 4639 total border violations in 2009. The majority of third-country nationals arriving irregularly in 2009 and 2010 were Russian nationals (998 and 1084 persons, respectively), followed by Belarusian nationals (351, 359 persons, respectively). Russian and Belarusian nationals were also the top nationalities of persons rejected at the border and removed from Latvia in 2010.

For internal European flights, the identification of false documents comes primarily from flights from Greece (Athens). These documents are used by nationals from North Africa (Tunisia, Morocco) and Asia (Turkey), who arrived in Greece irregularly with the aim of travelling to other European Union or Schengen Agreement Member States.

The main destination countries (and airport cities) for third country nationals who used false documents and were detected by the State Border Guard in 2010 were

France (Paris), Sweden (Stockholm), Finland (Tampere, Helsinki), UK (London), Belgium (Brussels), Italy (Milan), and Germany (Dusseldorf).

Special attention is devoted to irregular border crossings by citizens of the Democratic Republic of Congo using forged French, Italian or Belgian visas and residence permits. The routes chosen by these nationals often shift vary, using new routes to European Union countries either by air or road, with the aim of claiming asylum upon arrival. The destination countries in Europe for nationals of the Democratic Republic of Congo are primarily France, Italy, and Belgium.

In 2010, 105 false travel documents were detected at border crossing points:

- 29 passports;
- 18 ID cards;
- 29 Schengen visas;
- 24 residence permits for countries in the Schengen area;
- 2 Belgian border guard stamps, 1 Greek border guard stamp, 1 Italian alien document, 1 French confirmation to receive a residence permit.

The number of persons trying to enter irregularly via Russia or Belarus to Latvia across the green border largely depended on the availability of facilitators and their capacity to open new channel(s) to cross the border. Detection of such channels and/or persons was the priority of the intelligence units of the State Border Guard and a primary task of cross-border cooperation with regard to intelligence gathering and exchange of information, as well as the implementation of joint investigations or case studies.

A new modus operandi for irregular border crossing is the misuse of forged Schengen visas, ID cards and residence permits of EU member states, as well as unlawful conveyance of people across the state border, involving both citizens of the Republic of Latvia and third country nationals.

Smuggling

In 2010, 21 persons were apprehended being smuggled into Latvia, in comparison to 20 in 2009. Most of the apprehended smugglers in 2009 and 2010 were Latvian nationals; 15 smugglers were apprehended in 2010, 13 of which were Latvian nationals and two of which were Lithuanian. Detained smugglers of migrants aided the irregular border crossing of: 3 persons from Afghanistan, 1 from Iraq and an unidentified number of persons from Afghanistan via Belarus and Latvia to Finland. For 2009, 22 smugglers were apprehended, 21 of which were Latvian nationals and 1 of which was Ukrainian.

The organisations involved in smuggling of persons across the state border primarily consist of nationals of the same countries as the persons who are being smuggled. For the most part, the groups are well organised, with responsibilities divided among the participants. Operations in combating such groups often face difficulties connected to the fact that smuggled persons are of the same origin as the organisers. Furthermore, these persons are also frequently connected to the countries by clan- and ethnicity-based relations. Consequently, detected smuggled

persons rarely provide information about the organisers and those involved in the smuggling activities.

The number of participants in the smuggling organisation is different in each case. Usually, the groups consist of one or several organisers, who provide the smuggled persons with shelter, as well as those persons bringing them across the border, and, in some cases, the document forger. Smugglers can operate either on a permanent basis or can be involved in a singular case.

The number of smuggled persons can also vary and there is no precise data on the number of persons smuggled by one organisation or all the organisations together. Smuggling activities in the region depend on the conditions in the country from which the migrants are smuggled. It must be noted again that the Republic of Latvia serves primarily as a transit country for the smuggling of persons to Western European countries or to Scandinavian countries. If, for example, the destination country is in Scandinavia, then the activities of the smuggling organisations also take place in the Republic of Estonia, in addition to any other countries transited on the way to or from the Republic of Latvia.

Many different means of transport are employed by smugglers – car, train, airplane and ship, in addition to those crossing on foot via the “green border”. The choice of transport depends largely on whether the smuggled persons use a forged travel document, valid documents, or have no travel documents (usually persons without any travel documents are hidden in vehicles or cross the “green” border on foot, while those with valid or forged documents use any of the available means of transport).

Smugglers use mobile phones and personal computers (e.g. in order to send copies of passports and/or personal data, or in order to use Skype as an alternative to mobile phones) to communicate with each other and with the smuggled persons.

The standard fee for smuggling from Afghanistan is between 3000 and 5000 Euro, while the cost of a forged passport of a country that is member of the Schengen area can, depending on the quality, vary from 700 to 2000 Euro.

For 2010, several activities and trends were identified concerning smuggling in the Republic of Latvia:

- Most immigrants apprehended were Afghan nationals, using Latvia as a transit country from Belarus to Finland and Scandinavian countries. 28 Afghan nationals were identified at the border or within Latvian territory during the course of the year;
- A joint investigation (LV, LT, FI, EE) led to the identification and detention of 15 facilitators (13 Latvian nationals and 2 Lithuanian nationals) who provided illegal border crossing from Afghanistan via Baltic countries to Finland;
- The main reason for illegal border crossing at the “green border” was smuggling of goods (primarily cigarettes);
- Irregular border crossing via the “green border” is used only seldomly (21% of cases);

-
- The total number of irregular border crossings along the border with the Russian Federation (at both the “green border” and the official border crossing points) decreased over the course of the year;
 - The main entry point for irregular border crossings was Riga airport, attempting to enter through the use of forged documents;
 - There was an increased risk of irregular immigration from Belarus over the course of the year, due to the identification and detention of two groups of Georgian nationals attempting to irregularly cross the “green border” – 7 persons in total.

Trafficking

There are currently no available data on trafficking of persons into the Republic of Latvia. However, the State Border Guard does use the UN definitions of human smuggling and trafficking.

Furthermore, the State Border Guard views smuggled and trafficked persons as unrelated, and therefore data collected by them on smuggled persons should not include trafficked persons. The State Border Guard collects data on the number of persons smuggled and refers only to mutual transactions where the transporter and the person to be transported agreed to circumvent immigration controls for mutually advantageous reasons.

Detention

In the Republic of Latvia, detention of foreign citizens pending deportation is carried out by the State Border Guard. The detained foreigner is brought to specially equipped premises or in the accommodation centre separately from other detained persons, according to the framework of the criminal procedure of imprisoned persons.

Arrangement and facility requirements of the accommodation centre, catering provisions and guaranteed health care services are defined as per the regulations of the Cabinet of Ministers. The foreigner is placed in the accommodation centre on the basis of the detention protocol, where a health and sanitation check is performed. The accommodation is organised in accordance with the human rights principles and the internal security of the accommodation centre, as well as with regard to personal characteristics and psychological compatibility:

- Separation of men and women;
- Minors (14 years of age) are accommodated together with the detained parent or legitimate representative;
- If the a person has health problems, he/she is placed in the medical section;

- If the person has violated the internal order rules or he/she poses a threat to personal safety of him/herself or others, he/she is kept in a specially equipped room.

At the request of the persons to be detained, family members can be accommodated together (in the family section), including that a minor who is not being detained could be accommodated together with the parent(s) in order to maintain the family unity.

The conditions of detention and accommodation of foreigners in Latvia correspond to the definitions outlined in several EU and international provisions:

- Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977;
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the General Assembly resolution 45/113 in 14 December 1990;
- Council of Europe, Committee of Ministers Recommendation No R (87) 3 of the Committee of Ministers to Member States on European Prison Rules;
- Council Directive 2003/9/EC of 27 January 2003 delineating minimum standards for the reception of asylum seekers;
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning third-country nationals irregularly staying in Member States.

In Latvia there is one detention centre for foreigners for long-term detention. This centre was opened in 2011 and has capacity for 70 persons. The centre is situated in the Eastern part of Latvia at the Eastern external border of the European Union. Currently the capacity of the centre complies with present needs and at the moment there are no any future plans to build additional detention centres.

In 2010, 94 migrants and 42 asylum seekers were detained, for which the most common nationality was Afghanistan, 12 and 22, respectively. Most Afghan nationals were apprehended as they tried to cross the border of Latvia in order to reach Finland and other Scandinavian countries. Afghan nationals were also the highest number of migrants and asylum seekers in detention for 2009, of which there were 27 and 18, respectively.

The centre is intended for the detention of foreigner citizens and asylum seekers only. However, detention of persons within the framework of the criminal procedure is not allowed at this centre. For a short time period a foreigner can be accommodated in the structural units of the State Border Guard or in short-term detention centres of the State Police (separately from detained persons in the framework of the criminal procedure or imprisoned persons).

The detention centre for foreigners is a structural unit of the State Border Guard, responsible for managing the centre. Common catering and secondary health services are provided by companies sub-contracted by the State Border Guard.

In accordance with the Administrative Procedure Code Article 255, a person can be detained for up to 3 hours, in order to clarify the nature of the breach or their personal data. If it is determined that a foreigner is residing in the Republic of Latvia illegally, the person is detained in accordance with the Immigration Law Article 51 until the expulsion from the country. The total time period of detention of a foreigner is 6 months. In case the foreigner refuses to cooperate or delays the necessary documentation reception from third countries, the Court can take a decision to extend the detention for an additional 12 months (a maximum total of 18 months). In accordance with the Immigration Law, detention is allowed only with the purpose of expelling a person from the country.

In accordance with the Asylum Law (Section 9), the State Border Guard has the right to detain an asylum seeker for a period up to seven days and nights (after which the Court decides on the case) if at least one of the following conditions exists:

- 1) the identity of the asylum seeker has not been established;
- 2) there is reason to believe that the asylum procedure is misused; and/or
- 3) competent state authorities, including the State Border Guard, have a reason to believe that the asylum seeker represents a threat to national security or public order and safety.

The total time period of detention of asylum seekers shall not exceed the time period of the asylum procedure.

If asylum seekers are not detained in the detention centre, they are accommodated in an open centre, which is a structural unit of the Office of Citizenship and Migration Affairs (OCMA). Asylum seekers have to inform the chief of the open centre in case they are leaving the centre and have to come back until 11:00 p.m.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	1,988,984	2,086,039
Exit	1,837,470	2,187,943
Total	3,826,454	4,273,982

Total number of persons claiming asylum		
	2009	2010
At the border	-	12
Inland	34	42
Unknown	23	11
Total	57	65

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	10	25
Persons whose applications were negative/ rejected		
Persons whose applications were otherwise closed	5	-

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Latvia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Latvia	1082	1. Latvia	965
2. Russian Federation	998	2. Russian Federation	1084
3. Belarus	351	3. Belarus	359
4. Lithuania	239	4. Georgia	133
5. Georgia	207	5. Ukraine	129
6. Estonia	184	6. Kazakhstan	116
7. Ukraine	128	7. Kyrgyzstan	94
8. Uzbekistan	103	8. Armenia	45
9. Kazakhstan	71	9. Tajikistan	42
10. Armenia	62	10. Lithuania	39
Other	1214	Other	1834
Total	4639	Total	4840

Total number of migration-related border apprehensions (including foreigners and citizens of Latvia)		
	2009	2010
Foreign nationals	3557	3875
Citizens of Latvia	1082	965
Total	4639	4840

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Latvia)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	2701	1646
On rail border crossings	628	724
On the green (land) border	63	61
At the sea border	129	331
On airports	1118	2139
In the country	1827	1531
On other places		
Total	6466	6371

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Latvia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Latvia on the border with that country	OUT: Number of apprehensions of people LEAVING Latvia on the border with that country	Total number of apprehensions on the border with that country
1. Russian Federation	1628	618	2246
2. Belarus	631	452	1083
3. Airports	513	605	1118
4. Ports	43	86	129
Total	2815	1761	4576

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Latvia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Latvia on the border with that country	OUT: Number of apprehensions of people LEAVING Latvia on the border with that country	Total number of apprehensions on the border with that country
1. Russian Federation	700	698	1398
2. Belarus	627	345	972
3. Airports	1303	836	2139
4. Ports	188	143	331
Total	2818	2022	4840

Number of apprehended persons being smuggled into Latvia

	Apprehensions in 2009	Apprehensions in 2010
Total	20	21
Of total: women	n.a.	n.a.
Of total: minors	n.a.	n.a.

Total number of 'human smugglers' apprehended (including foreigners and citizens of Latvia)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	1	2
Citizens of Latvia	21	13
Citizenship unknown	0	0
Total	22	15

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Latvia)

Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Latvia	21	1. Latvia	13
2. Ukraine	1	2. Lithuania	2
Total	22	Total	15

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Russian Federation	295	1. Russian Federation	265
2. Belarus	80	2. Belarus	132
3. Ukraine	32	3. Kazakhstan	74
4. Kazakhstan	30	4. Tajikistan	30
5. Israel	24	5. Ukraine	28
6. Turkey	23	6. Kyrgyzstan	26
7. Kyrgyzstan	18	7. Turkey	18
8. Tajikistan	18	8. Uzbekistan	12
9. Afghanistan	18	9. Azerbaijan	12
10. Republic of Moldova	17	10. Georgia	20
Total of ALL rejected persons at the border (of any nationality)	555	Total of ALL rejected persons at the border (of any nationality)	880

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Latvia			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Russian Federation	31	1. Russian Federation	32
2. Republic of Moldova	29	2. Belarus	15
3. Ukraine	9	3. Afghanistan	7
4. Syria	8	4. Ukraine	6
5. Afghanistan	7	5. Georgia	5
6. Kyrgyzstan	6	6. Kazakhstan	4
7. Azerbaijan	5	7. China	4
8. Georgia	5	8. Nigeria	4
9. Belarus	4	9. Moldova	3
10. Ukraine	4	10. Uzbekistan	3
Total of ALL removed persons at the border (of any nationality)	145	Total of ALL removed persons at the border (of any nationality)	109

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1.	34	42
Total	34	42

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
Afghanistan	18	22
Total	18	22

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1.	153	94
Total	153	94

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Democratic Republic of Congo	5	7
2. Afghanistan	27	12
3. Pakistan	1	6
4. Iran	3	5
5. China	3	2
Total	39	32

Information provided by:

Analytical Service of the Operational Management Board of the Central Board of the State Border Guard of the Republic of Latvia

LITHUANIA



General Information¹⁰⁴

Location:	Eastern Europe, bordering the Baltic Sea, between Latvia and Russia
Area:	Total: 65,300 sq km - water: 2,620 sq km - land: 62,680 sq km
Land boundaries:	Total: 1,574 km Border countries: Belarus 680 km, Latvia 576 km, Poland 91 km, Russia (Kaliningrad) 227 km
Coastline:	90 km
Population:	3,535,547 (estimate for July 2011)

¹⁰⁴ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/lh.html> (Jan. 2012)

General legislative and institutional developments

Immigration

During 2010, amendments were made to the provisions of legislation regulating the issuing and replacement of: personal identity cards; passports; certificates confirming the right of an EU Member State national to permanently reside in Lithuania; residence permits of family members of the citizen of an EU Member State; visas; long-term residence permits; temporary residence permits; certificates of retention of the right to Lithuanian citizenship; travel documents for stateless people; refugee travel documents; and foreigners' passports, all aiming at the reduction of the administrative burden for residents. A number of requirements were dispensed with: the requirement to provide documents containing data already in databases; documents confirming that the state duty has been paid; civil register certificates – provided that the civil status of the person in question can be verified in the database of the Residents Register.

A number of legislative developments in the area of immigration took place in Lithuania during 2010. The List of Professions that are Understaffed was approved by the Order of the Minister of Social Security and Labour for the first semester of 2010 on 30 December 2009, according to the types of economic activity, in order to create better possibilities for employers to obtain qualified workers from abroad. This list was updated for the second semester of 2010 on 2 July 2010.

The Agreement on Activity in the Field of Immigration Control was signed on 15 January 2010 by the State Border Guard Service and the Police Department, both within the Ministry of the Interior.

The Order of Travel Documents that Authorise Foreigners to Enter the Republic of Lithuania was recognised on 27 April 2010 and the list of these documents was approved by Order of the Minister of Foreign Affairs and the Minister of the Interior. The State Border Guard Service within the Ministry of the Interior was assigned as the competent institution for collecting and maintaining examples of travel documents.

The draft of amendments to the Law on the Legal Status of Foreigners was submitted to the Lithuanian Parliament on 1 September 2010, transposing the provisions of regulations approved by the European Parliament and the Council, and other EU legislative acts on the free movement of people, visas, migration and issuing travel documents, into national law. Due to a possible incompatibility of the draft law submitted with the Lithuanian Constitution, and the constitutional principles of legal certainty and the rule of law, deliberations on the draft law were not initiated and the draft was returned to the Lithuanian Government in order to be improved.

The Commissioner General of the Lithuanian Police signed the order on 5 November 2010 to establish the Migration Subdivision of the Police Department within the Ministry of the Interior as of 1 March 2011.

Borders

Throughout 2010, bilateral and multilateral cooperation on border security issues was maintained, reinforced and expanded with the EU Member States, Schengen

Associated Countries and third countries. The State Border Guard Service participated in the activities of Frontex and other international events, helping to combat illegal migration.

Using the External Borders Fund, stationary fingerprint scanners and software were installed at the second-line checks at all 35 Border Crossing Points (BCPs), and portable fingerprint scanners were provided for the first-line checks at the main international BCPs. This equipment will be used to check suspicious passengers against the national Automated Fingerprint Identification System (AFIS) administered by the Lithuanian Police.

During 2010, the Directorate of Border Crossing Points at the Ministry of Transport and Communications installed a system to register queues of vehicles waiting to leave Lithuania and enter the Russian Federation at Kaliningrad. The system was installed at Kybartai, Panemunė and Ramoniškės road BCPs.

The Lithuanian Parliament ratified the Treaty on the legal regime of the Lithuanian-Belarusian border on 3 June 2010, which had been signed by Lithuania and Belarus on 16 September 2009 in Vilnius.

The Agreement on the Border Residents Travel Order was signed on 20 October 2010 in Minsk, Belarus, by the Lithuanian and Belarusian governments. At the time of writing, the agreement had not yet come into force.

The Amendment of the Law on the State Border and Protection Thereof was adopted on 9 November 2010, which removes the obligation to have an identity document in the border zone at the internal EU border.

Visas

The Agreement on the Rates of Consular Fees was signed on 17 June 2010 by the Lithuanian Government and the Cabinet of Ministers of Ukraine. Citizens of Lithuania and Ukraine will no longer be charged for the examination of an application to issue a national long-term visa.

The Agreement on Mutual Representation on Visa Issuing Procedures by Diplomatic Missions and Consular Offices was signed on 24 August 2010 by the Lithuanian and German governments.

A Resolution of the Lithuanian Government on 8 December 2010 established that the start date of the Lithuanian national Visa Information System shall be the same start date as established by the European Commission for the use of the Visa Information System (which went live in October 2011).

As of 15 December 2010, the visa requirement is not applicable to citizens of Albania and Bosnia and Herzegovina who bear biometric passports and enter the territory of the European Union.

Illegal Migration

The Protocol on the Implementation of the Agreement on the Readmission of Illegal Persons was signed on 29 September 2010 in Chişinău, Moldova by the Lithuanian and Moldovan governments (the Protocol has not yet come into force).

The Agreement on the Readmission of Illegal Residents between the European Community and Pakistan entered into force on 4 November 2010.

Asylum

The annual European Refugee Fund programme for 2010 was approved on 29 April 2010 by the order of the Minister of Social Security and Labour.

The European Parliament and Council established the European Asylum Support Office on 19 May 2010 and Lithuania contributes to the activities of this office.

A Memorandum of Understanding (MoU) on Mutual Cooperation resolving Issues Related to Asylum Applicants (Persons falling within the scope of the UNHCR Mandate) was signed on 2 June 2010 by the State Border Guard Service within the Ministry of the Interior, the Regional Office for the Baltic and Nordic Countries of the United Nations High Commissioner for Refugees and the Lithuanian Red Cross.

A cooperation agreement on asylum issues was signed on 22 November 2010 by the Migration Department and the Lithuanian Red Cross.

The Reserve of National Asylum Experts was compiled on 30 December 2010 by Order of the Minister of the Interior. The national contact person responsible for communication with the European Asylum Support Office, the member of the Administrative Board and his or her deputy were assigned to the reserve.

Irregular migration flows

There have been no major changes in irregular migration to Lithuania from 2009 to 2010. Overall numbers of border violators remained steady. There was a lower number of migration-related border apprehensions in 2010 compared to 2009, but a proportionate increase in apprehensions of minors. Those apprehended were predominantly male.

Nationalities

The largest migration flows across the EU external border originate in Belarus. In 2009 the most important nationalities of persons trying to enter Lithuania illegally from Belarus were: Georgia, Russia, Belarus, Vietnam and Pakistan. Nevertheless, the main nationality of border violators was Lithuanian. On the other hand, at the border with Russia (Kaliningrad), it was mostly Russian nationals, who were apprehended, though this was largely on the grounds of cigarette smuggling and not illegal migration. There were slight increases in the numbers of Russians and Georgians engaging in border violations from 2009 to 2010. Citizens of Armenia, Kazakhstan, Georgia and Afghanistan were also apprehended at the border with Russia. In addition, there have been more frequent detections of Georgian nationals illegally crossing the border between BCPs in Lithuania. Georgian nationals have also increasingly attempted to obtain visas on false grounds.

In 2010, the Lithuanian Consular Representations approached the Lithuanian Border Guards for consultation on issuing visas to 10,100 third country nationals (as compared to 11,012 in 2009). In 2009 and 2010, the most important group of citizenship of persons attempting to obtain a visa on false grounds was India and Georgia respectively.

Modes

Migrants entering the countries unauthorised were mostly detected at the green border or inland. Migration-related border apprehensions mainly took place within the country in 2009 and 2010, though less so in 2010, when there were more apprehensions at road BCPs and on the green border compared to 2009. Apprehensions at the border were mainly reported at the border to Belarus and Russia, with an increase in 2010 compared to 2009.

Attempting to obtain a visa on false grounds is still the most common mode of abuse of legal channels to enter Lithuania. The main mode of illegal stay was overstaying a visa, with the most common nationalities being Belarus, Russia, Ukraine and Kazakhstan.

Refusal of entry

In 2009 and 2010 the main reason for refusing third country nationals entrance to Lithuania was absence of a valid visa or residence permit. The main nationalities to which entry was refused were Belarus, Russia, Ukraine and Georgia. Numbers of third country nationals attempting to gain entry with falsified travel documents and being refused entry remained steady in relation to illegal migration-related incidents at BCPs, with a slight increase from 2009 to 2010. Numbers of removals of persons remained steady between 2009 and 2010, at 144 and 137 respectively, with the main nationalities being Russian, Belarusian and Georgian.

Smuggling

Nationalities

There was a marked decrease in the number of people apprehended for being smuggled to Lithuania from 2009 (53) to 2010 (12), although the number had increased in 2009 compared to 2008. Around half of these were Lithuanian nationals in 2009 and a majority in 2010 (8 of 12). Very few were women or children. Smugglers of nationalities other than Lithuanian were also detected – Armenian, Estonian, Latvian and Ukrainian in 2009, and Armenian and Russian in 2010. Citizens of Vietnam, Georgia and Iraq were the most important among smuggled migrants in 2009 and citizens of Vietnam in 2010.

Modes of smuggling

Groups usually comprise up to ten people including organisers and transporters. Human smugglers usually use mobile phones with pre-paid SIM cards to communicate and minibuses, trucks and cars are the vehicles used most often. The fee for smuggling is about 1,500 EUR per group (of up to 6 people) assisted from Lithuania to Poland or Germany.

Trends

There was a case in 2009 where Ukrainian citizens attempted to smuggle Moldovan citizens through a BCP into Lithuania, hidden in a minibus. This method is no longer detected, and most persons are smuggled across the green border rather than a BCP.

There were no significant changes in smuggling routes during 2009-2010. Persons were smuggled into Lithuania from Belarus or from Kaliningrad in Russia. They were also smuggled into Lithuania across the EU internal border with Latvia, and subsequently they attempted to enter or were smuggled into Poland across the EU internal border. Lithuania therefore remains primarily a transit country for smuggled migrants.

Trafficking

All of the victims of trafficking identified in Lithuania in 2009 and 2010 were Lithuanian nationals, victims of internal trafficking or trafficking abroad, mainly to other EU Member States. All 12 traffickers identified in 2009 and all 11 in 2010 were also citizens of Lithuania.

Detention

Detention Policies and Legislation

According to the Law on the Legal Status of Foreigners, Article 112, a foreigner's freedom of movement in Lithuania may be restricted if it is necessary to ensure national security and public policy, to protect public health or morals, to prevent crime or to safeguard the rights and freedoms of other persons. According to Article 113, the grounds for detention of a foreign citizen are: to prevent the person from entering Lithuania without a permit; if he or she has unlawfully entered or stays in Lithuania, except if he or she has lodged an application for asylum; if the intention is to return a foreigner, who has been refused entry; if he or she is suspected of using forged documents; if there is a decision to expel the foreigner from Lithuania; to prevent the spread of dangerous contagious diseases; or if there is a threat to national security, public policy or public health.

A foreigner can be detained for up to 48 hours at a police station, or for more than 48 hours at the Foreigners Registration Centre by decision of the court. Minors may only be detained in extreme cases, taking the best interest of the child into account. The court may also take alternative measures to detention, such as reporting regularly to the police, providing information about the place of residence, guardianship for minors or adults, or accommodation at the Foreigners Registration Centre without restrictions on movement. An officer of a law enforcement institution must apply to the District Court to detain a foreigner for longer than 48 hours. The decision may be appealed to the Supreme Administrative Court through the Foreigners Registration Centre and to a review if the grounds for detention are no longer in place. Detention ends when the grounds are no longer in place or the detention period expires.

Foreigners Registration Centre

Detention in Lithuania means accommodation at the Foreigners Registration Centre (FRC) with restricted freedom of movement, for a time and on the grounds specified by the Law on the Legal Status of Foreigners. The FRC is the only detention centre in Lithuania and was established in 1997. It is now a unit of the State Border Guard Service within the Ministry of the Interior. The FRC has an area of eight hectares and a capacity of 500 persons. It has a structure of separate internal zones

according to the foreigners' status and meets the requirements of Lithuanian law and EU standards and practices.

As well as accommodating foreigners who have illegally entered or illegally stayed in Lithuania, the FRC detains asylum applicants, transfers those granted temporary asylum to the Refugee Reception Centre in Rukla and organises voluntary returns and removals. Asylum applicants may be detained if there are grounds for detention as per the Law on the Legal Status of Foreigners.

Detained People

No information is available on detained asylum seekers in Lithuania. There was a decrease of over a third in the number of people detained from 2009 to 2010, with a total of 140 in the latter year. The main nationalities in both years were Georgian and Russian, with some detainees also from Belarus, Afghanistan and Armenia.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	3,836,505	4,852,674
Exit	3,635,677	4,706,319
Total	7,472,182	9,558,993

Total number of persons claiming asylum		
	2009	2010
At the border	89	308
Inland	360	195
Unknown	-	-
Total	449	503

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	228	110
Persons whose applications were negative/rejected	155	180
Persons whose applications were otherwise closed	112	214

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Lithuania)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Lithuania	142	1. Lithuania	115
2. Georgia	33	2. Russia	53
3. Russia	33	3. Georgia	51
4. Belarus	19	4. Belarus	20
5. Sri Lanka	12	5. Armenia	19
6. Iraq	10	6. Vietnam	8
7. Pakistan	10	7. Afghanistan	7
8. Afghanistan	8	8. Germany	6
9. Armenia	7	9. Moldova	5
10. Vietnam	7	10. Uzbekistan	4
Other	18	Other	-
Total	299	Total	301

Total number of migration-related border apprehensions (including foreigners and citizens of Lithuania)		
	2009	2010
Foreign nationals	4,567	2,827
Citizens of Lithuania	142	115
Total	4,709	2,942

Total number of migration-related border apprehensions (including foreigners and citizens of Lithuania), by gender		
Gender	2009	2010
Male	3,465	2,119
Female	1,244	823
Unknown	0	0
Total	4,709	2,942

Number of minors apprehended at the border due to border violation including foreigners and citizens of Lithuania		
Gender	2009	2010
Male	51	74
Female	18	49
Unknown	-	-
Total	69	123

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Lithuania)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	399	573
On rail border crossings	149	176
On the green (land) border	262	478
At the sea border	56	55
On airports	42	47
In the country	3,801	1,613
On other places	-	-
Total	4,709	2,942

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Lithuania)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Lithuania on the border with that country	OUT: Number of apprehensions of people LEAVING Lithuania on the border with that country	Total number of apprehensions on the border with that country
1. Belarus	-	-	514
2. Poland	-	-	97
3. Russian Federation	-	-	296
4. Latvia	-	-	91
5. Sea Border	-	-	56
6. Airports	-	-	42
Other	-	-	3,613
Total	-	-	4,709

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Lithuania)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Lithuania on the border with that country	OUT: Number of apprehensions of people LEAVING Lithuania on the border with that country	Total number of apprehensions on the border with that country
1. Belarus	-	-	672
2. Poland	-	-	31
3. Russian Federation	-	-	331
4. Latvia	-	-	193
5. Sea Border	-	-	55
6. Airports	-	-	47
Other	-	-	1,613
Total	-	-	2,942

Number of apprehended persons being smuggled into Lithuania		
	Apprehensions in 2009	Apprehensions in 2010
Total	53	12
Of total: women	7	1
Of total: minors	1	0

Total number of 'human smugglers' apprehended (including foreigners and citizens of Lithuania)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	16	3 (incl. 1 stateless)
Citizens of Lithuania	17	8
Citizenship unknown	1	-
Total	34	11

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Lithuania)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Lithuania	17	1. Lithuania	8
2. Latvia	8	2. Armenia	1
3. Armenia	3	3. Russia	1
4. Estonia	2	4. Stateless	1
5. Russia	2	5. -	-
Other: Belarus, Kosovo ¹⁰⁵	2	Other	-
Total	34	Total	11

¹⁰⁵ Under UNSCR 1244

Number of 'human traffickers' apprehended (including foreigners and citizens of Lithuania)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	0	0
Citizens of Lithuania	12	11
Citizenship unknown	0	0
Total	12	11

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Lithuania)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Lithuania	12	1. Lithuania	11
Other	0	Other	0
Total	12	Total	11

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Russia	835	1. Russia	801
2. Belarus	533	2. Belarus	703
3. Ukraine	104	3. Georgia	145
4. Georgia	74	4. Ukraine	100
5. Moldova	41	5. Kyrgyzstan	60
6. Kazakhstan	30	6. Moldova	30
7. Kyrgyzstan	30	7. Tajikistan	27
8. Tajikistan	25	8. Kazakhstan	26
9. Armenia	18	9. India	15
10. India	16	10. Armenia	13
Other	45	Other	48
Total of ALL rejected persons at the border (of any nationality)	1,751	Total of ALL rejected persons at the border (of any nationality)	1,968

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Lithuania			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Russia	33	1. Russia	41
2. Belarus	26	2. Georgia	29
3. Georgia	18	3. Belarus	19
4. Armenia	16	4. Moldova	10
5. Ukraine	10	5. Ukraine	7
6. Azerbaijan	7	6. Armenia	6
7. Vietnam	7	7. Azerbaijan	6
8. Tajikistan	5	8. India	3
9. Moldova	3	9. Kazakhstan	3
10. Turkey	3	10. Turkey	3
Other	0	Other	0
Total of ALL removed persons at the border (of any nationality)	144	Total of ALL removed persons at the border (of any nationality)	137

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
Foreigners Registration Centre	212	140
Total	212	140

Main nationalities of detained migrants in 2009 and 2010			
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2010
1. Georgia	50	1. Georgia	49
2. Russia	37	2. Russia	20
3. Belarus	18	3. Armenia	12
4. Afghanistan	17	4. Belarus	9
5. Iraq	10	5. Vietnam	9
Other	80	Other	41
Total	212	Total	140

Information provided by:

State Border Guard Service, Ministry of the Interior of the Republic of Lithuania

MOLDOVA



General Information¹⁰⁶

Location:	Eastern Europe, North-East of Romania
Area:	<i>Total:</i> 33,851 sq km— <i>land:</i> 32,891 sq km – <i>water:</i> 960 sq km
Land boundaries:	<i>Total:</i> 1,390 km <i>Border countries:</i> Romania 450 km, Ukraine 940 km
Coastline:	0 km (landlocked)
Population:	3,656,843 (July 2012 est.)

General legislative and institutional developments

In 2010, in order to consolidate efforts in combating the phenomenon of irregular migration, the following laws and regulations were adopted in the Republic of Moldova:

¹⁰⁶ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/md.html> (March 2012)

- Law Nr. 200 from 07/16/2010 on the status of foreigners in the Republic of Moldova, which provides a partial transposition of the following acts:
 - o Convention implementing the Schengen Agreement of 19 June 1990
 - o Regulation of the European Parliament and the Council 562/2006/EC on 15 March 2006, establishing a Community Code on the rules governing the movement of persons across borders (Schengen Border Code)
 - o Regulation of the European Parliament and Council 810/2009/EC on 13 July 2009 establishing a Community Code on Visas (Visa Code)
 - o Council Directive 2003/86/EC of 22 September 2003 on the right of families to be reunited
 - o Directive of the European Parliament and Council 2008/115/EC of 16 December 2008 on common standards and procedures to be applied in Member States for returning illegally staying third country nationals
 - o Council Regulation 539 / 2001/EC of 15 March 2001 on the list of non-EU nationals who must have a visa when crossing the external borders and countries whose nationals are exempt from this requirement
 - o Council Regulation 2414/2001/EC of 7 December 2001 on the Change of Council Regulation 539/2001/EC on the list of non-EU nationals who must have a visa when crossing the external borders and countries whose nationals are exempt from this requirement
 - o Council Regulation 453/2003/EC from 6 March 2003 on the Change of Regulation (EC) 539/2001 on the list of non-EU nationals who must have a visa when crossing the external borders and countries whose nationals are exempt from this requirement
 - o Council Regulation 851/2005/EC of 2 June 2005 to Change of Council Regulation (EC) 539/2001 on the list of non-EU nationals when crossing the external borders must have a visa and countries whose nationals are exempt from this requirement with respect to the mechanism of reciprocity
 - o Council Regulation 1932/2006/EC of 21 December 2006 to amend the Council Regulation 539/2001 on the list of non-EU nationals who must have a visa when crossing the external borders and countries whose nationals are exempt from this requirement
 - o the Council Regulation 1244/2009/EC of 30 November 2009 to amend Council Regulation 539/2001/EC on the list of non-EU nationals who must have a visa when crossing the external borders and countries whose nationals are exempt from this requirement
 - o the Council Directive 2004/114/EC of 13 December 2004 on the conditions of permits of third country nationals for the purposes of training, student exchange, training grant and charity.

- Council Directive 2003/109/EC of 25 November 2003 concerning the status of permanent residents of third countries
- Council Directive 2004/81/EC of 29 April 2004 for a residence permit issued to third-country nationals who are victims of trafficking or have been subject to actions aimed at facilitating illegal immigration who cooperate with the competent authorities.
- Decision Nr. 792 from 03 September 2010 to approve the National Plan on the Migration and Asylum System for 2010 to 2011
- Decision Nr. 835 from 13 September 2010 on the approval of the National Plan for Preventing and Combating Trafficking in Human Beings for 2010 to 2011
- Decision Nr. 1074 from 16 November 2010 on the approval of the Protocol on Cooperation in the field of migration and asylum between the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Administration and Interior of Romania, signed on 15 October 2010 in Chisinau
- Decree Nr. 133 on 23 February 2010 under the Government of the Republic of Moldova established the Commission for the coordination of certain actions associated with the process of migration in order to coordinate activities in the field of migration and interaction of central and local government.

Irregular migration flows

From 2009 to 2010, the Republic of Moldova continued to be a country of origin and transit for irregular migration towards the EU. Moldova's proximity to the EU mainland and to the routes of irregular migration from Asia and Africa to Europe through the Western border of Ukraine has a critical influence on the migration situation at its borders.

In 2010 the number of total violations of the state border decreased significantly compared to the previous year, from 1175 cases in 2009 to 665 cases in 2010 (43% decrease). This trend can be observed since 2006 and is attributed by the Moldovan authorities to the introduction of the integrated border management. Most border violations were committed by Moldovan and Ukrainian citizens, who made up 72 percent (Moldovans) and 19 percent (Ukrainians) of all violations in 2009 and 75 percent (Moldovans) and 18 percent (Ukrainians) in 2010.

Also the figures for migration-related border apprehensions have decreased by 29 percent in 2010 compared with the previous year (166 persons in 2010 and 236 in 2009). The majority of cases were recorded on the green (land) border (72%, 120 persons in 2010) and mostly upon exit at the border sections with Ukraine and Romania. The largest numbers of offenders came from Moldova (134 persons in 2010 and 186 in 2009, in both cases around 80% of the total number of apprehensions). According to the Moldovan authorities, the decrease in the number of Moldovan citizens apprehended for border violations can also be explained by an increase use of legal channels of labour migration to EU countries.

Smuggling

There are no statistics on apprehended persons being smuggled into Moldova. In 2010 there were 73 persons who committed crimes under the article "organisation of illegal migration", representing a decrease from the previous year (93 offenders in 2009). In both years, more than 90% of the offenders have been Moldovan citizens (68 persons in 2010 and 90 in 2009). The definition of "organisation of illegal migration" refers to directly or indirectly obtaining financial or material gain through facilitating the illegal entry, residence, transit or exit from the territory by persons who are neither citizens nor residents of Moldova.

There were practically no organisations or groups identified who engaged in the smuggling of people in the period 2009 to 2010. Persons mostly acted independently or their actions were coordinated from abroad by telephone. Migrants often approach the border by taxi or private transport. Attempts of illegal entry of Turkish nationals, who were hidden in caravans were identified and prevented.

Irregular migrants often use mobile phones in order to coordinate their actions with international facilitators. The fee for the illegal border crossing is negotiated prior to the departure from the country of origin and, in most cases, is paid in instalments; a complete payment is carried out after the successful completion of the route. Payments are guaranteed by threats against the life, health and freedom of relatives or of the migrants themselves. There is no precise data on the exact amount of such payments, but reported figures vary from 2500 to 3000 EUR or more, particularly in the case of persons from Asian and African countries.

Generally, foreign workers enter Moldova legally. Later on, depending on the selected route, the migrants attempt to illegally cross the border towards the EU. Regardless of whether irregular migrants cross the border independently or whether they are guided by facilitators, they often apply for the status of refugees in Moldova or Romania. They use it as a possibility to take a break before continuing their route.

Trafficking

Under national law "human trafficking" means the recruitment, transportation, transfer, harbouring or obtaining of a person with or without their consent for commercial or non-commercial sexual exploitation, forced labour or services as well as begging and exploitation for slavery and conditions similar to slavery, the use in armed conflicts or in criminal activities, the removal of organs or tissues, committed by threat or the use of physical or mental violence including through abduction, confiscation of documents and holding a person in servitude to force them to repay unreasonable debt as well as threats to disclose confidential information to the victim's family or other persons, both physical and legal, deception, abuse of vulnerability or abuse of power, giving or receiving of payments or benefits to get consent from the person having control over another person.

According to information from the Moldovan authorities, currently there is no report on apprehended persons being trafficked into Moldova.

Detention

General detention policy

In Moldova, the general detention policy is directed at bringing the legislations and regulations into conformity with the Directive of the European Parliament and EU Council № 2008/115/CE of 16 December 2008 on common standards and procedures applied in the EU Member States for returning illegally staying migrants from third countries, published in the Official Journal of the European Union L 348 of 24 December 2008 as well as adherence to the Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948. To this extent, the main strategies are:

- Study of international norms and instruments in view of alignment of the Moldovan legislation.
- Study of experiences and practices of other states on the detention of illegally staying migrants in order to use best practices in Moldova.
- Creation of joint projects with international organisations to implement projects on the detention of illegally arriving migrants.
- Interaction and collaboration with governmental and nongovernmental organisations on the detention of foreigners in Moldova.
- Effective use of available resources for the detention of foreigners in a specialised centre.

Definition and regulations concerning detention of immigrants

Detention is a short-term restriction of freedom of the foreigner and applies in Moldova to:

- an explicit offense for which the Code of Offences calls for punishment by arrest;
- failure to establish the identity of the person against whom a proceeding is ongoing for an offense if all measures to establish the foreigners' identity are exhausted;
- offenses that fall under the Penal of Offences under the application of security measures in the form of expulsion.

Detention can be ordered by:

- the Ministry of Internal Affairs;
- the Border Guard Service - in the case of violations of the border mode or at checkpoints across the state border;
- the Customs Service - in the case of offenses falling within its competence.

The grounds for the detention as well as their rights are communicated to the detainee without delay and in an understandable language, as recorded in the minutes of the arrest. The detainee is given the opportunity to inform two parties of their choice of the arrest which is also noted in the minutes.

Detention centres

In the Republic of Moldova there is a Centre for temporary detention of foreigners located on the outskirts of Chisinau. It consists of three buildings and the total area is 0.834 hectares. The centre can accommodate up to 200 people and it has facilities for men, women, children and families. It also offers a medical isolation ward, a dining room, a gymnasium, a playground, an exercise yard, a smoking area, a laundry room, showers and a sauna. The housing facilities are equipped with pay phones, mailboxes and petition drawers which can be accessed by representatives of IOM. Families stay in separate housing facilities in the centre.

The centre only accommodates foreigners who have violated the stay on the territory of the Republic of Moldova. Its director is responsible for its management and answers to the director of the Bureau for Migration and Asylum of the Ministry of Internal Affairs of Moldova. It is managed by the government agency which cooperates with different organisations, such as IOM, the Institute for Penal Reform, the Office of the UN High Commissioner for Refugees, the Law Centre of Advocates to provide social and psychological support, legal advice, and the provision of protection in the courts and to protect the rights and interests of asylum seekers. For the moment no plans for additional accommodation centres in Moldova are being considered, but there are plans to create short-term accommodation centres in the North and South of Moldova from where foreigners could be transferred to the centre in Chisinau.

Duration of detention

Foreigners can be ordered by court to stay at the centre before their expulsion, readmission or return from Moldova is executed, but not more than 6 months. The administration of the centre notifies the Ministry of Foreign Affairs and European Integration about a newly admitted foreigner on its premises within 24 hours. The Ministry then informs the Embassy or Consulate of the foreigner's country of origin about the situation. On admission to the centre detainees have to undergo personal examination, registration and fingerprinting. Afterwards they are placed in a quarantine room for up to 15 days, during which they go through a medical examination in the hospital to determine their health status and receive individual treatment if necessary and are then placed in their rooms. After that the detainees have the right to inform a family member, lawyer or another person about their situation in writing or by telephone, free of charge.

The centre provides the following guarantees to the foreigners: protection and assistance for the full realisation and effective exercise of their rights, respect and dignity, accommodation for the period stipulated by the laws of Moldova. Before their expulsion, the detainees are placed in a room for those who leave the centre, gather all necessary documents and undergo medical examination. If the identity of a foreigner who was accommodated in the centre has not been established and for obvious reasons it was impossible to apply the measures of expulsion, readmission and return from the territory of Moldova, the foreigner is exempt from remaining in the centre after the expiration of their accommodation period and may take advantage of the right to establish tolerance under other circumstances.

Detention of asylum seekers

Moldovan legislation does not provide for the detention of asylum seekers and their accommodation in closed centres. However, during the application procedure, asylum seekers can be accommodated in the Placement Centre. The Placement Centre for asylum seekers is an open centre, designed for temporary accommodation of persons, who apply for asylum.

Statistical tables

Total number of persons legally crossing the border of Moldova		
	2009	2010
Entry	6,760,000	6,870,000
Exit	6,820,000	6,970,000
Total	13,580,000	13,840,000

Total number of persons claiming asylum		
	2009	2010
At the border	1	6
Inland	41	84
Unknown	0	0
Total	42	90

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	12	26
Persons whose applications were negative/ rejected	34	35
Persons whose applications were otherwise closed	52	81

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Moldova)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Moldova	845	1. Moldova	498
2. Ukraine	219	2. Ukraine	118
3. Russia	24	3. Russia	13
4. Romania	22	4. Romania	11
5. Turkey	17	5. Bulgaria	5
6. <i>Missing</i>	13	6. Occupied Palestinian Territory	4
7. Bulgaria	9	7. Iraq	4
8. Afghanistan	6	8. Niger	3
9. Uzbekistan	5	9. Turkey	2
10. Tajikistan	2	10. Poland	1
Other	13	Other	6
Total	1175	Total	665

Total number of migration-related border apprehensions (including foreigners and citizens of Moldova)		
	2009	2010
Foreign nationals	50	32
Citizens of Moldova	186	134
Total	236	166

Total number of migration-related border apprehensions (including foreigners and citizens of Moldova), by gender		
Gender	2009	2010
Male	192	134
Female	44	32
Unknown	0	0
Total	236	166

Number of minors apprehended at the border due to border violation including foreigners and citizens of Moldova		
Gender	2009	2010
Male	16	11
Female	4	6
Unknown	0	0
Total	20	17

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Moldova)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	27	18
On rail border crossings	4	2
On the green (land) border	152	120
At the sea border	-	-
On airports	23	26
In the country	-	-
On other places	30	-
Total	236	166

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Moldova)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Moldova on the border with that country	OUT: Number of apprehensions of people LEAVING Moldova on the border with that country	Total number of apprehensions on the border with that country
1. Ukraine	1	83	84
2. Romania	1	98	99
3. Airport	7	46	53
Other	0	0	0
Total	9	227	236

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Moldova)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Moldova on the border with that country	OUT: Number of apprehensions of people LEAVING Moldova on the border with that country	Total number of apprehensions on the border with that country
1. Ukraine	2	61	63
2. Romania	0	77	77
3. Airport	1	25	26
Other	0	0	0
Total	3	163	166

Total number of 'human smugglers' apprehended (including foreigners and citizens of Moldova)¹⁰⁷		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	1	4
Citizens of Moldova	90	68
Citizenship unknown	2	1
Total	93	73

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Moldova)¹⁰⁸			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Ukraine	1	1. Ukraine	1
2. Moldova	90	2. Syria	1
3.		3. Senegal	1
4.		4. Romania	1
5.		5. Moldova	68
Other	2	Other	1
Total	93	Total	73

Number of 'human traffickers' apprehended (including foreigners and citizens of Moldova)¹⁰⁹		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	2	1
Citizens of Moldova	157	66
Citizenship unknown	-	-
Total	159	67

¹⁰⁷ The table lists the persons who committed crimes under the article "organisation of illegal migration".

¹⁰⁸ The table lists the persons who committed crimes under the article "organisation of illegal migration".

¹⁰⁹ The table lists the persons who committed crimes under the article "trafficking in human beings" and "trafficking in children".

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Moldova)¹¹⁰			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Turkey	1	1. Turkey	1
2. Austria	1	2. Moldova	66
3. Moldova	157	3.	-
4.	-	4.	-
5.	-	5.	-
Other	-	Other	-
Total	159	Total	67

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Romania	935	1. Russia	708
2. Russia	856	2. Ukraine	262
3. Ukraine	449	3. Romania	134
4. Turkey	208	4. Serbia	111
5. Georgia	193	5. Turkey	83
6. Azerbaijan	81	6. Georgia	73
7. Armenia	62	7. Azerbaijan	28
8. Uzbekistan	58	8. Macedonia	24
9. Tajikistan	52	9. Unknown	20
10. Serbia	45	10. <i>Missing</i>	20
Others	321		253
Total of ALL rejected persons at the border (of any nationality)	3260	Total of ALL rejected persons at the border (of any nationality)	1716

¹¹⁰ The table lists the persons who committed crimes under the article "trafficking in human beings" and "trafficking in children".

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Moldova			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Turkey	41	1. Russia	23
2. Russia	17	2. Turkey	17
3. Syria	5	3. Ukraine	5
4. Ukraine	4	4. Azerbaijan	3
5. Uzbekistan	3	5. Kazakhstan	2
6. Romania	2	6. Georgia	2
7. Kazakhstan	2	7. Tajikistan	1
8. Azerbaijan	2	8. Sudan	1
9. Pakistan	2	9. Lebanon	1
10. Nigeria	1	10. Ghana	1
Others	4	Others	2
Total of ALL removed persons at the border	83	Total of ALL removed persons at the border	58

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
Main Centre (CVRI)	71	80
Total	71	80

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Russia	13	21
2. Ukraine	7	13
3. Turkey	10	8
4. Afghanistan	6	8
5. Azerbaijan	7	6
Other	28	24
Total	71	80

Information provided by:

Office for Migration and Asylum of the Ministry of Internal Affairs of the Republic of Moldova

MONTENEGRO



General Information¹¹¹

Location:	South-eastern Europe, between the Adriatic Sea and Serbia
Area:	<i>Total:</i> 13,812 sq km – <i>water:</i> 360 sq km – <i>land:</i> 13,452 sq km
Land boundaries:	<i>Total:</i> 625 km <i>Border countries:</i> Albania 172 km, Bosnia and Herzegovina 225 km, Croatia 25 km, Kosovo ¹¹² 79 km, Serbia 124 km
Coastline:	293.5 km
Population:	661,807 (estimate for July 2011)

General legislative and institutional developments

Legislation

Recognising the importance of establishing an efficient and comprehensive mechanism to combat illegal migration, human trafficking and other forms of organised crime, the Montenegrin legal system has improved in this context. This

¹¹¹ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/mj.html> (Apr 2012)

¹¹² Under UNSCR 1244

requires the ratification and application of international instruments in the field of combating organised crime and endorsement of the relevant laws, as follows:

- Amendments to the Criminal Law and Code on Criminal Procedure
- New Law on Border Control, new Immigration Law and new Visa Regime
- Law on Residence Registries and the Law on Foreigners' Employment and Labour,
- Implementation Strategy on Integrated Border Management (IBM) and accompanying Action Plan on Implementation,
- Implementation Strategy on integrated migration management and accompanying Action Plan on Implementation,
- Implementation Strategy for combating human trafficking and accompanying Action Plan on Implementation, as well as the Agreement on Mutual Cooperation among Governmental and Non-Governmental institutions in combating human trafficking.

Irregular Migration

Montenegro's priorities in combating illegal migration have been determined by a corpus of legislation: Criminal Code (Official Gazette of Montenegro 40/2008), the new Law on Criminal Procedure (Official Gazette of Montenegro 57/2009), the Law on Protection of Witnesses (Official Gazette of Montenegro 65/2004), the Law on the responsibility of legal persons for criminal acts (Official Gazette of Montenegro 2/2007 and 13/2007), and by the enactment of the new Immigration Law and the new Law on Border Control. The criminal code lays down a series of criminal acts that regulate illegal migration and human trafficking, such as "Pimping and enabling sexual intercourse" (Art. 209), "Pimping in prostitution" (Art. 210), "Illegal border crossing and human smuggling" (Art. 405), "Human trafficking" (Art. 444), "Trafficking of children for the purposes of adoption" (Art. 445) and "Keeping people in conditions of slavery and transportation of people in conditions of slavery" (Art. 446) of the Criminal Code.

Readmission

Montenegro has signed the following readmission agreements:

- Agreement between the Government of Montenegro and the Council of Ministers of Albania on the return and readmission of persons whose entry and stay in the country is unlawful, signed in Podgorica on 16 November 2009.
- Agreement between the Government of Montenegro and Norway on Readmission (Return and Reception) of persons without a residence permit, signed at Podgorica on 16 December 2009.

Invitations to negotiations on harmonisation and signing an Agreement were sent to Serbia, the former Yugoslav Republic of Macedonia, Russia and Turkey. Further invitations to sign readmission agreements were received from Switzerland, Moldova and Iceland. To enable the smooth application of the agreement between Montenegro and the EU on the readmission of persons without residence permits, an implementation protocol has been concluded with Slovenia. Montenegro has also initiated implementation protocols with Austria, Belgium, Bulgaria, the Czech

Republic, Estonia, Germany, Hungary, Italy, Luxembourg, Malta, the Netherlands, Slovakia, Spain and the United Kingdom.

International organisations such as ICMPD, IOM, USAID and MARRI have provided support in training and study visits to the region and EU countries.

Institutional Developments

There have been a number of relevant institutional developments, including:

- The construction of a reception centre for foreigners as well as a centre for asylum seekers (see below);
- The reconstruction of border crossing points and the supply of IT and technical equipment;
- Training of border and criminal police in relation to combating illegal migration in Montenegro and abroad.

Policy

With the aim of laying the groundwork for the further development of the legal, regulatory and institutional framework for the efficient implementation of the policy on management and control of migration flows, in accordance with the rules and standards of the *Acquis Communautaire* of 11 September 2008, the Strategy for Integrated Migration Management for the period 2008-2013 has been adopted.

On 25 September 2009, a Memorandum of Understanding (MoU) was signed by the Ministry of the Interior, the JU Police and IOM with regard to the implementation of the project “Support for Migration Management in Montenegro.” One of the components of this project, planned in the IPA programme for 2008, was the construction of the Reception Centre for Foreigners. Based on current progress, the Reception Centre should have been completed and functional by the end of 2011. Another component was the revision of the strategy for integrated migration management. Special attention will be paid in the new strategy to readmission and integration.

Irregular migration flows

Trends

Montenegro is still a transit country for illegal migration towards EU countries, primarily for citizens of Albania and Kosovo¹¹³. Based on current trends, illegal migration will not decrease until the economic and other conditions in the countries of origin of migrants transiting Montenegro *en route* to the EU improve.

In 2010 compared to 2009, there was a decrease in illegal migration due to better training and equipping of the Montenegrin police force. Recorded border violations decreased from 730 to 412. There was also a significant decrease during this period in migration-related border apprehensions, though the proportion of Montenegrins among this group rose. Towards the end of 2010, there was an increase in illegal border crossings by Asians and Africans – mostly undocumented

¹¹³ Under UNSCR 1244

migrants, who, according to their personal statements, were from Occupied Palestinian Territories, Tunisia, Afghanistan, Libya, etc.

Modes

The most frequent modes of illegal border crossings at Border Crossing Points (BCPs) are: using falsified travel documents, visas, or the documents of a third person; or not having the necessary visa and identification documents. Outside of BCPs, the most common modes are: not having the necessary visa and identification documents; or using falsified documents for a temporary stay.

Given that citizens of Albania and Kosovo¹¹⁴ can enter Montenegro without a visa, they can reach Herceg Novi by bus or taxi. They then simply walk into the city and check the areas from which they can observe the Croatian border and decide which route to take. "Returnees" who have already illegally crossed the border, usually take the same route, but more carefully and cautiously without using the local roads or public areas. They are usually accompanied by one or two other migrants from their country of origin, although there are cases when these groups form at bus stations or construction sites.

Those who try to illegally cross the border for the first time, in a certain number of cases, use the internet or maps of Montenegro to locate landmarks and determine their route. Their main goal is to reach EU countries (usually Italy and Germany; less often France, Belgium and Sweden). The most common time to cross the border is from the late afternoon until the morning, though some migrants cross anywhere, at any time and in any weather conditions.

Border incidents

No incidents with the police were recorded while stopping migrants' illegal border crossings. There were a small number of migrants who escaped on seeing the police, but they did not put up any resistance. Migration-related border apprehensions mostly took place at the green border, and there was a stark decrease in apprehensions within Montenegro from 2009 to 2010. During this period, most apprehensions were of those leaving Montenegro at the Croatian border, and to a lesser extent, the Italian border.

Nationalities

Illegal border crossings are carried out most commonly by citizens of Kosovo¹¹⁵ and Albania and to a lesser extent citizens of Serbia and Montenegro, who use the transit routes from Albania (from Kosovo¹¹⁶ via the Montenegrin coast towards Croatia, and onwards to Italy and the rest of Western Europe). According to their personal statements, common nationalities are from Occupied Palestinian Territories, Tunisia, Afghanistan, Libya and Algeria. Most of those rejected at the border were from Albania and Kosovo¹¹⁷ as well as Serbia and Bosnia and Herzegovina, with numbers remaining steady from 2009 to 2010. Removals

¹¹⁴ Under UNSCR 1244

¹¹⁵ Under UNSCR 1244

¹¹⁶ Under UNSCR 1244

¹¹⁷ Under UNSCR 1244

overwhelmingly concerned Albanian citizens with a slight decrease in numbers from 2009 to 2010.

Those apprehended at the border were overwhelmingly male in 2009 and 2010. There was a reduction in the number of minors apprehended in the same period.

Smuggling

Trends

During 2010, no cases were prosecuted for the criminal act of illegally crossing the state border nor for human trafficking with elements of organised crime. There were no registered cases of migrant smuggling in 2009 or 2010. Therefore, only individual cases of criminal organisations in Montenegro can be detected. Nevertheless, illegal or unlawful crossing of the green border occurs frequently. This is due to the inaccessible terrain and the large number of side roads along the Montenegrin border.

In 2009, 16 human smugglers were apprehended, among them were citizens of Albania, Montenegro, Serbia and Kosovo¹¹⁸. In 2010, only one Albanian smuggler was apprehended. There were no significant changes in the organisation of the business of illegal transportation of migrants, though the numbers decreased in relation to Kosovars and Albanians in 2010. This is due to the success of the police in providing an adequate response to those who carry out such acts, especially during the last two years. The border police is now much better organised and trained, both technically and professionally, as are the border police in neighbouring countries and the region.

Modes

The criminal act is commonly committed by using falsified documents, across the territorial waters by sea or by plane towards Western Europe. Smugglers are very well connected, from the moment they negotiate the deal until the final destination, and in every country there are people waiting at agreed locations organising onward transit by car, whether private car or taxi. All communication is exclusively by phone. Rental cars are often used for the transportation of migrants. These vehicles are usually rented in a city, from which the migrants are taken closer to the border. From there they walk over the border to the territory of a neighbouring country. Meanwhile, the driver crosses the border legally in the car and waits for them at an agreed point on the other side. The migrants get into the vehicle which takes them to the next location, where they are met by other guides who take care of further transportation.

Smuggling expenses per migrant are estimated from 1,500-3,000 EUR. Smuggling to Croatia or Bosnia and Herzegovina costs 200-400 EUR.

¹¹⁸ Under UNSCR 1244

Routes

The main smuggling routes are:

- From Albania via Montenegro, most often towards Croatia, to a lesser extent towards Bosnia and Herzegovina, and Slovenia and other EU countries. The green border with Croatia is particularly busy.
- From Kosovo¹¹⁹ via Montenegro towards Bosnia and Herzegovina and Croatia – by land -, or towards Italy – by sea. The Debeli Brijeg border crossing, the green border with Croatia or Bosnia and Herzegovina, and the Luka Bar border crossing to Italy are particularly popular.
- Illegal migration via the Podgorica Airport in the direction of EU countries has been recorded, mostly by Tunisian and Turkish citizens.

Trafficking

In 2010, there was a marked increase in the number victims of trafficking from a low of 2 in 2009 to 14 in 2010, all of whom were adult women. There was also an increase in those apprehended as traffickers, from 4 in 2009 to 16 in 2010, all of whom were Montenegrin, apart from one Serbian. In 2008, there was one case when a potential victim of human trafficking illegally crossed the border between Montenegro and Serbia using a falsified travel document. No criminal proceedings were initiated as the person in question was identified as a potential victim of trafficking.

Human trafficking is defined in the Montenegrin Criminal Code and Montenegro is also a signatory to the UN Trafficking Protocol. It is regulated by the Government Strategy to Combat Human Trafficking, the Action Plan, the Agreement on international cooperation between state agencies and the NGO sector in combating human trafficking.

Detention

Grounds for Detention of Migrants

Detention policy is applied upon the order of the courts of Montenegro. In cases of falsification of documents, a prison sentence is foreseen and decided upon by the court in accordance with the law. Illegal migrants are subject to monetary fines for offences (illegal stay or illegal border crossing) in accordance with the law. If the migrant does not have sufficient funds, the court, in accordance with national legislation, commutes the fine to a prison sentence.

Montenegro has harmonised its criminal legislation, and legislation regulating offences, with EU legislation and EU recommendations. In the case of detention after arrest for identity checks, the person is held for up to 12 hours. If the person is to be returned to their country of origin or a third country, they are held until the deportation takes place – up to 90 days with the possibility of extension for a further 90 days. In general, according to the Immigration Law, foreigners may be kept at a reception centre for up to 90 days, with the possibility of extension for a further 90 days.

¹¹⁹ Under UNSCR 1244

41 migrants were detained, all at the Criminal Sanctions Institute in Podgorica, in 2009, increasing to 74 in 2010. In both years, the detainees were mostly citizens of Kosovo¹²⁰, followed by citizens of Albania and a small number of citizens of the former Yugoslav Republic of Macedonia.

Grounds for Detention of Asylum Seekers

In accordance with Article 10 of the Law on Asylum, a person seeking asylum shall not be prosecuted for illegal entry or stay in the country if they come from a country where their life or freedom is threatened, and if they immediately submit an asylum application stating valid reasons for seeking asylum. They will only be detained in cases foreseen by law. Asylum seekers can be subject to restrictions on movement outside the centre or other collective accommodation facility in exceptional cases, if decided upon by the relevant institution for a maximum of 15 days:

- If their identity is to be confirmed;
- If they destroyed ID or travel documents or possess falsified documents with the intention to deceive the relevant authorities;
- If it is in the interest of public security.

A child under 16 will not be subject to restrictions on movement unless there is no alternative. There have been no cases of detention or restrictions on movement of asylum seekers.

Detention Centres

The Criminal Sanctions Institute (ZIKS) is located in Podgorica – Spuz, and is under the Ministry of Justice. The Foreigners Reception Centre is expected to be completed by the end of 2011, and another centre is being constructed with the support of IOM and the Montenegrin Government. This centre is located in the immediate surroundings of the ZIKS and is under the authority of the Border Police Section of the Police Department. A further asylum centre is being completed in Podgorica, close to the other two centres, under the Ministry of the Interior.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	6,125,160	6,058,775
Exit	5,173,763	5,626,473
Total	11,298,923	11,685,248

Total number of persons claiming asylum		
	2009	2010
At the border	2	0
Inland	18	9
Unknown	0	0
Total	20	9

¹²⁰ Under UNSCR 1244

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	0	0
Persons whose applications were negative/rejected	17	8
Persons whose applications were otherwise closed	3	1

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Montenegro)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Albania	319	1. Albania	140
2. Kosovo ¹²¹	205	2. Kosovo ¹²²	96
3. Serbia	68	3. Montenegro	61
4. Montenegro	43	4. Serbia	60
5. Turkey	30	5. Palestine	17
6. Macedonia	21	6. Bosnia and Herzegovina	11
7. Bosnia and Herzegovina	17	7. Turkey	6
8. Afghanistan	8	8. Italy	6
9. Croatia	6	9. Greece	4
10. Czech Republic	5	10. Russia	2
Other	8	Other	9
Total	730	Total	412

Total number of migration-related border apprehensions (including foreigners and citizens of Montenegro)		
	2009	2010
Foreign nationals	765	411
Citizens of Montenegro	4	25
Total	769	436

Total number of migration-related border apprehensions (including foreigners and citizens of Montenegro), by gender		
Gender	2009	2010
Male	755	407
Female	14	29
Unknown	0	0
Total	769	436

¹²¹ Under UNSCR 1244¹²² Under UNSCR 1244

Number of minors apprehended at the border due to border violation including foreigners and citizens of Montenegro		
Gender	2009	2010
Male	41	24
Female	2	0
Unknown	0	0
Total	43	24

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Montenegro)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	147	90
On rail border crossings	0	1
On the green (land) border	322	257
At the sea border	44	53
On airports	0	0
In the country	256	35
On other places	0	0
Total	769	436

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Montenegro)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Montenegro on the border with that country	OUT: Number of apprehensions of people LEAVING Montenegro on the border with that country	Total number of apprehensions on the border with that country
1. Croatia	15	284	299
2. Albania	42	31	73
3. Italy	0	44	44
4. Bosnia and Herzegovina	1	37	38
5. Serbia	23	12	35
6. Kosovo ¹²³	24	0	24
Other	0	0	0
Total	105	408	513

¹²³ Under UNSCR 1244

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Montenegro)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Montenegro on the border with that country	OUT: Number of apprehensions of people LEAVING Montenegro on the border with that country	Total number of apprehensions on the border with that country
1. Croatia	17	206	223
2. Albania	57	16	73
3. Italy	0	46	46
4. Bosnia and Herzegovina	0	27	27
5. Serbia	22	0	22
6. Kosovo ¹²⁴	1	2	3
Total	97	297	394

Total number of 'human smugglers' apprehended (including foreigners and citizens of Montenegro)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	11	1
Citizens of Montenegro	5	0
Citizenship unknown	0	0
Total	16	1

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Montenegro)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Albania	7	1. Albania	1
2. Montenegro	5	2. -	-
3. Serbia	3	3. -	-
4. Kosovo ¹²⁵	1	4. -	-
Other	0	Other	-
Total	16	Total	1

¹²⁴ Under UNSCR 1244¹²⁵ Under UNSCR 1244

Number of apprehended persons being trafficked into Montenegro		
	Apprehensions in 2009	Apprehensions in 2010
Total	2	14
Of total: women	2	14
Of total: minors	0	0

Number of 'human traffickers' apprehended (including foreigners and citizens of Montenegro)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	0	1
Citizens of Montenegro	4	15
Citizenship unknown	0	0
Total	4	16

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Montenegro)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Montenegro	4	1. Montenegro	15
2. -	-	2. Serbia	1
Other	0	Other	0
Total	4	Total	16

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Albania	681	1. Kosovo ¹²⁶	840
2. Kosovo ¹²⁷	449	2. Albania	420
3. Bosnia and Herzegovina	429	3. Serbia	348
4. Serbia	263	4. Bosnia and Herzegovina	257
5. Montenegro	176	5. Montenegro	206
6. Turkey	148	6. Russia	88
7. Russia	68	7. Turkey	76
8. UK	35	8. Macedonia	46
9. Croatia	33	9. Croatia	28
10. the former Yugoslav Republic of Macedonia	32	10. No documents	18
Total of ALL rejected persons at the border (of any nationality)	2,625	Total of ALL rejected persons at the border (of any nationality)	2,624

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Montenegro			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Albania	138	1. Albania	81
2. Bosnia and Herzegovina	20	2. Serbia	15
3. Serbia	2	3. Kosovo ¹²⁸	6
4. Macedonia	2	4. The former Yugoslav Republic of Macedonia	4
5. -	-	5. Bosnia and Herzegovina	3
6. -	-	6. Croatia	3
7. -	-	7. Russia	2
Other	-	Other	2
Total of ALL removed persons at the border (of any nationality)	162	Total of ALL removed persons at the border (of any nationality)	116

¹²⁶ Under UNSCR 1244¹²⁷ Under UNSCR 1244¹²⁸ Under UNSCR 1244

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. ZIKS Podgorica	41	74
Total	41	74

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Kosovo ¹²⁹	22	44
2. Albania	11	11
3. Macedonia	5	0
4. Cameroon	1	0
5. Unknown	1	9
Other	1	10
Total	41	74

Information provided by:

Montenegro Police, Border Police Section at the Department of Immigration and Illegal Migration

¹²⁹ Under UNSCR 1244

POLAND



General Information¹³⁰

Location:	Central Europe, east of Germany
Area:	<i>Total:</i> 312,685 sq km – <i>water:</i> 8,430 sq km – <i>land:</i> 304,255 sq km
Land boundaries:	<i>Total:</i> 3,047km <i>Border countries:</i> Belarus 605 km, Czech Republic 615 km, Germany 456 km, Lithuania 91 km, Russia (Kaliningrad District) 432 km, Slovakia 420 km, Ukraine 428 km
Coastline:	440 km
Population:	38,441,588 (estimate for July 2011)

General legislative and institutional developments

The only legislative or institutional development mentioned was the reorganisation of the Investigative Section and the establishment of new sections responsible for combating illegal migration.

¹³⁰ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/pl.html> (Jan. 2012)

Irregular migration flows

Irregular migration in Poland

Poland is mainly a source and transit country for migrants. Yet, the country is increasingly becoming a country of destination and a gateway to the EU.

In 2009 and 2010 most border violators were citizens of Ukraine, Georgia, Russia and Belarus. There was a decrease in border violations recorded from 2009 to 2010. Most migration-related apprehensions were at places other than the Border Crossing Points (directly at the border, in the border area or outside of the border area), though many were at road, rail and green border crossings. The majority of apprehensions were at the Czech, Ukrainian and Russian borders in 2009, with an increase in apprehensions at the Ukrainian border in 2010, despite an overall decrease.

Methods of illegal entry

- On the basis of fraudulently obtained visas issued by Polish consulates and consequent illegal stay or onward migration to Western European countries;
- By hiding in different means of transport or on foot via a green border, individually or in a group;
- On the basis of forged or original documents belonging to other people;
- Falsification of border control stamps;
- On the basis of forged visas or visas obtained on the basis of forged documents;
- Illegal border crossings of the Polish-Lithuanian border by citizens of Iraq, Pakistan, Tajikistan, Russia (Chechens), Syria, Cuba and Angola, among others, who have left refugee centres in Lithuania in order to migrate through Poland to other EU countries;
- Identity fraud – a migrant alters her or his personal data, in accordance with national law, in order to avoid a visa refusal, refusal of entry or detention;
- Identity fraud – mostly by Ukrainians, but also Russians and Belarusians;
- Undertaking fictitious studies at a Polish university – the modus operandi is to obtain legal entry to Poland in order to study or attend language courses organised by colleges, before finding out how to move on to Western Europe;
- Hiding in different means of transport – usually, ordinary cars are used due to the abolition of border controls since Poland joined Schengen.

Methods

- Marriages of convenience;
- Fictitious employment on the basis of the *voivod's* decision on an employment permit;
- Presenting forged or original ID cards belonging to other persons or residence permits in order to work legally in Poland;
- Fictitious adoptions or fictitious recognitions of paternity by Polish citizens;

- Presenting forged visas in order to authenticate stay;
- Presenting forged or genuine documents issued by other Member State authorities;
- Falsification of border control stamps for extension of stay.

- **Marriages of convenience**

Polish people marry third country nationals and enter Poland or other states. This form of irregular migration is mainly undertaken by Vietnamese and Nigerians. There are also some cases involving Ukrainians, Armenians, Egyptians, Moroccans, Algerians and Tunisians. Information obtained from the British authorities shows Nigerians with a Polish residence card fraudulently obtaining a British visa by declaring that they are married to Polish nationals who are legal residents of the UK.

- **Fictitious adoptions**

This method involves finding Polish nationals willing to recognise a child as their own in return for a fee. The child then acquires Polish citizenship, and the mother may apply for a residence permit in Poland on the basis of exercising care. As a consequence, not only the child, but also the mother, obtains legal residence. This mainly involves citizens of Vietnam.

- **Employment**

This mainly involves Ukrainians, who arrive on the basis of a work visa, obtained by using “statements”, which may be bought or forged. They then make further attempts to migrate to other EU countries or take up illegal employment. They may also trade in previously smuggled goods that are subject to excise duty.

- **Stamps**

Border control stamps are falsified in order to attest to the “legality” of periods of residence in the EU and to obtain a visa – this mainly involves Ukrainians.

- **Asylum**

Foreigners applying for refugee status in Poland abuse refugee procedures in order to legalise their temporary stay before the next stage of migration to another EU Member State. They are mostly Russians of Chechen origin and Georgians. After applying for refugee status in Poland, they do not wait for the completion of the procedure. They attempt an illegal border crossing from Poland to Germany, France, Belgium, Sweden, Switzerland or Austria, among others.

Smuggling

A total of 54 human smugglers were apprehended in 2009, mostly Polish citizens, and 69 were apprehended in 2010, again mostly Poles. The other nationalities were Ukrainian, Russian, Chinese and Vietnamese. Data are not collected on smuggled persons, nor are they disaggregated by gender.

Routes

The routes of migrant smuggling across Poland are:

- Russia-Belarus-Poland-Sweden/Germany/Czech Republic/Slovakia;
- Russia-Baltic states-Poland-other EU states;

- Ukraine-Belarus-Lithuania-Poland-other EU states;
- Ukraine-Poland-other EU states;
- Moldova-Ukraine-Poland-Austria-Italy;
- Turkey-Russia-Ukraine-Poland-Germany-other EU states;
- Turkey-Greece-Czech Republic-Poland-Germany/Netherlands/Sweden;
- Middle East-Greece-Czech Republic-Poland-Germany;
- Ukraine-Poland-United Kingdom;
- Ukraine-Poland-Denmark;
- Russia-Ukraine-Poland-Germany/Czech Republic/Slovakia-EU states;
- By air.

The main countries of destination are Germany, Belgium, the Netherlands, Austria, Switzerland, France, the United Kingdom, Sweden, Italy and Spain.

Means of transport

Transport is usually by plane, bus/coach, car or ferry. A general trend is that there is a combination of means of transport en route. For example, there are cases when illegal migrants are transported by bus or car to the airport or ferry port. From there they get on a plane or ferry and continue their trip. Illegal migrants heading to the United Kingdom travel to Calais by bus and there they board a ferry in order to reach their destination. Ferries are known to be used by illegal migrants travelling from France via Holland on to the United Kingdom. Planes are also used to travel to other EU countries. Cars and buses or coaches are usually used by illegal migrants travelling from Eastern Europe to other EU countries. Communication is carried out by satellite telephone, pre-paid mobile phone or by internet (e-mail/Skype).

Modes according to nationality

- Pakistani

Pakistanis living in Poland set up an organised network from among their compatriots and then establish contacts with third country nationals, such as Russians, Ukrainians and Belarusians, as well as with compatriots living in Western Europe. Migrants are usually smuggled into Poland via the green border, and some of them remain while others are transported onwards to other EU countries in various modes of transport. Two major routes have been identified: Pakistan-Russia-Belarus-Ukraine-Poland – and sometimes onward to other EU countries; and Pakistan-Russia-Belarus-Ukraine-Slovakia-Poland – and sometimes onward to other EU countries.

- Nigerian

Nigerians in Poland often legalise their stay through marriages of convenience before travelling onwards to another EU country. They commonly enter Poland using falsified documents, based on which they contract marriage. Otherwise they use the passports of other people who look similar to them. Nigerian Organised Crime Groups (OCGs) are also involved in drug trafficking involving Nigerians and Polish citizens. The countries of destination are Italy, Greece, the Netherlands and Spain.

- Russian (from Chechnya)

Chechen OCGs organise illegal migration and legalisation of stay for other persons of Chechen origin and Georgian citizens. They apply through the residence permit procedure so that they can cross the border to Poland legally. Migrants enter Poland via the railway Border Crossing Point (BCP) at Terespol and apply for a residence permit. This allows them to legalise their stay in Poland until the application is considered by the Foreigners Service. At the border, they are issued with a Temporary Foreigner's ID allowing them to move within the country but not to leave the country, and their passports are confiscated.

They are then sent to the Foreigners Centres in Poland, where those who wish to depart from Poland illegally are recruited by members of the OCGs and transported by car across the Polish border.

Migrants from Chechnya are picked up by drivers just after crossing the border and completing the asylum procedure at the BCP. They are then moved to large cities (usually Warsaw) and from there, on the same day, or after a few days in a safe house, they are smuggled onwards to EU countries. Before coming to Poland, they are given detailed instructions, often by Belarusians, about the procedure that applies in Poland, and the requirements to get a residence permit or refugee status.

Four smuggling routes were identified:

- Western route – through Poland to Germany/France/Belgium
- Southern route – through Poland and Czech Republic to Austria
- Northern route – through Poland to Sweden/Norway by ferry
- Lithuanian route – from Lithuania through Poland and onward to Western Europe.

- Vietnamese

Vietnamese OCGs are usually involved in the cultivation of cannabis. The main organisers of the smuggling are Vietnamese people living in Warsaw, who also transport prepared products to other European countries (Czech Republic, Hungary, Germany and the Netherlands). They smuggle people from Asian countries across Belarus and Lithuania to Poland and onward to other EU countries. This is done in cooperation with Polish, Belarusians and fellow Vietnamese. Illegal migrants are transported by plane to Russia and then by car to Belarus, close to the Polish border. From there, with the assistance of a guide at the green border, they are transported to Poland and onward to other EU countries. Vietnamese OCGs are also involved in organising legalisation of stay for Vietnamese people through fictitious marriages.

- Chinese

Chinese citizens organise legalisation of stay in Poland for Asian migrants, mainly Chinese. This is usually a result of corruption among national officials during visa and work permit issuing procedures.

- Ukrainians

Citizens of Ukraine organise the smuggling of Ukrainian nationals from Poland to the United Kingdom using Polish ID cards and the passports of people who look similar to the migrant, or using falsified documents. The members of the criminal

group under investigation are assumed to be Polish and Ukrainian nationals active on the territory of the United Kingdom and Poland, availing of an elaborate network of criminal connections. The management of the group is located in London.

The group's *modus operandi* is based on people in Ukraine who: offer a trip to the United Kingdom in order to work there; and organise the smuggling of migrants from Ukraine, as requested by their family and friends who have been residing illegally in the United Kingdom for some time.

Members of this criminal group provide assistance in obtaining Polish C or D visas at Polish consulates in Ukraine. In order to do this, they use travel agencies, invitations from Orthodox priests, invitations for specialised training courses and employment declarations stating willingness to employ foreigners. Ukrainians also join the Society of Poles in Ukraine for this reason, as the membership enables them to obtain Polish visas. After obtaining the visas and crossing the Ukrainian-Polish border, they stay at hotels or private houses across Poland and are provided with documents. They are assisted in changing their appearance in order to look like the people in the photographs on the documents. There they wait for the smuggling transport by bus, car or train.

Organisational Structure

If the OCG is involved at all levels in organising the smuggling, there is an internal division of tasks according to the hierarchy. There are three levels – leadership, medium and low. In smaller OCGs, there are only two levels – leadership and medium/low. At the leadership level, employers and organisers coordinate the smuggling route and give instructions to the other levels. They are also involved in money laundering and financing illegal activities. They are in direct contact with those at medium level, but not with those at the low level. The medium level is responsible for organising the smuggling along the preferred route, contacting the members of other OCGs, recruiting migrants and organising their accommodation. They act as middlemen between the organisers and contractors. At the lowest level, the contractors are directly responsible for smuggling.

The division of tasks is strictly defined and is in accordance with the hierarchy. Each member is responsible for a specific task. Polish people active in OCGs are usually drivers, or responsible for accommodation and meals for migrants, as well as acting as guides and observers of the smuggling route, although in some cases they are at the leadership level.

Trends

Smuggling fees depend on the smuggling route and the distance. They are directly connected with organisational activities such as obtaining documents or changing the appearance of the migrant.

Activities are related to providing a comprehensive service for migrants – determining the route, assistance with issuing the document and changing their appearance.

Trafficking

The victims of trafficking in Poland in 2009 and 2010 were all women – 13 in 2009 and 6 in 2010. They were from Ukraine, Uganda, Bulgaria, China, Vietnam, Nigeria, Russia, Romania, Moldova, Nepal and Belarus. No other data are available. Poland has ratified the UN Trafficking Protocol and uses its definition of trafficking. Additionally, an amendment of the Criminal Code entered into force on 8 September 2010, aiming to introduce the definition of the crime of human trafficking into Polish law, based on the applicable provisions of international law.

Trafficking is related to smuggling – in most cases, victims of THB cross the border illegally using falsified or forged documents – passports or IDs. There are currently more cases of victims of THB for the purposes of labour exploitation, whereby the person in question crosses the border legally and has the documents to legally reside and work in Poland. It is not possible for a victim of THB to appear in statistics concerning human smuggling.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Total	27,647,428	30,639,967

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Poland) ¹³¹			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Ukraine	355	1. Ukraine	315
2. Georgia	255	2. Russia	138
3. Russia	211	3. Georgia	120
4. Belarus	137	4. Belarus	79
5. Vietnam	68	5. Russia	61
6. Moldova	40	6. Vietnam	37
7. China	39	7. Moldova	35
8. Armenia	18	8. Afghanistan	14
9. Turkey	12	9. Armenia	10
10. Lithuania	7	10. Turkey	10
Total	1,134	Total	819

¹³¹ Proceedings initiation pursuant to article 264, para. 2 kk – illegal border crossing with the use of threat, violence, fraud or in cooperation with other people.

Total number of migration-related border apprehensions (including foreigners and citizens of Poland)¹³²		
	2009	2010
Foreign nationals	1,273	927
Citizens of Poland	31	23
Total	1,304	950

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Poland)

Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings, on rail border crossings and on the green (land) border	974	830
At the sea border	99	105
On airports	94	115
In the country	171	193
On other places (apprehended directly at the border, in the border area, or not at the border)	2,414	1,106
Total	3,581	2,349

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Poland)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Poland on the border with that country	OUT: Number of apprehensions of people LEAVING Poland on the border with that country	Total number of apprehensions on the border with that country
1. Russian Federation	60	128	188
2. Belarus	96	149	245
3. Ukraine	374	561	935
4. Sea border	59	40	99
5. Air border	38	56	94
6. Lithuania	78	5	83
7. Slovakia	39	103	142
8. Czech Republic	558	120	678
9. Russian Federation	237	709	946
10. In the country	171	-	171
Total	1,710	1,871	3,581

¹³² Proceedings initiation pursuant to article 264, para. 2 kk – illegal border crossing with the use of threat, violence, fraud or in cooperation with other people.

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Poland)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Poland on the border with that country	OUT: Number of apprehensions of people LEAVING Poland on the border with that country	Total number of apprehensions on the border with that country
1. Russian Federation	34	19	53
2. Belarus	123	41	164
3. Ukraine	750	215	965
4. Sea border	16	89	105
5. Air border	77	38	115
6. Lithuania	35	0	35
7. Slovakia	17	21	38
8. Czech Republic	293	38	331
9. Russian Federation	288	255	543
Total	1,633	716	2,349

Total number of 'human smugglers' apprehended (including foreigners and citizens of Poland)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	22	32
Citizens of Poland	32	37
Citizenship unknown	-	-
Total	54	69

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Poland)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Poland	22	1. Poland	32
2. Ukraine	16	2. Ukraine	11
3. Russia	5	3. Russia	6
4. China	1	4. China	5
5. Vietnam	1	5. Vietnam	4
Other	-	Other	-
Total	54	Total	69

Number of apprehended persons being trafficked into Poland		
	Apprehensions in 2009	Apprehensions in 2010
Total	13	6
Of total: women	13	6
Of total: minors	0	0

Number of 'human traffickers' apprehended (including foreigners and citizens of Poland)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	No data available	No data available
Citizens of Poland	0	1
Citizenship unknown	0	0
Total	0	1

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Poland)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
-	0	1. Poland	1
Total	0	Total	1

Information provided by:
Migration Policy Department
Ministry of the Interior and Administration

ROMANIA



General Information¹³³

Location:	Southeastern Europe, bordering the Black Sea, between Bulgaria and Ukraine
Area:	<i>Total:</i> 238,391sq km – <i>water:</i> 8,500sq km – <i>land:</i> 229,891sq km
Land boundaries:	<i>Total:</i> 2,508km <i>Border countries:</i> Bulgaria 608 km, Hungary 443 km, Moldova 450 km, Serbia 476 km, Ukraine (north) 362 km, Ukraine (east) 169 km
Coastline:	225 km
Population:	21,904,551 (estimate for July 2011)

General legislative and institutional developments

Government Emergency Ordinance (GEO) No. 194/2002 on immigration in Romania is the main legal act regulating both legal migration and prevention of and combating illegal migration. This legal act had to be modified and expanded in accordance with the *acquis communautaire*. A draft law has been drawn up and is now subject to inter-institutional consultation. Among other issues, the draft law will transpose two EU legal instruments into the national legislation – Directive 2008/115/EC on common standards and procedures in Member States for returning

¹³³ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/ro.html> (Feb 2012)

illegally staying third-country nationals and Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. No relevant institutional developments took place.

Irregular migration flows

Subsequent to an increase in the number of migrants apprehended for illegal migration in Romania, Bulgarian authorities state that the financial crisis caused a decrease both in the total numbers of legal migrants coming to Romania, and in the total number of migrants apprehended for illegal migration. Most migration-related apprehensions were at the Hungarian and Moldovan borders, mostly on the green borders as well as at road border crossing points. Most were of foreign nationals rather than Romanians. There was a minor decrease from 2009 to 2010 in the number of people rejected at the border, and in the number of people to whom residence was refused, but an increase in the number of overstayers.

There was a concomitant decrease in the number of removals, the majority of whom, in both years, were from Moldova, Turkey and China. The majority of migrants crossing the borders illegally continue to be from Moldova, Turkey and China. It is noted that some diplomatic missions in Romania continue to pose problems for removals by not providing travel documents for those subject to removal.

Detention

Policy

Romanian policy on immigration and asylum is set out in the National Immigration Strategy for 2011-2014, as approved by Government Ordinance no. 498/2011, which sets strategic objectives and specific areas of action. These include the reinforcement of legal stays for foreigners in Romania, the application of specific measures, and the replacement of restrictive measures with measures for the return of illegally staying immigrants that are in line with EU standards. Implementation will comprise increasing efficiency and capacity to return migrants, by improving human and material resources that are available. As the national strategy sets out policies on immigration and asylum, it does not include guidelines on the detention of foreigners who are to be returned. These measures are carried out in strict accordance with the statutory provisions.

Legislation

As a member of the European Union, Romania has implemented the *acquis communautaire*, which is transposed into national law. The definitions used in migration, asylum and the integration of migrants correspond to EU norms.

Article 97 of the GEO no. 194/2002, referred to above, on immigration in Romania with subsequent amendments, defines detention as a temporary measure restricting freedom of movement on Romanian territory, ordered by the magistrate against a foreigner who cannot be removed under escort, for a period prescribed by law, and against a foreigner who has been declared undesirable or subject to a

court-ordered expulsion. This is strictly and exhaustively set out by law, and the reasons that entitle the competent authorities to impose detention are:

- the risk of theft arising from the removal procedure;
- the person has not complied with the deadline for voluntary return;
- the person has been declared an undesirable person in Romania;
- the person avoids or prevents preparations for removal or return;
- the person is subject to a security expulsion measure ordered by the court.

There is a conceptual distinction between the detention of foreigners apprehended during the period of necessary checks, interviews and determining exact status (screening), and detention for the purposes of return. In accordance with Article 143 (letter b) of Ordinance 194/2002, with subsequent amendments, the Romanian Immigration Office Police shall be entitled to check, detect, take over the premises of other authorities or enter territorial units, in relation to foreigners who violate Romanian immigration law, or foreigners whose identity cannot be established, in order to verify facts and take legal measures, within 24 hours. Throughout the ensuing site management and during the verifications, foreigners are free to contact any person they wish. If they seek urgent medical attention, the Romanian Immigration Office staff will make the necessary arrangements.

Detention is ordered, in the situation foreseen under Art. 97, paragraph 1) of the Ordinance, by the Magistrate in respect of a foreign citizen who cannot be removed under escort within the period prescribed by law, at the request of the Romanian Immigration Office, in order to fulfil all of the necessary steps for removal under escort. (If the foreigner has a document to authorise border crossing, funds and the other formalities are not required, and removal under escort will take place within 24 hours.)

Detention centres

The Romanian Immigration Office manages two centres for foreigners taken into custody for removal:

Otopeni – with a capacity of 140, which can be expanded to 150;

Arad – with a capacity of 50, which can be expanded to 60.

Subsequent to analysis, the need was identified to open a new centre, and the legal steps necessary are currently being carried out to identify a viable and operational location.

The detention centres for foreigners taken into custody are used for foreigners apprehended for illegally staying in Romania, who are to be returned under escort, for those who have been declared “undesirable”, and for offenders who are handed down a prison sentence and expulsion has been ordered as a safety measure. The latter group of detainees is held separately from others.

Detention centres for foreign citizens taken into custody are publicly not accessible, specially designed, and administrated by the Romanian Immigration Office. They are intended for temporary detention of foreign citizens ordered to leave the country. The centres are organised and operate according to the regulations

approved by the Head of the Romanian Immigration Office. The accommodation centres are set up, organised, provided with healthcare services, arranged and equipped so as to provide suitable conditions for accommodation, food and personal hygiene for foreigners. In 2009, Otopeni accommodated 245 detainees, while Arad accommodated 232. In 2010, 230 detainees were held at Otopeni, and 241 were held at Arad.

Period of detention

In accordance with Art. 97 of GEO 194/2002 on Immigration, as amended and supplemented by Law no. 157/2011 on the legalisation of foreigners, the detention of foreigners subject to return measures cannot exceed six months. This period may be extended exceptionally for a further period not exceeding twelve months, if the Romanian Immigration Office responsible for the removal of foreigners has not been able to take actions that prevent the removal, or they have not been able to prevent delays in obtaining the necessary documentation from third countries. If the foreigner is declared "undesirable" or if expulsion is ordered, detention shall be ordered by a court decision to remove them from Romanian territory, but not for more than 18 months. The number of detainees during 2009 and 2010 remained stable, and most were from Turkey, Moldova and China.

Detention of Asylum Seekers

According to Art. 17, paragraph 1), letter k) and Art. 20, paragraph 1), letter n) of Law no. 122/2006 on asylum in Romania, asylum seekers who lack the necessary means of subsistence, as well as people who have obtained some form of protection in Romania (refugee status or subsidiary protection) have the right to be accommodated upon request in one of the six regional centres of accommodation for asylum procedures. These regional structures are administered by the Romanian Immigration Office and are open. Foreigners who have established legal residence in Romania are not subject to restrictions of freedom of movement. However, according to the internal regulations of the centres, those accommodated there are obliged to enter and exit accommodation between 6am and 10pm.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	9,935,913	17,641,884
Exit	10,136,114	18,299,581
Total	20,072,027	35,941,465

Total number of persons claiming asylum		
	2009	2010
At the border	465	342
Inland	648	555
Unknown	0	0
Total	1,113	897

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	94	123
Persons whose applications were negative/ rejected	649	615
Persons whose applications were otherwise closed	143 ¹³⁴	128 ¹³⁵

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Romania)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Moldova	n.a.	1. Moldova	n.a.
2. Turkey	n.a.	2. Turkey	n.a.
3. Georgia	n.a.	3. Afghanistan	n.a.
4. Pakistan	n.a.	4. Pakistan	n.a.
5. Afghanistan	n.a.	5. Georgia	n.a.
6. Tunisia	n.a.	6. Sri Lanka	n.a.
7. Georgia	n.a.	7. Iran	n.a.
8. Iraq	n.a.	8. Iraq	n.a.
9. Iran	n.a.	9. India	n.a.
10. India	n.a.	10. Tunisia	n.a.
Total	1,531	Total	1,788

Total number of migration-related border apprehensions (including foreigners and citizens of Romania)		
	2009	2010
Foreign nationals	977	1,205
Citizens of Romania	93	102
Total	1,070	1,307

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Romania)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	218	324
On rail border crossings	-	-
On the green (land) border	844	957
At the sea border	8	26
On airports	-	-
In the country	-	-
On other places	-	-
Total	1,070	1,307

¹³⁴ Withdrawn

¹³⁵ Withdrawn

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Romania)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Romania on the border with that country	OUT: Number of apprehensions of people LEAVING Romania on the border with that country	Total number of apprehensions on the border with that country
1. Serbia	18	-	18
2. Ukraine	33	-	33
3. Moldova	296	-	296
4. Hungary	-	412	412
5. Bulgaria	44	-	44
Total	391	412	803

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Romania)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Romania on the border with that country	OUT: Number of apprehensions of people LEAVING Romania on the border with that country	Total number of apprehensions on the border with that country
1. Serbia	7	-	7
2. Ukraine	33	-	33
3. Moldova	309	-	309
4. Hungary	-	555	555
5. Bulgaria	52	-	52
Total	401	555	956

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border

Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
Total of ALL rejected persons at the border (of any nationality)	4,365	Total of ALL rejected persons at the border (of any nationality)	4,320

Number of persons to whom residence was refused and the top 10 nationalities/ citizenships to whom residence was refused ¹³⁶			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. China	161	1. Turkey	97
2. Turkey	72	2. China	79
3. Moldova	64	3. Moldova	39
4. Egypt	14	4. Syria	10
5. Iran	11	5. Iraq	10
6. India	8	6. Israel	10
7. Bangladesh	7	7. Bangladesh	6
8. Syria	7	8. Lebanon	6
9. Ukraine	5	9. Egypt	3
10. Lebanon	4	10. Nigeria	3
Total of ALL refused persons (of any nationality)	389	Total of ALL refused persons (of any nationality)	300
Of the total: number of overstayers¹³⁷	2,897	Of the total: number of overstayers	3,241

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Romania			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Moldova	90	1. Moldova	75
2. Turkey	84	2. Turkey	72
3. China	61	3. China	39
4. Georgia	19	4. Ukraine	15
5. Iraq	16	5. Tunisia	14
6. Egypt	13	6. Iraq	13
7. Ukraine	13	7. Albania	11
8. Vietnam	11	8. Syria	9
9. Serbia	9	9. Afghanistan	8
10. Bangladesh	7	10. Georgia	7
Others	69	Others	70
Total of ALL removed persons at the border (of any nationality)	392	Total of ALL removed persons at the border (of any nationality)	333

¹³⁶ Note: the figures represent the total number of foreigners who were refused an extension of the right to stay in Romania and were issued with a removal decision to leave the country.

¹³⁷ Overstayers are persons who remain in the country after the deadline of their visa or residence permit has expired.

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
Otopeni	245	230
Arad	232	241
Total	477	471

Main nationalities of detained migrants in 2009 and 2010			
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2010
1. Turkey	102	1. Moldova	91
2. Moldova	76	2. Turkey	71
3. China	40	3. China	40
4. Iraq	36	4. Pakistan	22
5. Pakistan	26	5. Tunisia	20
Others	197	Other	227
Total	477	Total	471

Information provided by:

General Inspectorate for the Romanian Border Police

SERBIA



General Information¹³⁸

Location:	South-Eastern Europe, bordering Bosnia and Herzegovina, Croatia, Hungary, Romania, Bulgaria, the former Yugoslav Republic of Macedonia, Kosovo ¹³⁹ , and Montenegro
Area:	<i>Total:</i> 77,474 sq km
Land boundaries:	<i>Total:</i> 2,026 km <i>Border countries:</i> Bosnia and Herzegovina 302 km, Bulgaria 318 km, Croatia 241 km, Hungary 151 km, Kosovo ¹⁴⁰ 352 km, the former Yugoslav Republic of Macedonia 62 km, Montenegro 124 km, Romania 476 km
Population:	7,276,604 (July 2012 est.)

General legislative and institutional developments

Legislation

In 2010 a series of bilateral agreements were signed between the Republic of Serbia and the following governments:

¹³⁸ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/ri.html> (Apr 2012)

¹³⁹ Under UNSCR 1244

¹⁴⁰ Under UNSCR 1244

-
- Memorandum of Understanding between the Ministry of Interior of the Republic of Serbia and the Serious Organised Crime Agency of the United Kingdom and Northern Ireland on the Fight Against Transnational Crime and Development of Police Cooperation in the Area of the Fight Against Illicit Drug Trafficking, Illegal Migration, Money Laundering, Illicit Trade in Firearms, Cyber Crime and Fraud (signed on March 18, 2010, in London);
 - Agreement between the Government of the Republic of Bulgaria and the Government of the Republic of Serbia on the Establishment and Functioning of a Common Contact Center for Police and Customs cooperation (signed on April 26, 2010, in Belgrade);
 - Agreement between the Republic of Serbia and the Republic of Azerbaijan on Cooperation in the Fight against Crime (signed on May 13, 2010, in Baku);
 - Agreement between the Government of the Republic of Serbia and the Republic of Bulgaria on Police Cooperation (signed on May 20, 2010, in Sofia);
 - Memorandum of Understanding between the Ministry of Interior of the Republic of Serbia and the Ministry of Justice of the Federal Republic of Brazil on Strengthening Police Cooperation in the Fight against Transnational Organized Crime (signed on June 7, 2010);
 - Memorandum of Understanding between the Ministry of Interior of the Republic of Serbia and the Ministry of Justice, Security and Human Rights of Argentina (concluded on June 9, 2010 in Buenos Aires);
 - Protocol between the Government of the Republic of Serbia and the Federal Government of the Republic of Austria on the implementation of the Agreement between the Republic of Serbia and the European Community on the Readmission of Persons Residing without authorization (signed on June 25, 2010 in Belgrade);
 - Agreement between the Government of the Republic of Serbia and the Government of the former Yugoslav Republic of Macedonia on regulation of the border traffic regime (signed on September 18, 2010, in Skopje);
 - Agreement between the Government of the Republic of Serbia and the Council of Ministers of Bosnia and Herzegovina on Police Cooperation (signed on September 24, 2010);
 - Memorandum on Cooperation with Japan (signed on December 1, 2010);
 - Agreement between the Republic of Serbia and the Czech Republic on Police Cooperation in the Fight against Crime (signed on December 17, 2010, in Prague);
 - Memorandum of Understanding between the Ministry of Interior of the Republic of Serbia and the Ministry of Interior of the Oriental Republic Uruguay on the development of police cooperation in the fight against organised crime.
-

Also in 2010, the Action Plan for implementing Strategy of confronting illegal migration in the Republic of Serbia for the period from 2009 – 2014 has been delivered (Official Gazette of the Republic of Serbia, No. 99/10).

Institutional developments

Currently there is an ongoing process of introducing modifications in the organisational structure of the Border Police Department in line with new legislation and new requirements, at the request of the Mol:

- Department for logistics
- Asylum office (Asylum Centers - Banja Koviljaca and Bogovađa)
- Risk analysis (institutionalisation of working activities)

Irregular migration flows

In 2010 there were 4,320 persons apprehended for migration-related border violations, representing a 47% increase from the previous year (3,218 persons in 2009). In both years the majority of the cases involved foreign nationals, also reflecting the increasing pattern (4,320 persons in 2010 and 2,101 in 2009). On the other hand, the number of Serbian citizens apprehended for migration-related border violations decreased by 62% in 2010 compared to the previous year (from 1,117 persons in 2009 to 417 in 2010). Among foreign offenders, in 2010 the top countries of origin have been Afghanistan (1,662 persons, 31% increase from 2009) and the Occupied Palestinian Territories (1,251 persons; in 2009 there had been only 25 persons). Other significant nationalities include Somali (190 persons in 2010), Algerian (152), Tunisian (143), Turkish (106), Albanian (100), Iraq (100) and Morocco (94).

In both years, the majority of apprehensions were conducted on the green (land) border (2,376 persons in 2010 and 1,905 in 2009) and in the country (1,951 persons in 2010 and 908 in 2009). With regard to apprehensions at the border, a large part of these took place at the border with the former Yugoslav Republic of Macedonia upon entry into Serbia (1,445 persons) and at the border with Hungary upon exit from Serbia (927 persons).

Also according to records from the Serbian authorities, in 2010 there were 2,542 persons forcibly returned from Serbia. The top nationalities of the returnees were Afghanistan (698 persons), Pakistan (695), Romania (395), Turkey (135), Bulgaria (131), Algeria (112), Tunis (106) and Somalia (103). This represents an outstanding increase from the figures for 2009, when, according to the same source of data, only 180 persons were removed from Serbia.

Flows of illegal migration

In comparison to 2009, the number of detected migrants without residence status originating from African and Asian countries has significantly increased in 2010, which raised accordingly the number of investigated cases of human smuggling and filed criminal charges. Typical for this category of migrants is that the process of transporting migrants from the country of origin to the destination runs through several phases and lasts longer. It has been also noted that, once detected, the

majority of migrants in an irregular situation file an asylum application in order to avoid further processing and at the same time still attempt to succeed their initial intention continue their journey to Western European countries.

Upon entering the Republic of Serbia, usually from the territory of the former Yugoslav Republic of Macedonia following identified routes and channels, migrants are facilitated by smugglers operating in this area and then further transported to the Hungarian border using public, road or railway, transportation, taxi vehicles or local smugglers' vehicles. In addition to this main route of irregular migration passing through the territory of the Republic of Serbia, other routes lead towards Bosnia and Herzegovina, Croatia and Romania.

Information from the Serbian authorities for 2010 pointed towards a new smuggling channel used by Afghan nationals residing in the Republic of Greece, who have collaborators in the former Yugoslav Republic of Macedonia and the Republic of Serbia. The method used in this case consists of filing an asylum application by smuggled persons both in the Republic of Greece and the Republic of Serbia. After entering the Republic of Serbia, migrants are transported, as previously agreed, close to the Asylum Centre, where they are filing an asylum application whether in the nearest police station or in the centre for asylum seekers in Banja Koviljača, staying there several days waiting to continue towards Hungary or Croatia. During this period, permanent contact is maintained with the smugglers over mobile phones.

Given the political and general situation in the countries of origin, the Serbian authorities estimate that this trend of increased irregular migration from African and Asian countries will persist and also increase in the future. In addition, the Serbian authorities are also expecting an increase in illegal transit through Serbia on route to Hungary of persons attempting to abuse the visa free regime established with Turkey.

Modes of illegal border crossings

More specific information provided by the Serbian authorities regarding the modes of illegal border crossings of migrants of Afghan and Turkish origin is detailed below.

With regard to migrants of Afghani origin, main observations are summarised below:

- Age: mostly 18-30, sometimes unaccompanied minors
- Sex: mostly male
- In groups, by foot or use of public transportation, always near "Corridor 10"
- In only a few cases taxis are used (facilitators from the former Yugoslav Republic of Macedonia and Serbia)
- Well informed, sometimes with enough money usually hidden in parts of the clothes
- With detailed maps and instructions

- Without passports
- According to intelligence, from 5-10 percent use of false documents
- Problems to confirm their nationality and identity
- Abuse of asylum
- Serious security threat

Entry points from the Western Balkans, specifically from the former Yugoslav Republic of Macedonia, include:

1. Kumanovo-Lojane (MK¹⁴¹) - Miratovac-Presevo - Bujanovac - Vranje
2. Kumanovo-Tabanovce (MK) - village Cukarka - Vranje - Nis
3. Kumanovo- Sopot (MK) - Presevo (road M1) - Vranje and Strezovce-Vranje
4. Kumanovo-Pelince (MK) - Ljanik-Bujanovac - Vranje

In addition, the following entry points through Serbia to Hungary are also employed for irregular movements: Vranje - Belgrade - Subotica - Hungarian Border (main route) and other routes via Bosnia and Herzegovina, Croatia or Romania.

Concerning irregular migrants of Turkish origin, characteristics of irregular movements include:

- Facilitated by network of small organised criminal groups active in countries of origin, transit and destination
- Very flexible, adaptable, with small number of members
- Use of legal advantages (visa-free regime for Montenegro and Bosnia and Herzegovina)
- Migrants mostly in groups of four persons
- Use of falsified documents

Main Routes:

1. Istanbul - Prishtina (by plane) - Rozaje (ME) (by regular bus transportation) - Novi Pazar (RS) (by foot and by car) - Belgrade - Subotica - Hungarian Border
2. Istanbul - Skopje (MK) - AP Kosovo¹⁴² and Metohija - Rozaje (ME) (by regular bus transportation) - Novi Ovi Pazar (RS) (by foot and by car) - Belgrade - Subotica - Hungarian Border
3. Istanbul - Skopje (MK) - AP Kosovo¹⁴³ and Metohija - Rozaje (ME) (by regular bus transportation) - Novi Pazar (RS) (by foot and by car) - Belgrade - Subotica - Hungarian border

¹⁴¹ The former Yugoslav Republic of Macedonia

¹⁴² Under UNSCR 1244

¹⁴³ Under UNSCR 1244

4. Istanbul - Podgorica (ME) - Rozaje – Novi Pazar (RS) (by foot and by car) - Belgrade - Subotica - Hungarian Border
5. Istanbul - Sarajevo (BIH) - Belgrade (RS) - Subotica - Hungarian border

Smuggling

In 2010 there were 392 apprehended persons being smuggled into Serbia, a 23% increase from the previous year (318 persons in 2009). Also in 2010, the number of "human smugglers" apprehended was 211 persons, representing a 35% increase from 2009 (156 persons). A total of 106 criminal charges were filed against the 211 perpetrators in 2010, in comparison to 82 criminal charges filed in 2009. In both years the large majority of offenders were of Serbian nationality (186 persons in 2010 and 141 in 2009). In 2010, other countries of origin for the apprehended smugglers included the former Yugoslav Republic of Macedonia (9 persons), Turkey (3), Netherlands (2), Afghanistan (2) and Tunisia (2).

Organisational setup of human smuggling

Organised criminal groups dealing with smuggling of migrants in the Republic of Serbia consist most commonly of 5 to 15 members, some of which act as facilitators only periodically. In some cases, an organised criminal group covers only a transit area through the Republic of Serbia, while in some cases it operates jointly with criminal groups from neighbouring countries and with members of criminal groups from the countries of origin or destination.

The leaders of the groups are not directly involved in transport of smuggled persons. Instead, their task is to organise the group, to facilitate communication among the group members, to recruit customers, as well as to deal with payment and distribution of money. The organisation structure of criminal groups dealing with people smuggling is usually dynamic, adaptable to the actual situation.

Technical facilities of human smuggling

Persons are usually being transported in motor vehicles of different type and age, with 5 or more seats. In some cases, they also use public transportation (taxi, bus or train) for parts of the smuggling route. Communication between facilitators or smuggled persons is usually done by telephone, more recently also via internet (e.g. Skype).

Trafficking

In 2010 there were 76 apprehended persons being trafficked into Serbia, a slight decrease from the previous year (85 persons in 2009). In both years, the majority of the victims identified were women (70 persons in 2010).

The number of "human traffickers" apprehended has remained relatively stable in 2010 (99 persons) compared with 2009 (94 persons), more than 95% of which were Serbian citizens in both years.

Detention

Detention of asylum seekers

In Republic of Serbia, asylum seekers can be detained under certain circumstances. The ground for detention of asylum seekers can be found in Articles 51 and 52 of the Law on Asylum, which stipulate that the movement of asylum seekers may be restricted by a decision of the Asylum Office, when it is necessary for the purpose of: 1) establishing the identity of the applicant; 2) ensuring the presence of an alien in the course of the asylum procedure, if there are reasonable grounds to believe that an asylum application was filed with a view to avoiding deportation, or if it is not possible to establish other essential facts on which the asylum application is based without the presence of the alien in question; 3) protecting national security and public order in accordance with the law.

The same articles establish that restrictions of movement shall be implemented by ordering accommodation at the Reception Centre for Aliens under intensified police surveillance or by imposing a ban on leaving the Asylum Centre, a particular address and/or a designated area.

Duration of detention

Restriction of movement shall last for as long as the reasons referred to in Article 51 of this law apply, but not longer than three months. Notwithstanding the above, when restriction of movement was imposed for the reasons referred to in items 2 and 3 of Article 51, its duration may be extended for another three months. An appeal against a decision on imposing or extending the measure referred to in paragraph 1 item 1 of this article shall be decided upon by the competent district court. The provisions of Article 53 of the Law on Police (the Official Gazette of the Republic of Serbia no. 101/05) shall apply accordingly to the procedure of passing decisions on appeals referred to in paragraph 4 of this Article. An appeal against a decision on restriction of movement shall not have a suspensive effect.

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	24,059,611	16,129,310
Exit	22,893,644	17,169,831
Total	46,953,255	33,299,141

Total number of persons claiming asylum		
	2009	2010
At the border	15	3
Inland	259	517
Unknown	1	-
Total	275	520

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	4	1
Persons whose applications were negative/ rejected	7	47
Persons whose applications were otherwise closed	224	309

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Serbia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Afghanistan	1,265	1. Afghanistan	1,662
2. The former Yugoslav Republic of Macedonia	164	2. Occupied Palestinian Territories	1,251
3. Albania	114	3. Somalia	190
4. Turkey	102	4. Algeria	152
5. Montenegro	62	5. Tunisia	143
6. Iran	48	6. Turkey	106
7. Bulgaria	46	7. Albania	100
8. Romania	43	8. Iraq	100
9. Bosnia and Herzegovina	39	9. Morocco	94
10. Occupied Palestinian Territories	25	10. -	-
Other	255	Other	522
Total	2,163	Total	4,320

Total number of migration-related border apprehensions (including foreigners and citizens of Serbia)		
	2009	2010
Foreign nationals	2,101	4,320
Citizens of Serbia	1,117	417
Total	3,218	4,737

Total number of migration-related border apprehensions (not including citizens of Serbia), by gender		
Gender	2009	2010
Male	1,974	4,190
Female	127	130
Unknown	-	-
Total	2101	4320

Number of minors apprehended at the border due to border violation including foreigners and citizens of Serbia		
Gender	2009	2010
Male	202	111
Female	15	13
Unknown		-
Total	217	124

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Serbia)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	388	399
On rail border crossings	-	-
On the green (land) border	1,905	2,376
At the sea border	-	-
On airports	17	11
In the country	908	1,951
On other places	-	-
Total	3,218	4,737

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of Serbia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Serbia on the border with that country	OUT: Number of apprehensions of people LEAVING Serbia on the border with that country	Total number of apprehensions on the border with that country
1. Hungary			1,278
2. The former Yugoslav Republic of Macedonia			578
3. Montenegro			140
4. Romania			105
5. Bosnia and Herzegovina			101
6. Bulgaria			52
7. Croatia			39
Other (Airport Belgrade)			17
Total			2,310

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Serbia)			
Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Serbia on the border with that country	OUT: Number of apprehensions of people LEAVING Serbia on the border with that country	Total number of apprehensions on the border with that country
1. The former Yugoslav Republic of Macedonia	1,445	40	1,485
2. Hungary	12	927	939
3. Croatia	18	143	161
4. Montenegro	50	38	88
5. Bosnia and Herzegovina	37	27	64
6. Romania	10	38	48
7. Bulgaria	2	3	5
Other (Airport Belgrade)	10	1	11
Total	1,584	1,217	2,801

Number of apprehended persons being smuggled into Serbia		
	Apprehensions in 2009	Apprehensions in 2010
Total	318	392
Of total: women	37	30
Of total: minors	68	61

Total number of 'human smugglers' apprehended (including foreigners and citizens of Serbia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	15	21
Citizens of Serbia	141	186
Citizenship unknown	-	4
Total	156	211

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Serbia)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Serbia	141	1. Serbia	186
2. Bosnia and Herzegovina	5	2. The former Yugoslav Republic of Macedonia	9
3. China	5	3. Citizenship unknown	4
4. Romania	1	4. Turkey	3
5. Slovakia	1	5. Afghanistan	2
-		6. Netherlands	2
-		7. Tunisia	2
Other	3	Other	3
Total	156	Total	211

Number of apprehended persons being trafficked into Serbia

	Apprehensions in 2009	Apprehensions in 2010
Total	85	76
Of total: women	66	70
Of total: minors	48	32

Number of 'human traffickers' apprehended (including foreigners and citizens of Serbia)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	3	3
Citizens of Serbia	91	94
Citizenship unknown	-	2
Total	94	99

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Serbia)

Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Serbia	91	1. Serbia	94
2. The former Yugoslav Republic of Macedonia	2	2. Citizenship unknown	2
3. Turkey	1	3. Bosnia and Herzegovina	1
4. -	-	4. Croatia	1
5. -	-	5. Turkey	1
Other	0	Other	0
Total	94	Total	99

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Germany	3,507	n.a.	n.a.
2. Romania	3,035		
3. BiH	2,001		
4. Turkey	1,674		
5. Bulgaria	1,483		
6. France	996		
7. Montenegro	898		
8. Italy	887		
9. Czech Republic	513		
10. The former Yugoslav Republic of Macedonia	390		
Other	6,351		
Total of ALL rejected persons at the border (of any nationality)	21,735		

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Serbia			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Afghanistan	130	1. Afghanistan	698
2. Iran	11	2. Pakistan	695
3. Turkey	11	3. Romania	395
4. Albania	6	4. Turkey	135
5. The former Yugoslav Republic of Macedonia	6	5. Bulgaria	131
6. Bosnia and Herzegovina	4	6. Algeria	112
7. Iraq	3	7. Tunis	106
8. Romania	3	8. Somalia	103
9. Moldova	3	9. The former Yugoslav Republic of Macedonia	97
10. Guinea	3	10. Morocco	70
Total of ALL removed persons (of any nationality or country)	180	Total of ALL removed persons (of any nationality or country)	2,542

Information provided by:

Bureau for International Cooperation and EU Integration, Cabinet of the Minister,
Ministry of Interior

SLOVAKIA



General Information¹⁴⁴

Location:	Central Europe, bordering Austria, the Czech Republic, Poland, Ukraine, and Hungary
Area:	<i>Total:</i> 49,035 sq km – <i>land:</i> 48,105 sq km – <i>water:</i> 930 sq km
Land boundaries:	<i>Total:</i> 1,526 km <i>Border countries:</i> Austria 91 km, the Czech Republic 252 km, Hungary 677 km, Poland 444 km, Ukraine 97 km
Population:	5,483,088 (July 2011 est.)

General legislative and institutional developments

Legislation

No new laws, decrees, international agreements relevant to irregular migration were adopted in the period under review in Slovakia.

Institutional development

In 2010, the Bureau of Border and Aliens Police remained directly subordinated to the Ministry of Interior of the Slovak Republic. No major organisational changes were implemented this year, the Bureau retaining the organisational structure adjusted in August 2008.

¹⁴⁴ Sources: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/sk.html> (June 2012). Land boundaries as per information received from the Slovakian Bureau of Border and Aliens Police. With corrections from Slovakian authorities.

Irregular migration flows

According to information from the Bureau of Border and Aliens Police, irregular migration has been falling steadily since 2001 in Slovakia, the most significant decrease being recorded in 2008 upon joining the Schengen area. Decrease of irregular migration in the reviewed period occurred in relation to the economic crisis (reduction in labour demand) and also to the progressive preference of legal channels of entry.

Main statistical figures

In 2010 there were 516 persons apprehended at the border, a 16% decrease from the previous year (611 persons in 2009). With just one exception recorded in 2009, all border violators apprehended have been foreign nationals both in 2009 and 2010. Furthermore, in both years the largest proportion of persons apprehended were from Moldova (177 persons in 2010, 34% of the total), Afghans (100 persons in 2010, 19%), Georgians (68 persons in 2010, 13%) and Ukrainians (55 persons in 2010, 11%). In 2010, the greatest increase of border related apprehensions was registered in the number of Somalis (+207%, from 15 persons in 2009 to 46 in 2010) and Afghans (+61%), compared with 2009. The largest decreases were in the number of Pakistani (-80%), Armenians (-75%) and Russians (-64%).

Also the total number of migration related apprehensions decreased in 2010 compared with the previous year, by 17% (from 1,785 persons in 2009 to 1,477 persons in 2010). The largest proportion of migration related apprehensions have been conducted in the country (818 persons in 2010, 55% of total), followed up by on the green border (477 persons in 2010, 32%) and on road border crossings (159 persons in 2010, 11%). In both years, more than 95% of all the migration related apprehensions were of Ukrainian citizens, mostly upon entering Slovakia.

Ukrainians also represented the largest majority of persons rejected at the border (837 persons in 2010, 94% of the total), and together with the Moldovans they were also leading the top 10 nationalities of people forcibly returned to their country of origin (239 Ukrainians and 150 Moldovans in 2010, amounting to 60% of the total 643 persons removed).

In 2010, 20 percent of the persons apprehended at the border due to border violation were minors (106 persons, 91 males and 15 females), a 34 percent increase from 2009. Also notable is that 80 percent of all Somalis were unaccompanied minors.

Flows of illegal migration

In 2010 the northern part of green border between Slovakia and Ukraine remained the major entry point to the territory of Slovak Republic for migrants. According to the Slovakian authorities, migrants who were not directly apprehended upon crossing the border illegally and those who after apprehension asked for asylum, most often proceed to Austria and partly to the Czech Republic. Often they receive assistance from facilitators, who are able to transport persons from the green border to Austria or to the Czech Republic within eight hours.

According to information gathered by the Border and Aliens Police from apprehended migrants, the most common destination of transiting migrants are Austria, Germany, Italy and Switzerland. The data also confirm the main direction of irregular movements through the territory of Slovakia, namely from the Slovakian-Ukrainian border in the direction of Western Europe.

In the period under review an increase in the proportion of unaccompanied minors apprehended was registered, who are transit migrants typically. After their apprehension, all of them were brought to orphanages, from which however they fled. In the estimations of Slovak authorities, they continued to proceed illegally towards the chosen countries of destination with the help of facilitators.

The largest proportion of migrants for whom Slovakia is the destination country is represented by overstayers (i.e. persons who illegally remain in the country after the period for the permitted visit expired). To this group belong mainly Ukrainians, Vietnamese and Chinese who usually remain to work illegally in the capital or in the western part of country.

Modes of illegal border crossings

Illegal entry to the territory of the Slovak Republic is most often encountered at the border with Ukraine and it is usually organised by international smuggling organisations, which cooperate with groups from Slovakia. In the experience of the Border and Aliens Police, one of the most used modes of transit within Slovakia is the abuse of facilities provided for refugees, before the next attempt to leave Slovakia. According to the authorities, in Slovakia there are established smuggling groups which manage illegal migration directly from detention and reception facilities for migrants and cooperate with international network of smugglers. The irregular migration routes of usually continue to Austria and then further towards Italy, Spain and France.

It has been observed that sometimes migrants who have previously obtained residence permit on the basis of an application for asylum or for stay for the purpose of business or family reunion are also involved the organisation of irregular migration in some cases.

Illegal border crossing of Slovak state border was noticed in most cases in relation to use of false, invalid, forged, and in relation to clandestine entry, or entry through green border. After crossing the external border with Ukraine, the most important routes are as follows:

- The main route starts at the northern part of the border between Slovakia Ukraine, continues through towns Snina and Humenné on the road 74 to Prešov, road 18 and highway D1 through towns Liptovský Mikuláš and Žilina to Bratislava;
- The so called "Southern route" starts at the central part of the Slovakian-Ukrainian border and leads through the towns Sobrance and Michalovce on the road E50 to Košice, later on the road E58 through Rožňava, Lučenec, Nové Zámky and Galanta on the road 75 and on the road 62 through Senec to Bratislava on the road 61.

Directions are interlinked in Bratislava, from where migrants continue further into western European countries in two other directions. One direction goes from Bratislava on the highway D2 towards Czech Republic and to Germany and other EU countries, the second direction goes from Bratislava on the highway A6 and A4 through Austria to Italy, France and Spain. For smuggling taxi services are often used.

Smuggling

In 2010 there were 468 apprehended persons being smuggled into Slovakia, a 75 percent increase from the previous year (267 persons apprehended in 2009).

The total number of human smugglers apprehended in 2010 was 147, a similar figure to the one registered in the previous year (150 persons in 2009). Apprehensions were made up in similar proportions by non-nationals, nationals and unknown citizenships, each amounting to roughly a third of the total.

Organisational setup of human smuggling

The organised groups of human smuggling are structured on two or three levels, which means that there is one person or a few persons managing the organisation. The middle level consists of more people who are organising the work at the lower level, hiring people for conducting the partial activities and sending instructions to the lower level, in other words they ensure the running of the organisation. Most of the people are working at the lowest level: they are just applying instructions, providing services such as transport, accommodation and meals for migrants. These persons do not have any knowledge on connections between separate actions; they know only people at the same level and their direct superior, without knowing persons at higher levels.

Activities of the smugglers' groups are characterised by an hierarchical division of tasks among individual members, coordination and management of activities, acquiring and sharing information on operation and movement of the police patrols in the border region as well as outside the region. Individual members are cooperating in taking over the smuggled persons in their transport, temporary accommodation, in providing them with meal as well as in sharing the profit from the illegal activities and in searching for new members. The main motivation and goal is to gain financial resources and other undue benefits.

Slovak citizens involved in the criminal organisations are usually situated at the lower level eventually at the middle level. They are usually providing services such as accommodation and meals. Given their excellent local knowledge, they are also ensuring the transport through the Slovak territory. The main organisers are usually third country nationals from the main countries of origin of the migrants, particularly from Vietnam, India, Ukraine, Russia and Moldova. Regarding size of groups, those most active in Slovakia usually have 5-12 members.

Technical facilities of human smuggling

The most common means of transportation of migrants through the Slovak territory are by taxi, bus, truck and railway transport. Moreover, specially modified vehicles are being used, e.g. personal vehicles, lorries, vans, storage tanks as well as vessels (inflatable motor-boats) to overcome the rivers along the borders.

Persons are crossing the state border with Ukraine on foot or hidden in vehicles. They are transported further in vehicles through the Slovak territory towards Austrian or Czech state border, which they cross on foot or hidden in vehicles. Part of the state border with Austria is created by the Morava River which is being crossed by boat or on foot.

The route used by smugglers and/or migrants is not given but it is frequently changed thanks to a dense road network that helps to cross the country. Changes done depend on the actual situation when the escorting vehicle is announcing location of the police patrols along the route. Even when there are various protecting measures undertaken, smuggling groups are able to react relatively flexible and change their route to avoid the police controls.

With the aim to conceal their activities, smugglers use wireless stations and mobile phones with various cards that are changed very often or they are using networks of foreign mobile operators. Likewise "internet-cafes" are being used for communication.

Often false documents are used, whereby the genuine documents had been taken from migrants in their home country or in the transit country. The progress in the field of printing techniques used in falsifying the documents means that nowadays the counterfeit is higher quality, which brings extra difficulties for police authorities in detecting them. In the case when the production or alteration of the document is financially less profitable, documents of persons with similar facial features are instead used (so called "look alike").

Smuggling fees

The amount of fees depends on the type of smuggling group and on the individual case (nationality of migrants, their solvency, whether it is fee for the entire travel from the home country to destination country). Based on documented cases of human smuggling and on detected groups of smugglers, the Slovakian authorities estimate that a travel from Slovakia to Italy costs approximately 1,000 to 1,500 Euro per one person. Transport through the Slovak Republic costs ca. 450-500 Euro.

A smuggler in Slovakia receives approximately 350-500 Euro for taking one migrant from Slovakia to Austria. For the transport from Slovakia to Italy a smuggler may receive from 1,000-2,500 Euro, depending on the group. The investigation proved that fees are collected by persons in charge via the bank services of Western Union and various other senders from the country of origin or from the destination countries.

Changes and developments

According to information gathered by the Slovakian authorities, some groups focus on crimes connected to illegal employment of foreigners mainly from Ukraine.

Criminal groups contract Slovak businesses and put migrants in disadvantaged positions in the labour market and take their payments on their behalf. In these cases the local border traffic through Hungary (Romania-Hungary-Slovakia) is often abused.

Often, asylum seekers leave the country after submitting their application. Alternatively, apprehended migrants, who do not ask for asylum, after they leave or are removed from the territory of Slovakia, try again to cross borders of EU countries.

Another risk factor in the field of human smuggling is the production and use of forged identity documents. Some domestic organised crime groups are concentrated on provision of forged documents, possibly they buy and collect authentic (genuine) documents from Slovak citizens with low standard of living.

Trafficking

In Slovakia the UN definitions of human smuggling and trafficking are incorporated into the national legislation. The United Nations Convention against Transnational Organized Crime came into force in Slovakia on 2 January 2004, and the two supplementing protocols (the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol on the Prevention, Suppression and Punishment of Trafficking in Human Beings, especially Women and Children) came into force on 21 October 2004.

In 2010 there were 12 “human traffickers” apprehended in Slovakia: 6 Ukrainians, 3 Slovaks, 2 Chinese and one Korean citizen. No figures were available regarding the number of victims. Also there were no figures for 2009.

Especially in the context of the large proportion of irregular migration from Ukraine and Moldova, the authorities deem that some of these cases are connected to trafficking in human beings, particularly for labour exploitation. Such cases related to illegal employment and in connection with intimidation, use of violence, exploitation or force to perform disadvantageous work or other forms of coercion within the meaning of §179 of the Criminal Law appear on the agenda of National Unit Combating Illegal Migration of the Bureau of Border and Aliens Police.

Detention

General Detention Policy

The main policy of the Slovak Republic in detention of migrants is in line with the European Parliament and Council Regulation (EC) 115/2008 of 18 December 2008 on common standards and procedures in Member States for returning third-country nationals who are illegally residing in the territory. The directive is transposed into Slovak law. The area corresponds to the detention of migrants by the Border and Aliens Police of the Police Presidium.

Definitions and regulations concerning the detention of immigrants

Definitions relating to the detention of aliens are in accordance with the EU legislation. Under Act no. 48/2002, third-country nationals are detained in the

Slovak Republic by reason of deportation or expulsion of the sentence, the performance of their transportation under Council Regulation (EC) no. 343/2003, or returning under the readmission if they have illegally entered the territory of the Slovak Republic and are illegally staying in the Slovak Republic. When the reason of "administrative and judicial deportation" is linked to the detention and to pre-deportation measures, the reason is linked for securing "transfer under Council Regulation (EC). 343/2003 and the readmission return".

Detention centres

The Slovak Republic currently has two facilities for detention of migrants: Medved'ov and Sečovce. The capacity of these centres is considered to be sufficient, and there is currently no plan for building other facilities.

The detention centre in Medved'ov is located in the south-western part of Slovakia, on the borders with Hungary. The capacity of this centre is 152 beds, only for migrants or stateless persons. The facility at Sečovce is located in eastern Slovakia, about 80 km from the external Schengen border with Ukraine. The capacity of this centre is 176 beds, only for migrants or stateless persons. In both facilities migrants are placed for 6 months, which can be prolonged and in some cases for additional 12 months.

Maximum duration of detention

Under the Act no. 48/2002 §62 paragraph 3, an alien may be detained only for the necessary time, which, however, shall not exceed 6 months. The police unit may decide to extend this detention period by a maximum of 12 months, provided that it can be expected that despite the necessary steps taken to enforce his/her expulsion, the enforcement is delayed, as the alien concerned will not cooperate in a sufficient manner or he/she was not issued a replacement travel document within a time period referred in the first clause; this shall not apply if the persons concerned are a family with children or vulnerable persons.

Management of detention centres

Both detention centres at Medved'ov and Sečovce are in full responsibility of the Bureau of Border and Aliens Police of the Presidium of Police Forces.

Detention of asylum seekers

Asylum seekers in the Slovak Republic are not detained. However, a different situation is when a migrant apprehended in an irregular situation applies for asylum. Such cases are dealt with pursuant to § 62 paragraph. 2 of Act no. 48/2002, which stipulates that filling a request for asylum or the request for assisted return are not grounds for releasing detained migrants.

Statistical tables

Total number of persons legally crossing the border¹⁴⁵		
	2009	2010
Entry	2,199,907	1,750,141
Exit	2,103,499	1,724,419
Total	4,303,406	3,474,560

Total number of persons claiming asylum¹⁴⁶		
	2009	2010
At the border	28	45
Inland	794	496
Unknown	-	-
Total	822	541

Total number of persons who were granted (refused) asylum¹⁴⁷		
	2009	2010
Persons whose applications were positive	112	72
Persons whose applications were negative/ rejected	495	284
Persons whose applications were otherwise closed	461	364

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Slovakia)¹⁴⁸			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Moldova	181	1. Moldova	177
2. Georgia	99	2. Afghanistan	100
3. Ukraine	65	3. Georgia	68
4. Afghanistan	62	4. Ukraine	55
5. Pakistan	47	5. Somalia	46
6. Russian Federation	44	6. Russian Federation	16
7. Armenia	24	7. Pakistan	9
8. Somalia	15	8. Armenia	6
9. India	12	9. Iran	6
10. Sri Lanka	11	10. Nigeria	6
Other	51	Other	27
Total	611	Total	516

¹⁴⁵ Source: Yearbook of Bureau of Border and Aliens Police 2010

¹⁴⁶ Source: Database on illegal migration Bureau of Border and Aliens Police

¹⁴⁷ Source: Data provided by Migration Office of Ministry of Interior of the Slovak Republic

¹⁴⁸ Source: database on illegal migration Bureau of Border and Aliens Police

Total number of migration-related border apprehensions (including foreigners and citizens of Slovakia)¹⁴⁹		
	2009	2010
Foreign nationals	610	516
Citizens of Slovakia	1	0
Total	611	516

Total number of migration-related border apprehensions (including foreigners and citizens of Slovakia), by gender¹⁵⁰		
Gender	2009	2010
Male	533	454
Female	78	62
Unknown	0	0
Total	611	516

Number of minors apprehended at the border due to border violation including foreigners and citizens of Slovakia¹⁵¹		
Gender	2009	2010
Male	67	91
Female	12	15
Unknown	0	0
Total	79	106

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Slovakia)¹⁵²		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	186	159
On rail border crossings	3	2
On the green (land) border	545	477
At the sea border	-	-
On airports	16	15
In the country	1,018	818
On other places	17	6
Total	1,785	1,477

¹⁴⁹ Source: Database on illegal migration Bureau of Border and Aliens Police

¹⁵⁰ Source: Database on illegal migration Bureau of Border and Aliens Police

¹⁵¹ Source: Database on illegal migration Bureau of Border and Aliens Police

¹⁵² Source: Database on illegal migration Bureau of Border and Aliens Police

Number of migration-related apprehensions by border in 2009 (including foreigners and citizens of Slovakia)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Slovakia on the border with that country	OUT: Number of apprehensions of people LEAVING Slovakia on the border with that country	Total number of apprehensions on the border with that country
1. Ukraine	563	15	578
2. Airport	7	9	16
3. Austria	0	15	15
4. Hungary	2	0	2
5. Czech Republic	0	0	0
6. Poland	0	0	0
Other	-	-	-
Total	572	39	611

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Slovakia)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Slovakia on the border with that country	OUT: Number of apprehensions of people LEAVING Slovakia on the border with that country	Total number of apprehensions on the border with that country
1. Ukraine	486	9	495
2. Airport	6	9	15
3. Austria	0	4	4
4. Hungary	2	0	2
5. Czech Republic	0	0	0
6. Poland	0	0	0
Other	-	-	-
Total	494	22	516

Number of apprehended persons being smuggled into Slovakia

	Apprehensions in 2009	Apprehensions in 2010
Total	267	468
Of total: women	n.a.	n.a.
Of total: minors	n.a.	n.a.

Total number of 'human smugglers' apprehended (including foreigners and citizens of Slovakia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	53	49
Citizens of Slovakia	65	58
Citizenship unknown	32	40
Total	150	147

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Slovakia)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Slovakia	65	1. Slovakia	58
2. India	15	2. Ukraine	20
3. Ukraine	9	3. China	4
4. Russia	6	4. Moldova	4
5. Pakistan	5	5. Russia	4
Other	50	Other	57
Total	150	Total	147

Number of apprehended persons being trafficked into Slovakia		
	Apprehensions in 2009	Apprehensions in 2010
Total	-	309
Of total: women	n.a.	n.a.
Of total: minors	n.a.	n.a.

Number of 'human traffickers' apprehended (including foreigners and citizens of Slovakia)		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals		9
Citizens of Slovakia		3
Citizenship unknown		
Total	-	12

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Slovakia)			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
	n.a.	1. Ukraine	6
		2. Slovakia	3
		3. China	2
		4. Korea	1
		5. -	-
		Other	-
		Total	12

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Ukraine	782	1. Ukraine	837
2. Moldova	32	2. Russian Federation	15
3. India	24	3. Moldova	13
4. Russian Federation	24	4. Belarus	4
5. Georgia	5	5. Unknown nationality	4
6. Belarus	3	6. India	3
7. Turkey	3	7. Albania	2
8. Stateless	3	8. Morocco	2
9. Albania	1	9. Turkey	2
10. Gambia	1	10. Algeria	1
Other	10	Other	7
Total of ALL rejected persons at the border (of any nationality)	888	Total of ALL rejected persons at the border (of any nationality)	890

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Slovakia			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Ukraine	341	1. Ukraine	239
2. Moldova	182	2. Moldova	150
3. Georgia	82	3. Afghanistan	68
4. Vietnam	63	4. Georgia	60
5. Russian Federation	52	5. Russian Federation	22
6. Afghanistan	47	6. Vietnam	22
7. Pakistan	35	7. China	15
8. Armenia	21	8. Somalia	12
9. Serbia	13	9. Pakistan	9
10. China	12	10. Occupied Palestinian Territories	7
Other	105	Other	39
Total of ALL removed persons (of any nationality or country)	953	Total of ALL removed persons (of any nationality or country)	643

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. ÚPZC Medveďov	76	37
2. ÚPZC Sečovce	70	53
Elsewhere	-	-
Total	146	90

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Pakistan	34	1
2. Georgia	19	6
3. India	15	8
4. Vietnam	14	10
5. Afghanistan	11	25
Other	53	40
Total	146	90

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. ÚPZC Medveďov	376	175
2. ÚPZC Sečovce	206	144
Elsewhere	-	-
Total	582	319

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Ukraine	157	61
2. Vietnam	106	29
3. Moldova	38	30
4. Georgia	36	30
5. Pakistan	34	10
Other	211	159
Total	582	319

Information provided by:

Bureau of Border and Aliens Police, External Relations Department

SLOVENIA



General Information¹⁵³

Location:	South Central Europe, Julian Alps between Austria and Croatia
Area:	<i>Total:</i> 122 km – <i>water:</i> 20,273sq sq km – <i>land:</i> 20,151sq km
Land boundaries:	<i>Total:</i> 1,086km <i>Border countries:</i> Austria 330 km, Croatia 455 km, Hungary 102 km, Italy 199 km
Coastline:	46.6 km
Population:	2,000,092 (estimate for July 2010)

General legislative and institutional developments

Illegal migration

The Act amending International Protection was passed in 2010, as well as the Decree on Maritime Traffic Control, and the Act amending the Maritime Act. 2010 also saw the passing of the Decree amending the Immigrant Integration Decree and

¹⁵³ Source: CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/si.html> (Feb. 2012)

a Decree on Cooperation among Prosecution, Police and Other Competent Authorities in Cases of Common Investigations and Joint Investigation Teams. The Decree amending the Rights of Refugees decree was also passed, together with the Decree on the Regulation and Prohibition of Foreigners' Employment and Work.

Institutional Development

During 2010, a series of equipment was procured, including a mobile thermo-vision system, heartbeat detectors and portable devices for the detection of document abuse. IT support was also developed for the detection of document abuse.

The main developments were in the field of accessibility and automated detection capacities. Training took place in relation to:

- The detection of forged/counterfeit documents (454 participants);
- The detection of stolen vehicles (296 participants);
- Border checks and the coordination of work at BCPs (51 participants);
- Helicopter border surveillance (27 participants);
- The use of special equipment (30 participants);
- The use of vehicles designated for border surveillance (176 participants);
- Motorcycle border surveillance (8 participants);
- Maritime Police (17 participants); and
- Border surveillance (91 participants).

Irregular migration flows

Trends

Slovenian statistical data shows a decrease in illegal migration due to the diversion of illegal migration routes from Turkey via Greece, the former Yugoslav Republic of Macedonia and Serbia to Hungary and on to Central Europe. Another reason for the decrease in 2010 was the envisaged visa liberalisation for Albanians and Bosnians. The proportion of migrants who requested international protection increased during the last months of 2010, most of whom were Afghan citizens. Slovenia was a preferred destination for migrants in 2010, while Italy was the second most popular destination country, followed by the countries of Central and Northern Europe. Facilitated illegal migration to Slovenia decreased in 2010.

There was a slight decrease from 2009 to 2010 in border violators. Few migration-related border apprehensions in 2009 and 2010 were Slovenians, and less than one quarter were women, with a similar proportion of minors. Apprehensions were mainly at the green border, though in 2009 there was a similar number of apprehensions in the country, a trend that almost disappeared in 2010. All apprehensions were at the Croatian border. The number of people rejected at the border, and removed, remained stable.

Nationalities

The composition of illegal migration flows has also changed. There has been a decrease in Bosnians as a result of visa liberalisation at the end of 2010. The social and economic position of Roma in other countries in the Western Balkans also influenced illegal migration. There was a significant increase in Afghans in 2010,

who engaged in illegal border crossings across Western Balkan countries. Most border violators in 2009 and 2010 were Bosnian and Croatian. Those rejected at the border were mostly citizens of Croatia, Bosnia and the former Yugoslav Republic of Macedonia in 2009, while in 2010, they were mostly citizens of Croatia, Serbian and the former Yugoslav Republic of Macedonia, still with a significant proportion of Bosnian citizens. Of those forcibly removed from Slovenia, most were citizens of Bosnia, Croatia and the former Yugoslav Republic of Macedonia in 2009, and citizens of Croatia, Ukraine and Serbia in 2010.

Routes

The most important illegal migration route is from Turkey across Greece, the former Yugoslav Republic of Macedonia and Hungary to Austria and other Central European countries. However, the route through Slovenia has gained in importance. Many cases of illegal migration are the result of legal entry into Croatia by plane or at land border crossing points, prior to illegal border crossing of the Croatian-Slovenian land border. This was mostly the case for Albanians in the late summer of 2010.

Smuggling

Trends

There was a decrease in smuggling to Slovenia during the past decade. However, events in Northern Africa and the Middle East may cause an increase and a change of routes, especially due to effective measures of border control in current destination countries. The abuse of the visa-free regime for citizens of Western Balkan countries has also resulted in illegal entries, a trend that is likely to continue.

Migrants detained in Croatia have fled and attempted illegal border crossings from to Slovenia. There were also cases of abuse of procedures to obtain work permits and residence permits, mostly by citizens of Serbia and Kosovo¹⁵⁴.

There was a significant decrease in the number of people apprehended as having been smuggled into Slovenia, from 214 in 2009 to 140 in 2010, with no women or children involved. There was a concomitant decrease in the number of smugglers apprehended. Half of the smugglers apprehended were Slovenian citizens during both years, and half were foreign citizens, mostly from Croatia and Bosnia and Herzegovina.

Modes

Criminal groups involved in human smuggling in Slovenia are usually small, composed of 3-10 people, with links to criminal groups in the countries of origin. Their responsibilities are divided, but in most cases they are not hierarchically organised. In a few cases, groups are smaller groups or networks of smugglers; while in most cases criminal groups are part of larger networks of various organisations. Some hierarchical relationships can be observed within the structure of networks. There is usually a leader with connections to organisers from the country of origin, who is responsible for contacts with other groups and for the

¹⁵⁴ Under UNSCR 1244.

organisation of transportation. At the lower level, there are drivers and other members involved in smuggling.

If the smuggling involves several transit countries, there are usually small groups of smugglers of a single nationality. Each is responsible for part of the trip or for a single border crossing. Several cases involved accommodation in a safe house to gather the group or to wait for suitable circumstances to cross the border. The regions of activity of these criminal groups are mainly the Middle East and the Western Balkans.

Transportation

Smugglers commonly use mobile phones for communication and cars and trucks for transportation. Some better organised groups eavesdrop to monitor the police's radio communication. Some illegal border crossings are carried out by truck, especially from Greece to Slovenia. Persons are hidden in the trailers of the trucks in the cargo, or within specially-designed compartments of trucks, caravans and vans. When crossing the border on foot, migrants also use public transport. When the smuggling route is across rivers, groups often use small boats for transportation.

Most illegal border crossings took place close to border crossing points and on local road connections. The use of vehicles in illegal border crossings was not as common as in 2009. Illegal border crossings were mostly individual. Attempted illegal border crossings following refusal of entry at BCPs also became quite common, especially during the second half of 2010.

Payment

Payment can be made in sequence, every time the migrants enter a new country along the route. If the payment is made all at once, the bank transfer to the members acting along the route is made through Western Union and is rarely delivered by couriers.

The approximate amounts of money paid for illegal entry from each country of origin to the EU are as follows:

- Albania: 1,700 to 2,500 EUR
- Bosnia and Herzegovina: 1,500 EUR
- Kosovo¹⁵⁵: 3,000 EUR
- Turkey: 5,000 EUR
- Middle East: 10,000 EUR
- Illegal border crossing only: 200-600 EUR.

Trafficking

Few people were recorded as trafficked into Slovenia – 13 in 2009 and 6 in 2010, almost all women and children. In 2009, 11 traffickers were apprehended,

¹⁵⁵ Under UNSCR 1244

decreasing to 8 in 2010. Approximately half of the traffickers were Slovenian, with the rest being mostly from Kosovo¹⁵⁶ and Romania.

Detention

Policy

In accordance with Article 56 of the Immigration Act, a foreigner who does not leave the country by the specified deadline and who cannot be removed immediately shall be ordered by the police, at the time of his/her scheduled removal from the country, to stay at the Foreigners' Centre, or outside it, hence detained. These provisions also apply in cases where the identity of the foreigner is not known. Foreigners who cannot be accommodated at the centre for special reasons may, in agreement with the social security office and with the costs paid by the centre, be accommodated at a social security facility or provided with appropriate alternative institutional care. The police are the competent authority for the above-mentioned grounds. Definitions regarding detention correspond to EU definitions.

Detention Centre

There is one detention centre at Veliki Otok near Postojna. It is a long-term detention centre with a current capacity of 220 people. The centre only accommodates foreigners, therefore detention for criminal procedures or for penal reasons is not applicable. The initial detention period may not exceed six months. If, for objective reasons, it is not possible to remove a foreigner after six months have passed, the police may extend the duration of stay. The police are responsible for the management of the detention centre. There was a reduction in the number of migrants detained from 2009 to 2010, decreasing from 408 to 313. The main nationalities of detained migrants were Kosovo¹⁵⁷, Bosnia and Herzegovina and Afghanistan, as well as few citizens of Serbia and Brazil.

Asylum-Seekers

As provided for by the International Protection Act, applicants for international protection can only be detained in order to establish their identity, on suspicion of abuse of the procedure, due to a threat to public safety or due to assets and in cases provided for by Directive 343/2003/EC. Restriction of movement can only last three months, with the possibility of being extended for another month or for such a time as there are grounds for detention as mentioned above. Detention is at the Asylum Centre (semi-open). Full detention can be imposed at the section designated for detention at the Asylum Centre or at another location under the governance of the Ministry of the Interior. In this case it is imposed at the Foreigners' Centre. There was a slight reduction in the number of asylum seekers detained at the Foreigners' Centre, from 31 in 2009 to 27 in 2010. Most of those detained were from Kosovo¹⁵⁸, Afghanistan, Turkey and Nigeria.

¹⁵⁶ Under UNSCR 1244

¹⁵⁷ Under UNSCR 1244

¹⁵⁸ Under UNSCR 1244

Statistical tables

Total number of persons legally crossing the border		
	2009	2010
Entry	24,414,397	24,597,498
Exit	23,514,102	23,751,221
Total	47,928,499	48,348,719

Total number of persons claiming asylum		
	2009	2010
At the border	84	92
Inland	61	78
Unknown	57	76
Total	202	246

Total number of persons who were granted (refused) asylum		
	2009	2010
Persons whose applications were positive	20	23
Persons whose applications were negative/rejected	89	55
Persons whose applications were otherwise closed	119	161

Number of border violators and the top 10 nationalities/ citizenships with most of the border violations (including foreigners and citizens of Slovenia)			
Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1. Bosnia and Herzegovina	206	1. Bosnia and Herzegovina	162
2. Croatia	109	2. Croatia	94
3. Kosovo ¹⁵⁹	93	3. Albania	85
4. Serbia	86	4. Slovenia	56
5. Slovenia	60	5. Serbia	54
6. The former Yugoslav Republic of Macedonia	47	6. Afghanistan	54
7. Albania	46	7. Turkey	51
8. Turkey	36	8. Kosovo ¹⁶⁰	33
9. Russia	17	9. Italy	20
10. Ukraine	3	10. Occupied Palestinian Territories	20
Other	121	Other	156
Total	824	Total	785

¹⁵⁹ Under UNSCR 1244

¹⁶⁰ Under UNSCR 1244

Total number of migration-related border apprehensions (including foreigners and citizens of Slovenia)		
	2009	2010
Foreign nationals	764	729
Citizens of Slovenia	60	56
Total	824	785

Total number of migration-related border apprehensions (including foreigners and citizens of Slovenia), by gender		
Gender	2009	2010
Male	649	655
Female	151	113
Unknown	24	17
Total	824	785

Number of minors apprehended at the border due to border violation including foreigners and citizens of Slovenia		
Gender	2009	2010
Male	98	108
Female	47	28
Unknown	-	-
Total	145	136

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Slovenia)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings	43	33
On rail border crossings	6	0
On the green (land) border	397	741
At the sea border	0	0
On airports	0	0
In the country	378	11
On other places	0	0
Total	824	785

Number of migration-related apprehensions by border section in 2009 (including foreigners and citizens of Slovenia)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Slovenia on the border with that country	OUT: Number of apprehensions of people LEAVING Slovenia on the border with that country	Total number of apprehensions on the border with that country
1. Croatia	793	31	824
Total	793	31	824

Number of migration-related apprehensions by border section in 2010 (including foreigners and citizens of Slovenia)

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING Slovenia on the border with that country	OUT: Number of apprehensions of people LEAVING Slovenia on the border with that country	Total number of apprehensions on the border with that country
1. Croatia	767	18	785
Total	767	18	785

Number of apprehended persons being smuggled into Slovenia

	Apprehensions in 2009	Apprehensions in 2010
Total	214	140
Of total: women	-	-
Of total: minors	-	-

Total number of 'human smugglers' apprehended (including foreigners and citizens of Slovenia)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	98	83
Citizens of Slovenia	106	85
Citizenship unknown	-	-
Total	204	168

Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended (including foreigners and citizens of Slovenia)			
Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1. Slovenia	106	1. Slovenia	85
2. Croatia	68	2. Bosnia and Herzegovina	25
3. Serbia	4	3. Croatia	22
4. Bosnia and Herzegovina	6	4. Turkey	7
5. Romania	7	5. The former Yugoslav Republic of Macedonia	6
Other	13	Other	23
Total	204	Total	168

Number of apprehended persons being trafficked into Slovenia

	Apprehensions in 2009	Apprehensions in 2010
Total	13	6
Of total: women	11	4
Of total: minors	1	2

Number of 'human traffickers' apprehended (including foreigners and citizens of Slovenia)

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	5	4
Citizens of Slovenia	6	4
Citizenship unknown	-	-
Total	11	8

Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended (including foreigners and citizens of Slovenia)

Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Slovenia	6	1. Slovenia	4
2. Kosovo ¹⁶¹	3	2. Romania	2
3. Slovakia	1	3. Slovakia	1
4. Serbia	1	4. Bosnia and Herzegovina	1
Total	11	Total	8

¹⁶¹ Under UNSCR 1244

Persons rejected at the border and the top 10 nationalities/ citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. Croatia	1,053	1. Croatia	3,357
2. Bosnia and Herzegovina	1,049	2. Serbia	1,625
3. The former Yugoslav Republic of Macedonia	841	3. The former Yugoslav Republic of Macedonia	1,107
4. Serbia	265	4. Bosnia and Herzegovina	642
5. Russia	247	5. Russia	253
6. Albania	202	6. Albania	252
7. Ukraine	189	7. Turkey	189
8. Turkey	162	8. Ukraine	137
9. Kosovo ¹⁶²	45	9. Montenegro	113
10. Montenegro	38	10. Kosovo ¹⁶³	113
Other	-	Other	322
Total	8,147	Total	8,110

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Slovenia			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Bosnia and Herzegovina	269	1. Croatia	325
2. Croatia	229	2. Ukraine	238
3. The former Yugoslav Republic of Macedonia	201	3. Serbia	213
4. Kosovo ¹⁶⁴	185	4. Bosnia and Herzegovina	186
5. Serbia	179	5. The former Yugoslav Republic of Macedonia	183
6. Ukraine	125	6. Kosovo ¹⁶⁵	124
7. Moldova	116	7. Moldova	98
8. China	97	8. China	64
9. Albania	67	9. Albania	55
10. Turkey	28	10. Brazil	30
Other	299	Other	222
Total	1,795	Total	1,738

¹⁶² Under UNSCR 1244

¹⁶³ Under UNSCR 1244

¹⁶⁴ Under UNSCR 1244

¹⁶⁵ Under UNSCR 1244

Number of detained asylum seekers in 2009 and 2010		
Detention centre	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Foreigners Centre	31	27
Total	31	27

Main nationalities of detained asylum seekers in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1. Afghanistan	1	4
2. Kosovo ¹⁶⁶	6	3
3. Turkey	3	3
4. Nigeria	2	3
5. Sudan	0	3
Other	15	15
Total	27	31

Number of detained migrants in 2009 and 2010		
Detention centre	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
-	408	313
Total	408	313

Main nationalities of detained migrants in 2009 and 2010		
Nationality/ citizenship of detained persons	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1. Kosovo ¹⁶⁷	85	68
2. Bosnia and Herzegovina	53	27
3. Afghanistan	21	23
4. Serbia	32	19
5. Brazil	1	16
Other	216	160
Total	408	313

Information provided by:
General Police Directorate, Uniformed Police Directorate, Border Police Division

¹⁶⁶ Under UNSCR 1244

¹⁶⁷ Under UNSCR 1244

TURKEY



General Information¹⁶⁸

Location:	Southeastern Europe and Southwestern Asia (that portion of Turkey west of the Bosphorus is geographically part of Europe), bordering the Black Sea, between Bulgaria and Georgia, and bordering the Aegean Sea and the Mediterranean Sea, between Greece and Syria
Area:	<i>Total:</i> 783,562 sq km – <i>land:</i> 769,632sq km– <i>water:</i> 13,930 sq km
Land boundaries:	<i>Total:</i> 2,648 km <i>Border countries:</i> Armenia 268 km, Azerbaijan 9 km, Bulgaria 240 km, Georgia 252 km, Greece 206 km, Iran 499 km, Iraq 352 km, Syria 822 km
Coastline:	7,200 km
Population:	79,749,461 (July 2011 est.)

Irregular migration flows

Turkey, due to its geographical location, is frequently used as a transit country for irregular migration. The Syrian land border commonly provides a number of entry points for migrants trying to enter Turkey illegally having transited through Syria, since many citizens of African countries are exempted from visa requirements in entering Syria. The Syrian border is the longest land border in Turkey, and migrants

¹⁶⁸ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html> (June 2012).

remain in the villages in Syria close to border during the daytime, before crossing the border and entering Turkey during the night.

The borders with Iraq and Iran are the preferred routes for migrants from Iran, Iraq, Afghanistan, Pakistan, Bangladesh and Myanmar (Burma). These borders are also used by migrants coming to Turkey from Russia, Georgia, Azerbaijan and Armenia in order to enter Turkey and work in an irregular situation.

Turkey's Eastern and Southeastern borders are difficult to control and supervise, as they present harsh climactic conditions and mountainous terrain. This requires a troublesome and costly infrastructure and the efficient application of physical border security systems.

The majority of irregular border crossings in 2010 were by migrants originating from the Occupied Palestinian Territories, Myanmar (Burma), Afghanistan, Somalia and Pakistan.

Detention

The main countries of origin of asylum applicants in Turkey in 2009 and 2010 were Iraq, Iran, Afghanistan and Somalia, with increases in all of these groups from 2009 to 2010.

Statistical tables

Total number of persons claiming asylum by nationality of origin		
Nationality	2009	2010
1. Iraq	2,830	3,354
2. Iran	1,779	2,690
3. Afghanistan	1,409	1,537
4. Somalia	294	358
Total	-	-

Number of illegal border crossings and the top 10 nationalities/citizenships with most of the illegal border crossings (including foreigners and citizens of Turkey)			
Citizens of the following countries in 2009	Number of illegal border crossings in 2009	Citizens of the following countries in 2010	Number of illegal border crossings in 2010
n.a.		1. Occupied Palestinian Territories	5,958
		2. Myanmar (Burma)	4,531
		3. Afghanistan	2,725
		4. Somalia	2,383
		5. Pakistan	1,842
		6. Iraq	1,327
		7. Russia	1,231
		8. Iran	1,075
		9. Azerbaijan	987
		10. Syria	912
		Other	9,696
		Total	32,667

Total number of migration-related border apprehensions (including foreigners and citizens of Turkey)		
	2009	2010
Foreign nationals	-	30,829
Citizens of Turkey		1,838
Total		32,667

Number of migration-related apprehensions by place of apprehension (including foreigners and citizens of Turkey)		
Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
At road border crossings	-	-
At rail border crossings		-
At the green (land) border		24,595
At the sea border		2,904
At airports		5,168
Inside the country		-
At other places		-
Total		32,667

Persons rejected at the border and the top 10 nationalities/citizenships rejected at the border			
Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1. -	-	1. Iraq	2,024
2.		2. Georgia	1,678
3.		3. Turkmenistan	1,610
4.		4. Moldova	1,160
5.		5. Russia	1,060
6.		6. Uzbekistan	1,021
7.		7. Azerbaijan	771
8.		8. Kyrgyzstan	761
9.		9. Ukraine	698
10.		10. Iran	392
Other		Other	4,052
Total of ALL rejected persons at the border (of any nationality)		Total of ALL rejected persons at the border (of any nationality)	15,227

Information provided by: Illegal Migration and Return Readmission Office at the Turkish National Police Foreigners, Borders and Asylum Department.

UKRAINE



General Information¹⁶⁹

Location:	Eastern Europe, bordering the Black Sea, Romania, Moldova, Hungary, Slovakia, Poland, Belarus, and the Russian Federation
Area:	<i>Total:</i> 603,550 sq km – land: 579,330 sq km – water: 24,220 sq km
Land boundaries:	<i>Total:</i> 4,566 km <i>Border countries:</i> Belarus 891 km, Hungary 103 km, Moldova 940 km, Poland 428 km, Romania (South) 176 km, Romania (South-West 362 km), Russian Federation 1,576 km, Slovakia 90 km
Coastline:	2,782 km (Black Sea)
Population:	44,854,065 (July 2012 est.)

Irregular migration flows

According to statistics from the State Migration Service of Ukraine¹⁷⁰, the number of irregular migrants detected in Ukraine in 2010 was 14,287, only slightly less than in the previous year (14,548 persons in 2009). Of these, 564 persons had illegally entered Ukraine (423 in 2009) and 507 were minors (620 in 2009). For both years,

¹⁶⁹ Source(s): CIA World Fact Book online, <https://www.cia.gov/library/publications/the-world-factbook/geos/up.html> (Apr 2012)

¹⁷⁰ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Reports on combating illegal migration for 2009 and 2010.

the top 5 nationalities of migrants identified have remained the same, and at rather constant figures (values in the range of 1,500 to 2,700 persons): Russia, Uzbekistan, Azerbaijan, Moldova and Georgia.

According to data from the State Migration Service of Ukraine¹⁷¹, the number of foreigners removed in 2010 was 14,096 persons, only a marginal increase from the figure in the previous year (13,824 persons in 2009). Also for this category the top 5 nationalities have been in both years Uzbekistan, Azerbaijan, Moldova and Georgia, with stable values in the range of 1,400 to 2,600 persons.

Smuggling

The number of apprehended persons being smuggled into Ukraine recorded in 2010 by the State Migration Service of Ukraine¹⁷² was 30, a 37 percent decrease from the previous year (48 persons in 2009). For the same period of reference, in 2010 there were 77 'human smugglers' apprehended in Ukraine, a slight increase from the previous year (68 persons in 2009).

Trafficking

Figures from the State Migration Service of Ukraine indicate that in 2010 there were 46 foreign 'human traffickers' identified, a 15 percent decrease from the previous year (54 persons in 2009). In 2010, 67 percent of "human traffickers" (31 persons) were nationals of CIS countries, notably of Moldova (22), Russia (8) and Azerbaijan (1). Other top nationalities also included Lebanon (6 persons), Croatia (2), Germany (2) and Israel (2).

Statistical tables

Total number of persons who were granted asylum		
	2009	2010
Number of refugees ¹⁷³	1,226	1,165

Total number of irregular migrants identified in Ukraine ¹⁷⁴		
Gender	2009	2010
Total	14,548	14,287
Of which, who illegally entered Ukraine	423	564
Of which, minors	620	507

¹⁷¹ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Records of law enforcement agencies on foreigners for 2009 and 2010.

¹⁷² Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Reports on combating illegal migration for 2009 and 2010.

¹⁷³ Number of refugees among foreigners with temporary registration. Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions.

¹⁷⁴ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Reports on combating illegal migration for 2009 and 2010.

Number of irregular migrants detected in Ukraine and the top 10 nationalities/citizenships¹⁷⁵			
Citizens of the following countries in 2009	Number in 2009	Citizens of the following countries in 2010	Number in 2010
1. Russia	2,470	1. Russia	2,757
2. Uzbekistan	2,380	2. Uzbekistan	2,428
3. Azerbaijan	1,987	3. Azerbaijan	2,109
4. Georgia	1,757	4. Moldova	1,825
5. Moldova	1,647	5. Georgia	1,504
6. Armenia	864	6. Armenia	896
7. China	507	7. China	287
8. Belarus	225	8. Tajikistan	284
9. Kyrgyzstan	222	9. Kyrgyzstan	272
10. Tajikistan	216	10. Belarus	245
Other	1,908	Other	1,790
Total	14,183	Total	14,397

Number of apprehended persons being smuggled into Ukraine¹⁷⁶		
	Apprehensions in 2009	Apprehensions in 2010
Total	48	30

Total number of 'human smugglers' apprehended in Ukraine¹⁷⁷		
	Apprehensions in 2009	Apprehensions in 2010
Total	68	77

Number of 'human traffickers' apprehended (only foreigners)¹⁷⁸		
	Apprehensions in 2009	Apprehensions in 2010
Non-nationals	54	46
Total	54	46

¹⁷⁵ Number of irregular migrants among foreigners with temporary registration. Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Records of law enforcement agencies on foreigners for 2009 and 2010.

¹⁷⁶ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Reports on combating illegal migration for 2009 and 2010.

¹⁷⁷ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Reports on combating illegal migration for 2009 and 2010.

¹⁷⁸ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Records of registered crimes committed by foreigners or against them in 2009 and 2010.

Number of foreign 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended in Ukraine¹⁷⁹			
Citizens of the following countries in 2009	Number of traffickers apprehended in 2009	Citizens of the following countries in 2010	Number of traffickers apprehended in 2010
1. Russia	23	1. Moldova	22
2. Poland	17	2. Russia	8
3. Moldova	6	3. Lebanon	6
4. Israel	5	4. Croatia	2
5. Uzbekistan	3	5. Germany	2
		6. Israel	2
		7. Azerbaijan	1
Other	0	Other	3
Total	54	Total	46

Removed persons and the top 10 nationalities/ citizenships forcibly returned from Ukraine¹⁸⁰			
Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1. Uzbekistan	2,420	1. Russia	2,678
2. Russia	2,350	2. Uzbekistan	2,426
3. Azerbaijan	1,964	3. Azerbaijan	2,125
4. Georgia	1,739	4. Moldova	1,854
5. Moldova	1,636	5. Georgia	1,475
6. Armenia	863	6. Armenia	873
7. China	549	7. China	289
8. Belarus	219	8. Tajikistan	276
9. Kyrgyzstan	219	9. Kyrgyzstan	275
10. Tajikistan	214	10. Belarus	241
Other	1,651	Other	1,584
Total of ALL removed persons at the border (of any nationality)	13,824	Total of ALL removed persons at the border (of any nationality)	14,096

Information provided by:

Source: Internal Affairs Bodies and subdivisions

Data provided by: State Migration Service of Ukraine

¹⁷⁹ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Records of registered crimes committed by foreigners or against them in 2009 and 2010.

¹⁸⁰ Source: State Migration Service of Ukraine, Internal Affairs Bodies and subdivisions, Records of law enforcement agencies on foreigners for 2009 and 2010.

Questionnaire

Qualitative Questions

The following questions are open questions where you can use as much space as you need for your answers. Your input presents the basis for the preparation of the country chapters of ICMPD's Yearbook. You also may attach publications, articles, yearly reports etc. describing the aims, activities, and important events of your organisation and your evaluation regarding migration trends and policies in your country.

Question 1. *Flows of illegal migration.* According to your experience what were the **main events, trends, tendencies of illegal migration** in your country in 2008 and 2009? Please try to explain the developments by focusing on the causes for the increase or decrease of the extent of illegal migration.

Question 2. *Legislation.* What developments took place in 2009 regarding the **legislation** on illegal migration? What are the laws, decrees, and international agreements of 2009 important to illegal migration in your country?

Question 3. *Institutional development.* What developments took place in 2009 regarding the **development of law enforcement institutions** combating illegal migration (e.g. border guards)? Please include the main events regarding resource development, organisational development and other related events which might have an impact on enforcing laws on illegal migration.

Question 4. *Organisational setup of human smuggling.* What are the main **characteristics of the organisations involved in human smuggling** in your country? Please consider the following characteristics: size of the organisation, regions of activity of the organisations, structural organisation and estimated extent of persons smuggled by the different organisations as well as differences between organisations.

Question 5. *Technical facilities of human smuggling.* What are the typical **technical facilities** and resources of smuggling organisations? Please give examples on how they perform their transport and communication activities.

Question 6. *Smuggling fees.* Are there evidences on the **fees** of smuggling services? If yes, please describe the amount of fee and the related cases.

Question 7. *Changes and developments.* According to your experience, please describe **important developments** which were observable in the past two years? (e.g. new methods, new routes or organisational structures, etc.)

Question 8. *Modes of illegal border crossings.* Please describe recent trends in the modes and ways of illegal border crossings in the past two years. Please point out anything you consider as important.

Quantitative questions

The quantitative questions ask for the numbers of certain events or persons which are important indicators for illegal migration. If you do not know the exact numbers please provide estimates. If you make estimates please provide the method and considerations behind the estimate. Please refer always to the full calendar year, i.e. from 1 January to 31 December. Please remark if nationals are included in the numbers or if only non-nationals are counted.

Question 9. Please insert the total number of persons legally crossing the border in your country

	2009	2010
Entry		
Exit		
Total		

Question 10. Please insert the total number of persons claiming asylum in your country

	2009	2010
At the border		
Inland		
Unknown		
Total		

Question 11. Please insert the total number of persons who were granted (refused) asylum

	2009	2010
Persons whose applications were positive		
Persons whose applications were negative/rejected		
Persons whose applications were otherwise closed		

Question 12. Number of border violators, and the top 10 nationalities/ citizenships with most of the border violations including foreigners and citizens of your own country

Citizens of the following countries in 2009	Number of border violators in 2009	Citizens of the following countries in 2010	Number of border violators in 2010
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	
6.		6.	
7.		7.	
8.		8.	
9.		9.	
10		10.	
Other		Other	
Total		Total	

Question 13. Total number of migration related border apprehensions including foreigners and citizens of your own country.

	2009	2010
Foreign nationals		
Citizens of your country		
Total		

Question 14. Total number of migration related border apprehensions including foreigners and citizens of your own country, by gender

Gender	2009	2010
Males		
Females		
Unknown		
Total		

Question 15. Number of minors apprehended at the border due to border violation including foreigners and citizens of your own country*

Gender	2009	2010
Males		
Females		
Unknown		
Total		

*The age of a minor is to be determined by local legislation in force in the reporting country.

Question 16. Number of migration related apprehensions by place of apprehension including foreigners and citizens of your own country

Place of apprehension	Number of apprehensions in 2009	Number of apprehensions in 2010
On road border crossings		
On rail border crossings		
On the green (land) border		
At the sea border		
On airports		
In the country		
On other places		
Total		

Question 17. Number of migration related apprehensions by border including foreigners and citizens of your own country in 2009

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING your country on the border with that country 2009	OUT: Number of apprehensions of people LEAVING your country on the border with that country 2009	Total number of apprehensions on the border with that country 2009
1.			
2.			
3.			
4.			
5.			
6.			
7.			
Other			
Total			

Question 18. Number of migration related apprehensions by border section including foreigners and citizens of your own country 2010

Border Section: Name of neighbouring country on the border of which the apprehension took place	IN: Number of apprehensions of people ENTERING your country on the border with that country 2010	OUT: Number of apprehensions of people LEAVING your country on the border with that country 2010	Total number of apprehensions on the border with that country 2010
1.			
2.			
3.			
4.			
5.			
6.			
7.			
Other			
Total			

Question 19. Number of apprehended persons being **smuggled** into your country

	2009	2010
Total		
Of the total: women		
Of the total: minors*		

*The age of a minor is to be determined by local legislation in force in the reporting country.

Question 20. Total number of 'human smugglers' apprehended including foreigners and citizens of your own country

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals		
Citizens of your country		
Citizenship unknown		
Total		

Question 21. Number of 'human smugglers' apprehended and the top 5 nationalities or citizenships with most of 'human smugglers' apprehended including foreigners and citizens of your own country

Citizens of the following countries in 2009	Number of smugglers apprehended in 2009	Citizens of the following countries in 2010	Number of smugglers apprehended in 2010
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	
Other		Other	
Total		Total	

Question 22. Number of people being **trafficked** into your country

	2009	2010
Total		
Of the total: women		
Of the total: minors*		

*The age of a minor is to be determined by local legislation in force in the reporting country.

Question 23. Number of 'human traffickers' apprehended including foreigners and citizens of your own country

	Apprehensions in 2009	Apprehensions in 2010
Non-nationals		
Citizens of your country		
Citizenship unknown		
Total		

Question 24. Number of 'human traffickers' apprehended and the top 5 nationalities or citizenships with most of 'human traffickers' apprehended including foreigners and citizens of your own country

Citizens of the following countries in 2009	Number of 'traffickers in humans' apprehended in 2009	Citizens of the following countries in 2010	Number of 'traffickers in humans' apprehended in 2010
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	
Other		Other	
Total		Total	

Question 25. Persons rejected at the border and the the top 10 nationalities/ citizenships rejected at the border

Citizens of the following countries in 2009	Number of rejected persons in 2009	Citizens of the following countries in 2010	Number of rejected persons in 2010
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	
6.		6.	
7.		7.	
8.		8.	
9.		9.	
10		10.	
Total of ALL rejected persons at the border (of any nationality)		Total of ALL rejected persons at the border (of any nationality)	

Question 26. Removed persons and the top 10 nationalities or citizenships removed from your country (removed persons refer to persons who have been forcibly returned to their country of origin)

Citizens of the following countries in 2009	Number of removed persons in 2009	Citizens of the following countries in 2010	Number of removed persons in 2010
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	
6.		6.	
7.		7.	
8.		8.	
9.		9.	
10.		10.	
Total of ALL removed persons (of any nationality or country)		Total of ALL removed persons (of any nationality or country)	

Question 27. Does your organisation use the UN definitions of human smuggling and trafficking? (see UN definitions in the Annex of the questionnaire)

If not, please describe the definitions used:

Question 28. Is there a relationship between smuggled and trafficked persons? Is it possible that a person appears in the table of smuggled persons AND in the table of trafficked persons?

Special Module on detention of migrants and asylum seekers

This year ICMPD's Yearbook investigates the policies and practices regarding detention of migrants and asylum seekers in the wider Central and Eastern European region. In addition, the extent of the detention in the region will be assessed. We kindly ask you to answer the following questions based on the data you have collected and experience you have. If you want to add any information which you consider as important to the topic or make any additional comments, please do so at the end of the questionnaire or attach any information to the questionnaire.

EU Definitions

Detention (general definition): is defined as the restriction on freedom of movement through confinement that is ordered by an administrative or judicial authority(ies) in order that another procedure may be implemented.¹⁸¹

Detention (EU asylum context): means the confinement of an asylum seeker by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement.¹⁸²

Detention (EU Return Context): EU Member States may only keep in detention a third country national who is subject to procedures in order to prepare the return and/or carry out the removal process, in particular when: (a) there is a risk of absconding; or (b) the third country national concerned avoids or hampers the preparation of return or the removal process.¹⁸³

Detention centre/ facility – different from prison accommodation – are used for the detention of a third country national in accordance with national law.¹⁸⁴

The term third country national is used in the EU countries meaning all persons that are not citizens of the European Union.

Special Question 1. Please describe the general detention policy in your country. What are the main strategies concerning the detention of illegally staying immigrants in your country and which authorities are responsible for the area?

Special Question 2. Do the definitions in your country correspond to the EU definitions? If not, please provide the national definition and regulations concerning detention of immigrants. What are the reasons for detention of immigrants? Please distinguish between detention after apprehension of foreigners (e.g. for screening reasons) and pre-deportation detention.

Special Question 3. How many detention centres/facilities are there in your country? Please describe the location and capacities of each centre as well as any future plans on building detention centers in your country. Please also explain whether the facilities are only used for foreigners or also for other persons (criminal detention) and whether the facilities are short, mid or long-term detention centres.

Special Question 4. What is the maximum duration a foreigner being detained?

Special Question 5. Who is responsible for managing the detention centres? Are the centres run by the authorities or by externally contracted companies?

¹⁸¹ Source: EMN Glossary, Version January 2010, page 44

¹⁸² Source: Council Directive 2003/9/EC, laying down minimum standards for the reception of asylum seekers, Article 2 (k)

¹⁸³ Based on Article 15 of the Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals.

¹⁸⁴ Source EMN Glossary, Version January 2010, page 44

Special Question 6. Are asylum seekers detained in your country? Under which circumstances according to national law may asylum seekers be detained? What is the maximum duration of detention of asylum seekers upon arrival in your country? Please distinguish between open and closed detention.

*Special Question 7. How many **asylum seekers were detained** in your country in 2009 and 2010 (number of persons)?*

Detention centre no.	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1.		
2.		
3.		
Elsewhere		
Total		

Please indicate either the total number of persons detained during the year or the total number of persons detained at a certain time point of the respective year (e.g. 1 January). If the numbers refer to a certain time point, please indicate the time.

*Special Question 8. What are the **main nationalities of detained asylum seekers**? Please indicate the number of asylum seekers in detention by groups of citizenship.*

Nationality/citizenship of detained person	Number of asylum seekers in detention (number of persons) in 2009	Number of asylum seekers in detention (number of persons) in 2010
1.		
2.		
3.		
4.		
5.		
Other		
Total		

*Special Question 9. How many **migrants were detained** in your country in 2009 and 2010 (number of persons)?*

Detention centre no.	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1.		
2.		
3.		
Elsewhere		
Total		

Please indicate either the total number of persons detained during the year or the total number of persons detained at a certain time point of the respective year (e.g. 1 January). If the numbers refer to a certain time point, please indicate the time.

*Special Question 10. What are the **main nationalities of detained migrants**? Please indicate the number of migrants in detention by groups of citizenship?*

Nationality/citizenship of detained person	Number of migrants in detention (number of persons) in 2009	Number of migrants in detention (number of persons) in 2010
1.		
2.		
3.		
4.		
5.		
Other		
Total		

Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe

International Centre for Migration Policy Development, 2013

Based on the contribution of border authorities in the wider Central and Eastern European region, ICMPD's Yearbook 2010 provides a unique compilation and overview of irregular migration, human smuggling and trafficking. This edition includes a special survey on detention of immigrants in the region. Due to the continuity of the data collection, the yearbook is an important source for all scholars and practitioners interested in irregular migration.

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