

## IRREGULAR MIGRATIONS IN BOSNIA AND HERZEGOVINA: DETENTION, READMISSION AND RETURN

### Preliminary scientific announcement

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### Abstract

Since early 2018, Bosnia and Herzegovina has been facing an increased influx of migrants who enter the country illegally, call for international protection, but do not want to stay in Bosnia and Herzegovina because the highly developed countries of the European Union are their final destination. Irregular migrations faced by the member states of the European Union as well as the countries of the Western Balkans had many political, social, cultural and security implications. The European Union, determined to stop irregular migration, adopted a series of strategic documents, including the Action Plan for the Western Balkans, where one of the key elements of that plan is the return of irregular migrants to their countries of origin. However, the question arises to what extent Bosnia and Herzegovina has built its strategic, legal and institutional framework that would enable the efficient removal of irregular migrants from its territory. The aim of this paper is to review the approach to the detention of irregular migrants and its importance in these processes, as well as the importance of the readmission and return of irregular migrants in the comprehensive migration management process. The paper will analyse the data on the measures taken against irregular migrants in Bosnia and Herzegovina presented through the decisions on expulsion and detention, make a presentation of concluded agreements on readmission with other countries, and analyse data on the activities undertaken on the implementation of agreements on the readmission and removal of irregular migrants from the territory of Bosnia and Herzegovina.

### Ključne riječi

irregular migrations, Western Balkans, Bosnia and Herzegovina, detention, readmission, return

## Introduction

Modern migrations represent a global phenomenon, a phenomenon that, through globalisation, enabled the movement of people more than ever before. The need to employ highly qualified labour is one of the drivers of migration, wars and armed conflicts drive refugees from their hearths, climate change is a strong factor in migration trends, while poverty and economic reasons remain the main causes that motivate the departure of migrants from their home countries. Although the rich and prosperous countries of the European Union (EU), as countries of final destination of migrants, have prescribed through their strategic documents the promotion and strengthening of legal flows of migration, migrants still resort to irregular migration due to their excessive desire to come to EU countries. Irregular migration raises many questions, primarily those related to the security aspect of such movements.

Data from the European Border and Coast Guard (FRONTEX) indicate that during the migrant crisis in 2015, nearly two million migrants were detected illegally crossing the EU's external border. The countries of the EU, as countries of the final destination of migrants, as well as countries of transit, could somehow "be relieved" from the moment when the agreement between the EU and Turkiye stopped mass migration movements towards the EU. However, migrants continued to move towards their final destinations on a much smaller scale, but since 2020 there has been an evident increase in the number of detected migrants (Frontex Annual Risk Analysis 2011-2022).

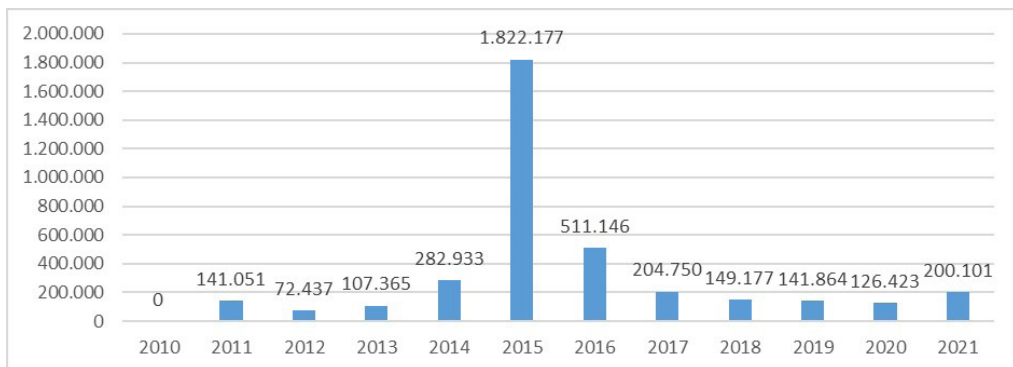


Chart 1: Detected foreign citizens during illegal crossing of the EU external borders (Work of the author)

The migrant crisis in 2015 led to the destabilization of the Union due to uneven attitudes and views on the approach and resolution of the crisis, the consequences of which are still being felt today. There is an evident increase in the arrival of irregular migrants to the EU since 2020 who arrive via different routes, which is why the EU adopts numerous strategic documents and action plans aimed at illegal entry prevention, establishing and strengthening cooperation with third countries, as well as readmission and return.

The movement of migrants via the Western Balkans route has intensified in the last few years, and reached its peak in 2022, because according to data from the International Organization for Migration (IOM), the countries of the Western Balkans (WB) registered 192,266 migrants

(IOM, 2022). As a result of the above, there was an increase in the arrival and movement of migrants across the territory of Bosnia and Herzegovina, especially in 2023.

Migrants enter BiH illegally from Serbia and Montenegro, which raises the question of whether it is possible to return them to the countries from which they illegally entered BiH, or whether there are readmission agreements and whether they are being implemented. In addition to cooperation in the region, a very important issue is cooperation with the countries of origin of migrants in procedures for determining their identity and their return, then concluding agreements on readmission, as well as their implementation.

Determining the measure of supervision by placing a foreigner in a specialized reception facility, popularly called detention, is one of the ways that you can keep a foreigner until the procedure for his removal is carried out. Bosnia and Herzegovina has at its disposal one Immigration Centre for the detention of foreigners managed by the Service for Foreigners' Affairs (SFA), but the question arises whether the capacities of that centre are sufficient for the needs of the SFA, and what challenges and problems the competent authorities face in these procedures.

### **The European Union's strategic approach and return policies**

The new EU Migration and Asylum Pact presented in September 2020 by Ursula von der Leyen, President of the European Commission, contains a number of legal proposals, roadmaps and recommendations. The pact seeks to turn the tide of the tense years that followed the migrant crisis of 2015, when reception systems were overwhelmed by the sudden arrival of asylum seekers, mainly from Syria, and when there was great tension and political tension between member states in the south, as countries of first contact with migrants, transit countries in Central Europe, and final destination countries.

More efficient and faster procedures have been proposed, which include an integrated border procedure and for the first time include pre-entry inspection, identification of all persons who cross the external borders of the EU without a permit, or shipwrecked persons after search and rescue operations. The procedure includes a medical and security examination, fingerprinting and registration in the EURODAC system. This approach will enable people to be directed to the appropriate procedure, the procedure to be carried out at the border or directed to the regular asylum procedure. The procedure at the border implies a quick decision on asylum or return, providing security to persons whose requests are processed according to an accelerated procedure. A mutually beneficial partnership with third countries based on clear needs will help to improve the way to counter common challenges such as migrant smuggling, will help to develop legal ways for migrants to travel, and will work on the efficient implementation of readmission agreements and other arrangements. The EU and member states make available a wide range of tools to support cooperation with third countries in the field of readmission. The Pact also envisages the strengthening of the common EU return system, through a more efficient legal framework, a stronger role of FRONTEX, and through the new EU Return Coordinator (European Commission, 2020).

When we talk about return, it is important to emphasize that every country, in accordance with international customary law and multilateral international conventions, has the obligation to accept its citizens. Persons who do not meet the conditions for further residence in a country would have to be accepted back to their own country without any special formalities.

However, simultaneously, cooperation with the countries of origin of irregular migrants is very important, and such cooperation can be further improved through various instruments. The conclusion of an agreement on readmission or other arrangements is significant because the signatory states commit themselves to cooperation in procedures for determining identity, issuing travel documents for return and finally for the acceptance of their citizens to the country of origin.

The European Union wants to strengthen cooperation in the field of return and readmission as part of a fair, efficient and comprehensive EU migration policy. Estimates indicate that at the EU level, the biggest challenge and obstacle to the return of migrants to their countries of origin is the identification of irregular migrants and the issuing of travel documents, while after the successful removal of these obstacles, the organization of flights and the actual return are mostly successful. The procedures depend on the readiness, will and commitment of the competent authorities of the countries of origin, because the quality and speed of the support of the countries of origin is very important. Long-term processes lead to high costs for the member countries, and often to the escape of migrants and additional difficulties in their return. The process of organizing return charter flights is also a concern because some countries of origin refuse to accept forced return by charter flights. Experience has shown that the introduction of electronic platforms for processing return requests (readmission case management system – RCMS) and European Migration Liaison Officers in charge of return or migration (EMLO), increase the chances of successful and rapid cooperation. The introduction of RCMS in support of a functional agreement or arrangement contributes to cooperation on return and acceptance. A large time span between asylum and return procedures, lengthy procedures, difficulties in preventing the escape of migrants, insufficient funds, lack of infrastructure and limited administrative capacities are recognized as the main obstacles to an effective return policy. In order to ensure more efficient return and promote more sustainable solutions, the EU believes that efforts should be made to have as many migrants as possible without the right of residence decide to leave the EU voluntarily. Voluntary return combined with good reintegration strategies leads to higher acceptance rates and greater success of these operations. On the other hand, practical solutions should be found to prevent the escape of persons who do not have the right of residence. The process of forced return can become more efficient if a balance is achieved between increasing the availability and use of more efficient alternatives to detention and ensuring the availability and equipment of specialized facilities for the detention of migrants (European Commission, 2021).

When we talk about return policies, problems related to the process of establishing identity and finding solutions to prevent the escape of persons who do not meet the conditions for further residence and should be subject to return to their home countries are evident. Immigration detention is considered by many countries to be a necessary and unavoidable tool in migration management. States have the right to control their borders and establish migration policies, but they must ensure full compliance with international legal standards.

The EU return directive provides for detention in cases of preparation for return and/or implementation of the removal process, especially to prevent the risk of flight and in cases where third-country nationals avoid or stop return preparations (DIRECTIVE 2008/115/EC). Migrants in the EU may be detained for the purpose of their return, after a decision on detention has been made for the purpose of preparing the return or to ensure that the decision will be imple-

mented in the event of forced removal. Detention in the context of return does not constitute a criminal sentence, but in most cases is an administrative measure and was not adopted by judicial authorities. Given that detention represents a limitation of the rights and freedoms of persons, more and more people are thinking about certain alternatives to detention.

The EU Fundamental Rights Agency (FRA) defines alternatives to detention as “any policy, legislation or practice that allows migrants, asylum seekers and refugees to reside in the community with the right to freedom of movement until their immigration status is resolved or while they await deportation or removal from countries” (FRA, 2015). This approach certainly reduces the costs of detention in detention facilities, but it is questionable whether in this way it is possible to ensure the implementation of the removal procedure of a person. Alternatives to detention should definitely be considered in these procedures and all the circumstances of each individual case should be appreciated.

As a continuation of activities and support for the implementation of the new EU Pact on Migration and Asylum, the EU Voluntary Return and Reintegration Strategy was adopted. It recognizes the value of voluntary return and strives to increase the number and share of voluntary returns from Europe and transit countries, to improve the quality of support provided to returnees, and to increase the coordination and management of EU activities. The strategy establishes a new, more harmonized and integrated approach to the design, promotion and implementation of assisted voluntary return and reintegration (AVRR) programs and activities in third countries with the aim of better connection with other development initiatives, building the capacity and responsibility of third countries and achieving program sustainability. This strategy builds on and promotes the general objectives of the new Pact on Migration and Asylum, including the governance structures and mechanism for cooperation on return and readmission set out in the proposal for a regulation on asylum and migration management. The implementation of this strategy would contribute to a more efficient return procedure at the border, which is proposed in the new pact and which promotes quick voluntary returns from the external borders of the EU, which would shorten the detention of persons in the procedure at the border and generally increase the efficiency of that procedure. A more efficient implementation of the return procedure at the border would facilitate and encourage voluntary return, as people will be more willing to cooperate with the competent authorities. The strategy establishes various measures within the framework of seven pillars in which the internal, external and operational aspects of voluntary return and reintegration are grouped together, which include: 1. a more effective legal and operational framework; 2. a more efficient coordination among all participants; 3. support for the voluntary return and reintegration of migrants from third countries; 4. effective return counselling and referral; 5. ensuring quality support; 6. encouraging the sustainability of support for reintegration and responsibility of partner countries and 7. financing voluntary return and reintegration (European Commission, 2021).

The new EU Pact on Migration and Asylum indicated a paradigm shift in the EU’s cooperation with international partners in the field of migration, where a dialogue on return and reintegration with priority countries will be initiated as part of comprehensive, balanced, adapted and mutually beneficial migration partnerships, building on the already built trust and upgrading it.

Bearing in mind the increased number of illegal movements of migrants on the Western-Balkan route, in December 2022 the EU presented the EU Action Plan for the Western Balkans, which aims to strengthen cooperation in the field of migration and border management in the

Western Balkans, taking into account the perspectives of access and continuous efforts of WB countries to harmonize procedures with EU rules. The action plan prescribes a whole series of measures to strengthen EU support to member countries facing increased migrant pressure via the WB route. The non-compliance of the visa-free regime of the WB countries with the EU visa policy also contributes to the increased number of people who come directly by plane to the WB countries and continue to go to the EU. In order to properly respond to these common migrant challenges, close cooperation with the WB countries is essential. The action plan identifies 20 operational measures that are structured in five chapters: strengthening border management on migration routes; accelerated asylum procedures and support for reception capacities; fight against smuggling of migrants; strengthening cooperation in the field of readmission and return; and harmonisation of visa policy with the EU (European Commission, 2022).

When it comes to readmission and return, the EU seeks to increase support for returns from the countries of the WB. In this context, the pilot project implemented in BiH through IPA funds will be extended to the WB region. The support program covering voluntary and involuntary return will focus on strengthening cooperation and coordination at the operational level between the EU, the WB and the countries of origin of the migrants. The action plan envisages strengthening the operational capacities of partners with the WB to carry out return operations, including support for the establishment of appropriate facilities for return. Through FRONTEX, the EU will support partners with the WB by strengthening regional cooperation, deploying return specialists, sharing knowledge and expertise on the return process, conducting training (for escorting during the return), mediating and facilitating cooperation with countries of origin and obtaining travel documents. On the other hand, the EU and WB partners strive to improve the implementation of the agreement on readmission with the EU, especially in the part of readmission of citizens of third countries who transit through WB countries without the need to obtain visas (EU Action Plan on the WB, 2022).

### **Status of the irregular migrations in the Western Balkans**

Registration, that is, recording of migrants, is very important for monitoring the movement of migrants through the countries of the WB, and for noticing certain phenomena. Below are presented the statistics of the registration of migrants in the period from 2017 to 2022, given that the route was officially closed in March 2016, but before the closure a large number of migrants were registered in January and February, and therefore the data was analysed from 2017. According to IOM data, since 2017, when the countries of WB registered 8,294 migrants, there has been a constant increase in the number of registered migrants up to 103,371 in 2020, which was marked by the occurrence of the COVID-19 virus, until a marked increase in 2022, when 192,266 migrants were recorded (IOM, 2022). Comparing these data with FRONTEX data on the number of detected foreign nationals during illegal crossing on the WB route, it is evident that the number of detected persons is significantly lower, which speaks in favour of the fact that a large number of migrants cross the border without being detected by the competent authorities.

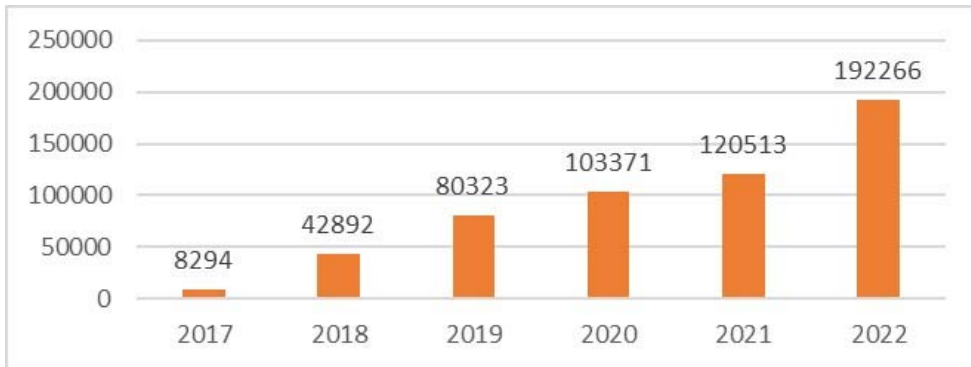


Chart 2: Total number of recorded migrants in the Western Balkans (Source: IOM, Migration Trends in the Western Balkans in 2022)

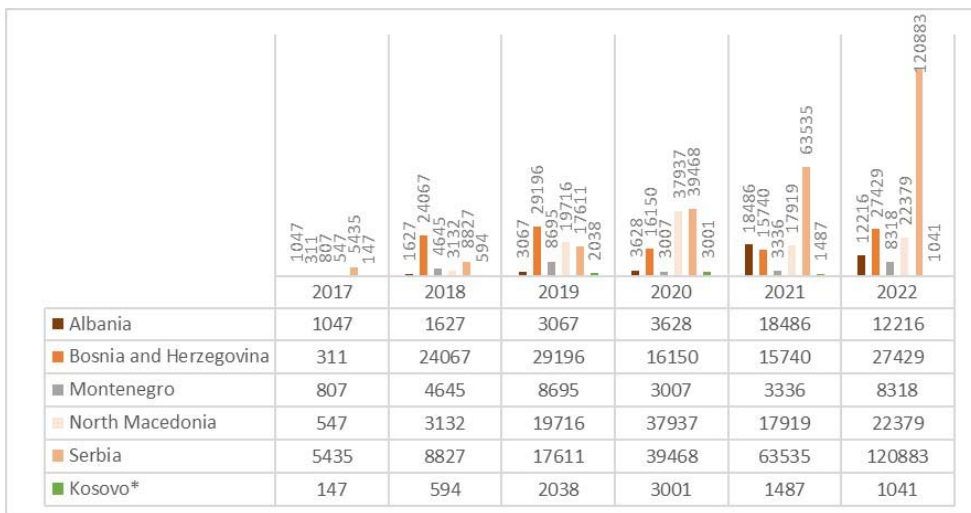


Chart 3: Registered migrants in the Western Balkans countries (Work of the author)

Looking at the data presented by country separately, it can be concluded that movement routes have definitely changed over time, but on the other hand, certain questions are also raised. During 2018 and 2019, BiH registered the largest number of migrants, while neighbouring Serbia, from which the largest number of migrants enter BiH illegally, recorded a significantly smaller number. On the other hand, Serbia recorded an extremely high increase in the number of migrants in 2021 and 2022, while North Macedonia, from which the largest number of migrants enter Serbia illegally, recorded a drastically lower number of migrants. The question arises whether the data are accurate and reliable, or whether the competent authorities really register all migrants who pass through their countries.

Given that the return of migrants to their countries of origin is one of the EU's priorities, which has been emphasized several times through various strategic documents, and most recently through the EU Action Plan for WB, through the IOM's Voluntary Return and Reintegration

Program (AVRR) from WB countries is in period 2016-2022, 2,712 migrants were returned to their countries of origin. Most migrants were returned from BiH, 1,324, Serbia 1,115, Montenegro 111, North Macedonia 106, Kosovo 41 and Albania 15. Migrants were returned to India, Morocco, Pakistan and China (IOM, 2023).

These data tell us how complex the return of migrants to their countries of origin is, especially considering situations when migrants do not want to return voluntarily. Comparing these data with the data on the number of migrants who have been registered in the WB in the last few years, we can safely say that they are negligible. It is difficult to expect that a person who has travelled several thousand kilometres of a difficult road, who has probably incurred financial debt, and who is so close to achieving his goal, suddenly decides to return voluntarily.

### Status of the irregular migrations in Bosnia and Herzegovina

In the period 2018-2022 in Bosnia and Herzegovina, 106,146 migrants expressed their intention to seek international protection – asylum, and it is evident that in 2022 a significant increase in expressed intentions was recorded (SFA, 2022).

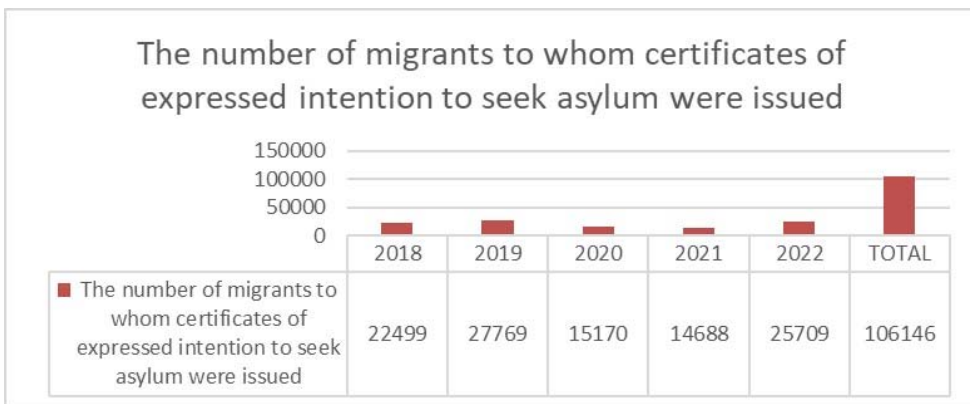


Chart 4: The total number of migrants who expressed their intention to seek asylum in BiH (Source: SFA Report 2022)

What characterized this increase was the movement and presence of migrants from Afghanistan and countries with which BiH had not previously met, primarily citizens of Burundi, among whom there were families with children, as well as citizens of Cuba. Both of these countries had a visa-free regime with Serbia, and after their legal arrival in Serbia, they continued their illegal movement towards EU countries and through BiH. According to SFA data, during 2022, 3,985 citizens of Burundi and 1,219 citizens of Cuba expressed their intention for international protection in BiH, while after the introduction of the visa regime by Serbia for these countries, their illegal entry into BiH drastically decreased. The characteristic of these movements was reflected in the fact that after illegally entering BiH, migrants expressed their intention for international protection, although they did not want to stay in BiH, which was the “modus operandi” in other transit countries as well, which led to the emergence of “asylum shopping”. The period of detention of migrants in temporary reception centres in BiH was reduced to three to



five days, while the number of migrants who normally stayed in temporary reception centres (TRC) was also decreasing and ranged from approximately 800 to 1,000 migrants. The characteristic of the new trends was also reflected in the fact that migrants were passing through BiH very quickly, which indicated that the smuggling networks were well organized.

Migrants continued to illegally cross the border from the direction of Serbia in the area of Zvornik, Bijeljina, Bratunac and Višegrad, while from the direction of Montenegro they illegally crossed the border in the area of Foča, Gacko, Bileća and Trebinje. However, there was a change in the movement routes of migrants through BiH, because after illegally entering BiH, migrants continued to move towards the USK on a smaller scale, but they moved more towards the north of the country and the area of Gradiška, Brod, Orašje and Brčko, where tried to enter Croatia illegally by crossing the Sava River. Attempts to enter Croatia illegally also took place on a smaller scale in the area of Livno, Ljubuški and Grude, as well as Mostar and Čapljina by crossing the Neretva River in Metković (ZCAR, 2023).

### **Strategic, legal and institutional framework of Bosnia and Herzegovina**

The immigration policy of BiH was gradually developed, at the beginning it was determined by the current developments in the field of migration and asylum, irregular migration across its territory, the obligation to prevent and fight against illegal migration, while later it was also conditioned by the need to strategically define certain areas and priorities regarding the fulfilment of prerequisites for the accession of BiH to European integration (Buzar, 2022). The strategy in the field of migration and asylum and the Action Plan 2016-2020, the long-term goal set is the development and establishment of the immigration and asylum system at the national level, which is harmonized with EU standards, and active participation in defining the policy and development of the immigration and asylum system at the regional level, as the key to a more efficient and comprehensive response to this issue. A number of measures have been prescribed to improve the fight against illegal migration in BiH, with a special focus on the establishment of new and further development of existing institutional capacities for the implementation of readmission agreements (MOS, 2016).

The creation of a legal framework that regulates the issues of entry, movement, stay of foreigners and asylum was a priority set before the institutions of BiH. In accordance with Article III, paragraph 1, item f) of the BiH Constitution, the creation of immigration, refugee and asylum policy is the exclusive responsibility of the BiH institutions at the state level. The institutions of BiH undertook activities with the aim of creating the necessary legal framework that would regulate this area. Bearing in mind the dynamism of migration and asylum, as well as the need to constantly harmonize it with EU standards, in 2015 and 2016, however, there was a legislative separation of the areas of immigration and asylum and the adoption of two new laws, because until then these areas were defined by the Law on movement and stay of foreigners and asylum from 2008 ("Official Gazette of BiH" number 36/08, 87/12). The Law on Aliens ("Official Gazette of BiH" No. 88/15, 34/21 and 63/23) was adopted in 2015, while the Law on Asylum ("Official Gazette of BiH" No. 11/16 and 16/16) was adopted in 2016.

The Law on Foreigners adopted and defined European standards in the field of movement and residence of foreigners, especially in the processes of making decisions on expulsion, readmission, detention and return, with full respect for international standards. Authorities responsi-

ble for law enforcement are: Council of Ministers of BiH, Ministry of Security of BiH, Ministry of Foreign Affairs of BiH, Ministry of Civil Affairs of BiH, Service for Foreigners' Affairs (SFA), Border Police of BiH (GP BiH), other police authorities in BiH, Agency for work and employment and other competent authorities ("Official Gazette of BiH", No. 88/15, 34/21 and 63/23, Article 3).

When it comes to the migration management system in BiH, the SFA makes the maximum contribution to BiH's path towards EU integration, and takes a significant place in the BiH security system (Buzar, 2019). The Service for Foreigners' Affairs has the authority to issue decisions on expulsion, placing a foreigner under supervision, accepting and removing a foreigner, and conducting the forced removal procedure. Within the SFA, the Immigration Centre also operates as the only specialized institution for the detention of foreigners in BiH, with a capacity of 120 places, whose actual capacity has been significantly reduced due to certain damages caused by migrants during their stay under surveillance. It is important to emphasize that removal processes are really complex because they require a high degree of cooperation and coordination of activities with different parties. The challenges and obstacles faced by the EU member states are mirrored in the WB and BiH. In BiH, a big challenge is the impossibility of establishing the identity of migrants, the lack of cooperation with the countries of origin and the issuance of travel documents, cooperation with transit countries when we talk about the process of forced removals to the countries of origin, because there are no direct flights from BiH to the countries of origin, as well as cooperation with airline companies. Insufficient capacities of the Immigration Centre, understaffing of the SFA, and lack of specialized vehicles and equipment are also challenges.

The BiH Border Police is an important agency that prevents irregular migration through its activities, with a special focus on breaking up smuggling networks. It also prevents illegal crossings of the state border, which is why it is an important link for documenting the evidence needed to start the process of returning migrants to neighbouring countries in accordance with readmission agreements.

### **Detention, readmission and return**

In the previous period, Bosnia and Herzegovina continuously made efforts to establish and develop cooperation with the countries of origin of migrants, especially in the segment of concluding agreements on readmission. Agreements were concluded with Croatia, Serbia, Montenegro, North Macedonia, Albania, Moldova, Denmark, Norway, Switzerland, Russian Federation, Turkiye, EU and Pakistan. One of the areas from the EU Action Plan for the WB refers precisely to the readmission and return of migrants who do not meet the conditions for further residence, to their countries of origin. In this context, it is important to note that BiH has made a significant step in the WB when we talk about the establishment and strengthening of cooperation with the countries of origin of migrants illegally staying in BiH, and the execution of their removal from BiH.

In 2020, Bosnia and Herzegovina signed the Readmission Agreement with Pakistan, which for now represents the only signed readmission agreement with any country of origin of migrants in the WB region. Further activities were undertaken to strengthen cooperation in the field of return and the implementation of the readmission agreement, especially in the part of the possibility of using the Readmission Case Management System (RCMS), which should speed up the

process of determining the identity of migrants as a key precondition for return, for which the SFA is responsible. In this context, in September 2022, representatives of the BiH Ministry of Security and SFA visited Pakistan, where they discussed the possibility of improving and speeding up the readmission of persons illegally staying in BiH (Fena, 2022). In addition, SFA has established and strengthened cooperation with the Kingdom of Morocco, which covers BiH in consular sense through the Embassy of the Kingdom of Morocco in Zagreb. SFA representatives visited the Embassy of the Kingdom of Morocco in Zagreb in January 2023, during which they discussed the process of determining the identity of migrants from Morocco, as well as the further realization of their return to Morocco, and it was agreed to improve cooperation in the coming period (Dnevni Avaz, 2023). Another very interesting country in terms of the presence of illegal migrants in BiH is Bangladesh. The delegation of Bangladesh visited the SFA in February 2023. During the meeting, special emphasis was placed on the procedures for determining the identity of migrants from Bangladesh and their return to their home country, and the representatives of Bangladesh expressed their full readiness to cooperate in these procedures. On this occasion, the representatives of Bangladesh established the identity of a group of their citizens who were illegally staying in BiH and issued passports, after which the SFA initiated the procedure for their removal (Fena, 2023). The above confirms that cooperation with countries of origin is really key in return procedures and that cooperation should be constantly strengthened, regardless of whether there are signed agreements on readmission or not. On the other hand, "identification missions" such as the one from Bangladesh, which during its visit to BiH established the identity and issued passports to its citizens, are extremely important in these procedures, because they send a clear message to illegal migrants that cooperation exists and that their removal to the home country can implement. According to SFA data, in the first eight months of 2023, by carrying out the forced removal procedure, it removed 66 foreign citizens from BiH to their countries of origin, mainly Morocco, Pakistan, Bangladesh, Nepal, Turkey, Albania and other countries. Certain forced removal operations were carried out by members of the SFA as an escort to the country of origin based on an assessment. This represents a huge success, especially considering the need for a high level of organization of such removals, as well as the need to send an escort team to the country of origin.

On the other hand, forced removals are carried out in the case when a foreigner who no longer meets the conditions of legal residence in BiH and does not want to leave BiH voluntarily. The implementation of forced removal operations sends a clear message that the state is ready to respond to this challenge as well. The Service for Foreigners' Affairs conducts forced removals in accordance with EU standards in this area, because SFA members had the opportunity to successfully complete escort training organized by FRONTEX, where they mastered the skills of carrying out the process of forced removal. The Federal Ministry of Interior of the Republic of Austria further strengthened the readmission and removal capacities of the SFA, when in cooperation with the Joint Coordination Platform (JCP) from Vienna, the Service arranged training for accompanying forced removals for its members, which was conducted by the special unit Eko Cobra.

In the context of strengthening the capacity of BiH in the field of readmission and return of migrants illegally staying in BiH, it is necessary to emphasize the significant support of the EU in these processes, through IPA funds, individual measures for migration. The first type of support relates to the expansion of the capacity of the SFA Immigration Centre in East Sarajevo,

which will provide an additional 40 beds. These capacities for the detention of foreigners are necessary in the process of readmission and removal of migrants from BiH because they enable foreigners to be under supervision until removal, and create additional prerequisites for more efficient management of migration processes in BiH. The project is worth more than EUR 600,000, and construction work is ongoing. The second project refers to the financial support of the process of return and removal of migrants to their countries of origin, who are staying illegally in BiH. The EU has allocated an amount of EUR 500,000 for the purpose of financing voluntary and involuntary return, through the payment of travel costs of removal, all with the aim of providing very significant support to the BiH authorities in these processes, which is also mentioned in the EU Action Plan for the WB.

The Service for Foreigners' Affairs undertook expulsion measures against foreigners who were illegally staying in BiH, and in order to ensure the execution of the measures, placed them under the supervision of the Immigration Centre. In the period 2010-2022, a total of 10,923 decisions on expulsion were made, while 7,828 foreigners were placed under supervision in the Immigration Centre in order to carry out the imposed measures (SFA, 2010-2022).

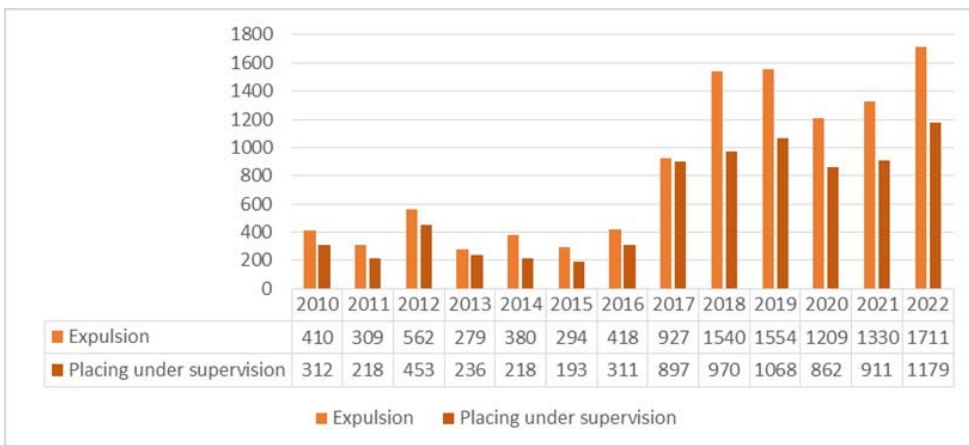


Chart 5: Measures of expulsion and placing under supervision (Work of the author)

The Service for Foreigners' Affairs has, in the period 2010-2022 and based on the Readmission Agreement, accepted a total of 4,056 foreign citizens, mainly from the Republic of Croatia, who illegally entered the territory of Bosnia and Herzegovina. The acceptance of foreigners has recorded an increase since 2017 as a result of the increased inflow of migrants to BiH, while in 2020 a significant drop in these values was recorded, after which there is an increase again in 2021 and 2022 (SFA, 2010-2022).

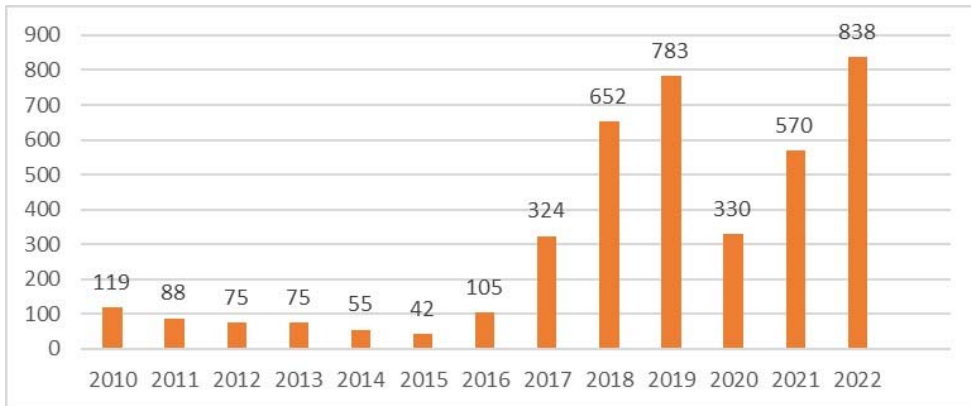


Chart 6: Acceptance of foreign citizens based on the Readmission Agreement (Work of the author)

By implementing readmission agreements, the SFA removed 2,439 foreigners from BiH during the observed period (SFA, 2010-2022). An increase in the number of distant foreign nationals has been recorded since 2017, while the highest values of distant foreigners were recorded in 2018, since then the values have been decreasing until 2022. It is evident that in the majority of cases, the SFA established through the procedures that foreign nationals entered BiH illegally from the territory of Serbia, and in accordance with that, carried out their removal to Serbia, while the return of a smaller number of foreigners to Montenegro was also recorded.

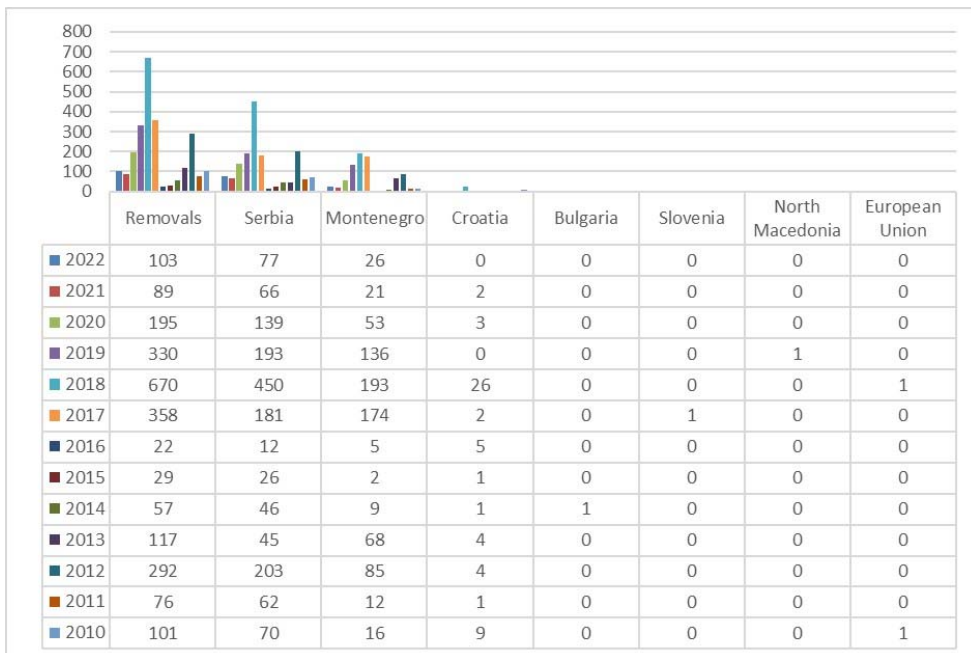


Chart 7: Removals on the basis of the readmission agreement (Work of the author)

Comparing data on returned migrants to neighbouring countries in accordance with readmission agreements, with data on the number of registered migrants in BiH, that number is almost negligible. Although it is clear that most migrants illegally enter BiH from the direction of Serbia, in order to initiate the readmission procedure, it is necessary to gather evidence prescribed by readmission agreements, that the person entered illegally from one of the neighbouring countries. Considering that migrants exchange information and experiences about movement in real time through social networks, they quickly realized that they need to hide evidence that can be used to implement readmission agreements. The insufficient staffing of the BP BiH, which the leaders of that agency have been warning about for years, also affects the effective prevention of illegal entry of migrants into BiH, and the collection of evidence necessary for the return of migrants to neighbouring countries. The implementation of the agreement on readmission in the region is difficult because it is accompanied by a “domino effect”. The lack of cooperation of the Republic of Türkiye in the implementation of the acceptance of migrants from Greece results in a lack of cooperation in the readmission procedures with North Macedonia, thus affecting other countries in the region.

## CONCLUSION

Irregular migration brings various challenges to the EU and all other transit countries, and in certain situations they act as a destabilizing factor. In this sense, the EU is focused on preventing irregular migration, which is supported by many adopted strategic documents and action plans, while on the other hand, it is also focused on the return of migrants to their countries of origin. The priority in EU policies is establishing and strengthening cooperation with the countries of origin of migrants, as well as strengthening cooperation with transit countries while increasing their capacities and readiness to respond to the challenges of irregular migration as efficiently as possible. The EU also promotes alternatives to detention and the voluntary return of migrants to their countries of origin, but on the other hand points to the need for forced returns. The situation regarding irregular migration to the Republic of Croatia is also very worrying due to the significant increase in the movement of migrants to EU countries via this route in 2022.

Bosnia and Herzegovina is constantly faced with irregular migrations across its territory, only the dynamics of such movements differed, and it was especially evident from the migrant crisis in Europe. BiH constantly aligns its immigration policy with EU policies, and introduces European and international standards in this area. Although BiH institutions have been established with clear competences in the field of migration management, especially those dealing with the prevention of irregular migration, detention, readmission and return, their insufficient staffing is still evident, which is reflected in their efficient response to these phenomena. It is evident from the presented data on deportation measures imposed and persons placed under supervision at the Immigration Centre that far fewer foreigners were placed under supervision compared to the number of measures imposed. This speaks in favour of the fact that SFA, when taking measures, considers “alternatives to detention” in each individual case and assesses whether such practices can be applied. However, alternatives to detention are not expedient if you really have to remove a foreigner from the territory, because the question arises of the possibility of his escape.

In the past period, Bosnia and Herzegovina has done a lot to manage migration as efficiently as possible, especially in the segment of establishing and strengthening cooperation with the countries of origin and removal of migrants. The SFA made a special step forward in the segment of conducting forced removal operations with escort to the country of origin. Such efforts and achieved results have been recognized by the EU, and a pilot project has been created in which BiH was allocated financial resources for voluntary return and forced removals, while on the other hand, the EU is strengthening detention capacities by supporting the expansion of the capacities of the Immigration Centre.

Bearing in mind that the EU pilot project assigned to BiH has very noticeable results, it is necessary to extend it as soon as possible to the other countries of the Western Balkans, so that as a region they are more ready to respond to all challenges in the field of readmission and voluntary and forced return. The support of the EU proved to be crucial in these procedures and it must be further strengthened in the coming period.

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