

Causes for the Irregular Migration Crises: Case of Kosovo

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Abstract

Based on Eurostat's data, the number of asylum seekers in EU member states from Republic of Kosovo (RKS) was 66,885 citizens during 2015, ranking Kosovo as the fourth highest in the world (following Syria, Afghanistan and Iraq). Consequently, these data are considered to be noticeably worrisome for the country. The purpose of this article is to determine the causes of this major flux of migrating asylum seekers from RKS to EU countries. Within this context, the research includes analysis of relevant statistics which monitor this situation, including the applicable laws that result in this unfavourable occurrence. The relevant comparisons of this situation have been made with regional countries and borders. As a result, it confirms some of the main causes of migration in RKS and offers practical recommendations for the eradication of this phenomenon in the future.

Key words:

Kosovo, irregular migrations, European Union

Sažetak

Prema podacima Eurostata, 66 885 državljana Republike Kosovo (RKS) tijekom 2015. zatražilo je azil u državama članicama EU-a. Ovo su vrlo zabrinjavajući podatci jer je Kosovo dospjelo na četvrto mjesto u svijetu po broju tražitelja azila

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(nakon Sirije, Afganistana i Iraka). Sorha ovog članka je utvrditi uzroke ovoga velikog toka migratornih tražitelja azila iz RKS-a u zemlje EU-a. U tom kontekstu, istraživanje uključuje analizu relevantnih statistika koje prate ovu situaciju, uključujući primjenjive zakone koji rezultiraju ovom nepovoljnom pojavom. Načinjene su relevantne usporedbe ove situacije s drugim državama i granicama. Kao rezultat, potvrđeni su neki od glavnih uzroka migracije iz RKS-a i ponuđene praktične preporuke za iskorjenjivanje ove pojave u budućnosti.

Ključne riječi:

Kosovo, neregularne migracije, Europska unija

Table of abbreviations

AG	Asylgesetz (Law on Asylum of Germany), Berlin, 2008
Art.	Article
CCRK	Criminal Code of Republic of Kosovo, No. 04/L-082, Pristina, 2012
CPHRFF	Convention on Protection of Human Rights and Fundamental Freedoms, Rome, 1950
CRC	Convention on the Rights of the Child Nr. 44/25, 2 September 1990
EC	European Commission
ECHR	European Convention on Human Rights, Rome, 1950
ENR	Eurostat News-Release
et. al.	and others
EU	European Union
EUMOE	European Union Mission on Observation of Elections

EUOK	European Union Office in Kosovo
EUROSTAT	Statistical Office of the European Communities
FQR	Frontex, Quarterly Report, January-March 2016, Warsaw/Poland, August 2016
FRONTEX	European Border and Coast Guard Agency
GCRSR	Geneva Convention Relating to the Status of Refugees, Geneva/Switzerland, 1951
GG	Grundgesetz (The fundamental law of Germany), Berlin, 1949
IOM	International Organisation on Migration
KAS	Kosovo Agency on Statistics
KP	Kosovo Police
KPR	Kosovo Progress Report
LARK	Law No. 04/ L-217 on Asylum of Republic of Kosovo, Pristina, 2013
Nr.	Number
P./Pp.	Page/Pages
PACE	Parliamentary Assembly of Council of Europe
Para./Paras.	Paragraph/Paragraphs
RKS	Republic of Kosovo
UDHR	Universal Declaration on Human Rights, 1948
UNCh	United Nation Charter, San Francisco, 1945
WBARA	Western Balkans Annual Risk Analysis

Introduction

How can it be explained that citizens of the Republic of Kosovo (RKS) sell their houses, land, and any other property owned, assemble their families, and attempt to migrate irregularly? If these families are lucky, they will cross the border between Serbia and Hungary, and thus enter into the territory of the EU. However, the most likely, they will be captured by the border police and sent to a refugee camp where they will stay a couple of months in poor living conditions. Finally, they will be declared as refugees and seek asylum in Germany or in other EU member country. Further, since Kosovo is considered a safe place, these citizens will not meet the requirements to acquire the status of asylum and will therefore be repatriated.

But now they do not own houses, land, or anything else. What is going to happen with these families? In the meantime, others are considering this same journey of migration, facing the same risks and insecurity. What is the motivation that causes this phenomenon? What creates the insanity of leaving the country even though it is known that EU countries do not grant economic asylum for citizens of RKS?

According to data from *Eurostat* and *Frontex*, RKS had approximately 66,885 asylum seekers in EU member states during 2015 making Kosovo the fourth-ranked country among asylum seekers, right after Syria, Afghanistan, and Iraq. The most preferred place to seek asylum was Germany with 33,425 Kosovo asylum seekers in 2015. Hungary, France, and Croatia are also highly ranked, although these countries, especially Hungary, have often served as a transit route before arriving in Germany or other EU countries (Frontex, 2017). The purpose of this paper is to identify the main reasons for the irregular migration of Kosovo citizens during the 2013-2015 period.

The legal status of a refugee is defined as follows: they must be an asylum seeker in EU countries and must have the prerequisites for acquiring asylum. Second, the analysis focuses on the meaning of irregular migration and why the Kosovo migration in particular shall be considered an irregular one. With respect to this point, particular interest was given to the rights that irregular migrants hold according to international law. Particular attention

is paid also to the statistical research on the exodus of the migration during the 2013-2015 period. In this regard, the authors reviewed data published by two credible agencies: *Eurostat* and *Frontex*.

At the end of this research, the authors will discuss the main reasons for the exodus of the irregular migration from RKS. It shall be noted that international migrations are driven by several factors, often complex and reciprocally conditioned. There are both push (repulsive) and pull (attractive) factors. When it comes to the decision to migrate, push factors are the primary determinant for these individual. For this reason, this research paper shall focus on push factors of irregular migration from Kosovo. We suppose, from a careful observation of the socio-economic conditions and events that in the case of RKS, pull factors, such as the desire for a better life or a higher standard of living, have less influence compared to push factors which we have identified in this research paper.

It is recognized and understandable that every citizen has a unique background and as such faces unique problems. Therefore, it is difficult to list all the causes of the irregular migration crisis of RKS. Actually, it gets even harder when we consider that among these migrants there might also be pregnant women, babies, or elderly persons (see table 2). Therefore, the explanation of the massive exodus shall be sought among various internal and external factors, which continuously and consecutively occur after the post-conflict period until now and have contributed directly to the life of citizens from RKS. In the end, it is said that "he who does not learn from history is doomed to repeat it". We intend for this research to increase understanding of this irregular migration so that it and its negative effects can be avoided in the future.

Who has the right of the status of refugee?

In international law, there exist many legal instruments which stipulate who, when, and where a person can have the right of refugee status and when they can acquire asylum accordingly. *The Charter of the United Nations* and *the Universal Declaration of Human Rights* (UN, 1948) affirms the principle that due to persecution every person has the right to seek and have shelter in any

country. It is implicit that the persecution does not trigger this principle if the persecution is due to usual criminal offenses or to actions that contradict the principles and purposes of the United Nations. Furthermore, the *Geneva Convention Relating to the Status of Refugees* (GCRSR), in conjunction with the Protocol of 1967 of New York are some of the legal instruments of international law which have concretely determined the definition of the refugee, thus creating a unique approach of international law toward refugees. The Art. 1 Para A2 of the GCRSR, states that

“Refugees shall be considered people owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” (UNHCR, 1951).

In this context, the Geneva Convention has determined the policy foundations for a common policy of the EU for managing its asylum seekers in its territory. As a result, in 1999, the EU worked toward the creation of a common system regarding migration and, in particular, for asylum issues (EC, 2016). Consequently, a few directives have been adopted that regulate this specific issue, and the main ones are:

- a) *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;*
- b) *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection;*
- c) *Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection;*

- d) *Dublin Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013* establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third-country national or a stateless person (Eurostat, 2016).

When one considers that the majority of the Kosovo asylum seekers have been registered in Germany, it is worthy to note that German law (in accordance with GCRSR) considers a refugee as any person

- a) who has run away from the fear of persecution based on his race, religion, nationality, political opinion, or membership in any social group, or
- b) who happens to be out of his country of origin and cannot, or because of fear of the persecution cited in the first paragraph, does not want to be protected. Requirements a and b do not apply to people who have committed crimes against peace and freedom, war crimes, or any other crime which violates human rights within the context of international treaties of international law (Deutscher Bundestag, 2008:Art.3).

It shall be noted that the right of asylum in Germany cannot be granted to the citizens of EU countries nor to any third state where the GCRSR and *Convention on Protection of Human Rights and Fundamental Freedoms* (CPHRFF) is applicable (Deutscher Bundestag, 1949: Art. 16a Para. 2). Based on this, AG further specifies that the right of asylum in Germany does not apply to persons who come from a third country which is not an EU member country and which, according to Germany, is considered a safe place (Deutscher Bundestag, 2008:Art. 26a Para 1). Third countries which are considered to be safe places are Albania, Bosnia and Herzegovina, Ghana, Kosovo, the Former Yugoslav Republic of Macedonia, Montenegro, Senegal and Serbia (Deutscher Bundestag, 2008:Annex 2 Art. 29a). It should also be noted that RKS has entirely adopted the standards of the EU migration law regarding the conditions and the procedures for recognition of the status of asylum seekers and refugees (Assembly of Republic of Kosovo, 2013: Art. 1 Para. 11).

Irregular Migration

There is no clear or universally accepted definition of irregular migration. From the viewpoint of receiving countries, it is the ability to enter, stay, or work in that country without the necessary authorisation or documents required under immigration regulations. For example, from the viewpoint of the origin country, the irregularity is seen in cases in which a person crosses an international boundary without a valid passport or other valid travel documents or does not fulfil the administrative requirements for leaving the country (IOM, 2016). However, we think that the convenient definition regarding irregular migration shall be as follows: movement that takes place outside of the applicable procedures rules of the receiving, transit, and origin countries. There is a tendency to restrict the use of the term “illegal migration” to cases of migrant smuggling and human trafficking. *The Parliamentary Assembly of the Council of Europe* prefers to use the term “irregular migrant” contrary to terms such as “illegal migrant” or “migrant without papers.” This is so because the term “irregular migrant” is more neutral and is not stigmatized with the term “illegal” (PACE, 2006:Art. 7).

Table 1. Illegal border crossing detections (source: Frontex, 2016a:p.14)

Land Borders	2014	2015				2016	% change on		Total %
	Q4	Q1	Q2	Q3	Q4	Q1	year ago	prev. qtr.	
Not specified	93	97	206	91,054	464,927	102,332	105,397	-78	91
Syria	5,029	3,646	11,550	79,605	2,750	1,630	-55	-41	1.4
Iraq	525	1,180	2,375	5,376	1,204	1,553	32	29	1.4
Pakistan	288	687	2,800	13,795	162	1,438	109	788	1.3
Albania	3,207	2,032	2,878	2,309	2,231	1,436	-29	-36	1.3
Afghanistan	4,840	4,308	14,455	35,447	867	1,289	-70	49	1.1
Morocco	5	17	155	59	12	586	3,347	4,783	0.5
Iran	94	166	364	990	28	406	145	1,350	0.4
Kosovo	17,569	22,631	515	391	255	336	-99	32	0.3
Somalia	43	117	246	344	60	279	138	365	0.2
Others	1,982	2,043	4,729	8,169	1,131	1,505	-26	33	1.3
Total Land Border	33 675	36 924	40 273	237 539	473 627	112 790	205	-76	100

However, during 2014 there were 47,338 illegal residents from the Western Balkans region in the EU member states out of which 36,438 were citizens of the five visa-exempt countries, and 10,900 were RKS citizens. Compared to 2013, in 2014 the number of illegal residents from Kosovo increased 73%, an exodus which has resulted in illegal border crossings and subsequent asylum applications and other eventual misuses in this regard. Regarding Table 1, only during the fourth quarter of 2014 (October-December) have there been over 17,500 illegal registered border crossings by RKS citizens (Frontex, 2016a:p.14). In cases of asylum applications, Hungary and Germany reported the highest numbers of illegal residents from RKS.

In the case of asylum seekers, Hungary ranked first, as explained above. In the case of illegal residents, Germany has reported the highest number of detections at the EU level, which further indicates that this country is the main destination for RKS citizens. Based on what was said above, the authors think that during the increase of irregular migrants from Kosovo during 2013-2015, at least three criminal offenses were implicated: "human smuggling", "human trafficking" and "document falsification" (Kosovo Police, 2016).

In 2015, approximately 2,044,000 illegal border crossings were registered among non-regional migrants (not citizens of Albania, Bosnia & Herzegovina, Kosovo, Montenegro, Serbia or FYR Macedonia) on borders between Turkey, Greece, and Bulgaria. This number is unprecedented and has exceeded all possible expectations. During the same period, border authorities of these three countries have registered 38,000 illegal border crossings of regional migrants. A considerable number of them were RKS citizens. This number increased to 64% in the first quarter (January-March) of 2015 while during April-December 2015, it decreased to 11% (Frontex, 2016b:p.27).

It's also worth noting that Germany has emerged as the main destination for RKS migrants, especially after the exodus in illegal border crossings during the second half of 2014 when the number of asylum seekers of RKS citizens in Germany doubled compared to 2013. Based on these developments, it is entirely possible that Hungary is only seen as a transit country by RKS citizens. In this regard, Hungary is a country of first entry and receives the

largest number of asylum seekers who are Kosovo citizens, but Germany ranks first by far in the number of applications received. This indicates that Germany is the main destination for Kosovo citizens. However, France may also become a destination and so could Sweden if Germany effectively implements measures to deter the flow of migrants into its territory (Frontex, 2015:p.38).

It is popular opinion that in addition to the criminal offenses listed above, migrants have also committed the criminal offense of unauthorised border crossing. In fact, the Criminal Code of the Republic of Kosovo (CCRK), art. 146, stipulates an unauthorised border or boundary crossing point (Assembly of Republic of Kosovo, 2012) as a criminal offense. If we analyse the method of committing (modus operandi system) irregular migration, we conclude that the movement from RKS to the Republic of Serbia is done on a regular traveling basis and with a valid identity card on behalf of 'free movement,' and the illegal border crossing is done across the Serbian-Hungarian border in an organised way with the help of people that are affiliated with organised crime in Serbia and some other countries (Protector, 2014:p.17).

However, the authors think that it should be emphasised that, with the exception of RKS, other countries of the region do not stipulate unauthorised border-crossings as a criminal offense, but only as a misdemeanour. The same was considered also under Kosovo's legislation until 6th April 2004 when a new criminal code came into force. Based on the described reality, many authors believe that the CCRK regarding the article for unauthorised border crossings should be amended toward its initial condition (Salihu, Zhitija & Hasani, 2014:p.401).

Rights of Irregular Migrants

Irregular migrants may have entered the receiving country irregularly without valid visas by avoiding border controls, or they have entered with false documents, or they have simply overstayed their visa period (Hammarberg, 2008:p.97). However, it should be fully recognized that irregular migrants enjoy human rights, even if their right to stay is not protected. This way the

CRC applies also to migrant children, including those who have been denied a permit to stay. For instance, according to Art. 3, Para 3 of the Convention on the Rights of the Child, the state has an obligation to ensure a child's right to health care and education (UN, 1990).

Parliamentary Assembly of Council of Europe (PACE) has spelled out the need to clarify the rights that should be enjoyed by irregular migrants. On the basis of the ECHR and other relevant treaties, it was highlighted that rights such as the right to primary and secondary education for children, the right to emergency health care, the right to reasonable working conditions, the right to have one's private and family life respected, the right to equality, the right to seek asylum and be protected from refoulement (enforced return to a place where the individual's life or freedom could be threatened), and the right to be entitled to an effective legal remedy before removal, should oblige contracting parties for the effective prevention of human rights violations against vulnerable persons such as irregular migrants (PACE, 2006: Art. 12, Paras 1-18). However, even if irregular migrants formally have such rights, their insecure status makes them vulnerable to human rights abuse. In reality, they are often unable to claim their rights when these have been infringed by officials, employers, or landlords (Hammarberg, 2008:p.98).

Irregular Migration from Kosovo during 2013-2015

According to the data of Eurostat during 2015, around 1,255,640 asylum seekers requested international protection from the EU member countries (Eurostat, 2016:p.1). This highly ranked number regarding asylum applications is twice as large as the number in 2014 which is estimated to be around 562,680 (Bitoulas, 2015:p.4). These numbers are a huge concern for EU member countries. However, around 1/3 or 441,800 of the migrants have sought asylum in Germany. After Germany, Hungary (174,435) and Sweden (156,110) are listed as the most preferable countries for asylum seekers.

Table 2. First time asylum seekers in the EU members states by country of citizenship during 2015 (source: own, adapted from Eurostat, 2016:p.3)

	Syria	Afghanistan	Iraq	Kosovo	Albania	Pakistan	Eritrea	Nigeria	Iran	Other	Total
#	362,775	178,230	121,535	66,885	65,935	46,400	33,095	29,915	25,360	325,510	1,255,640
%	29	14	10	5	5	4	3	2	2	26	100

For RKS the main concern relies upon the fact that its citizens, according to the data of Eurostat, holds the 4th (see Table 2) place among the origin countries with the highest number of asylum seekers in receiving countries for the 2015 period (Eurostat, 2016:p.3). In other words, RKS with its 66,885 asylum seekers for 2015, is ranked after Syria, Afghanistan, and Iraq, which are currently in a state of war. If we consider the number of asylum seekers from RKS for the 2013-2015 periods according to the data of Eurostat, we can conclude that within three years around 124,935 citizens, or 7% of the entire population, has emigrated from the RKS (Bitoulas, 2015).

Table 3. Three main citizenships of first time asylum applicants in 2015 (source: own, adapted from Eurostat 2016)

	Applicants # Total	Three main citizenships of first time asylum applicants in 2015								
		First citizenship	# Total	%	Second citizenship	# Total	%	Third citizenship	# Total	%
Germany	441,800	Syria	158,655	36	Albania	53,805	12	Kosovo	33,425	8
Hungary	174,435	Syria	64,080	37	Afghanistan	45,560	26	Kosovo	23,690	14
France	70,570	Sudan	5,315	8	Syria	4,625	7	Kosovo	3,825	5
Croatia	140	Syria	25	18	Kosovo	10	7	Afghanistan	10	7

In Table 3, it can be seen that among 66,885 migrants from RKS in 2015 total of 33,425, or half of them, have sought asylum in Germany. In this regard, in 2015 they amount to 8% of all asylum seekers in Germany, thus being listed as the third country after Syria and Afghanistan.

Table 4. Asylum applicants from Kosovo by age group and percentage from 2012-2014
(source: own, adapted from Bitoulas, 2013:p.7; Bitoulas, 2014:p.7; Bitoulas, 2015:p.7)

Year	Total number of migrants from Kosovo	Age					
		0-13	14-17	18-34	35-64	> 64	Unknown
		Percentages					
2012	10,135	32.5	5.6	33.9	21.3	0.7	6.0
2013	20,175	22.9	4.4	52.9	19.3	0.4	0.0
2014	37,875	29.6	6.4	44.5	19.1	0.4	0.0

Regarding Table 4, we consider that it is vital to note that among the 68,185 asylum seekers during 2012-2014, more than 75% of them belong to the 0-34 age group. In other words, over $\frac{3}{4}$ of emigrants from Kosovo represent either a valuable labour force or young men and women who undoubtedly represent the most valuable resource for RKS.

Main Reasons for Irregular Migration of Kosovo during 2013-2015

Every citizen is unique and, as a result, faces unique problems. Therefore, it is difficult to list in an absolute way the reasons that caused irregular migration from RKS. Nevertheless, we think that the migration can be explained based on various factors, internal and external, which continuously and consecutively start from the post-conflict period until today and have contributed directly to the citizens' lives.

From this point of view, the exodus of Kosovo citizens during the 2013-2015 periods cannot be explained based only on economic stagnation. This is because the standard of living is connected closely with the level of education, culture, health, and the legal and political system. It shall be noted that international migrations are driven by several factors, which are often complex and reciprocally conditioned by push factors (repulsive) and by pull factors (attractive). When it comes to deciding whether or not to migrate, push or pull factors therefore represent the most important determinants.

Based on this research, the factors which have most impacted the irregular migration of Kosovo citizens are push factors. More specifically, these are the lack of visa liberalisation, the institutional vacuum of 2014, the lack of rule of law, and the high rate of unemployment.

Lack of visa liberalisation

If we take into account that RKS is considered a safe place for EU countries, then how can it be explained that Kosovo citizens sell their houses, land, and any other property and take the irregular migration path filled with risks and insecurity, especially when it is known that they do not fulfil the requirements for seeking asylum? The impression exists that the last exodus of irregular migration has been particularly stimulated by Kosovo's isolation in 'quarantine.' Freedom of movement is not only a necessity, but also a fundamental right. If we analyse the number of asylum seekers from Kosovo compared to neighbouring countries which have visa liberalisation, we see that Albania, Serbia, Montenegro, and other countries from the region have a lower number of asylum seekers in relation to their entire population. For example, in Serbia this number during 2014 has amounted to only 30,000 applications in relation to its 7.1 million inhabitants. In Albania, the number of asylum seekers is 16,000 in relation to its 3 million inhabitants, and in Macedonia there were only 10,000 asylum seekers during 2014. If we analyse the situation from another point of view, we see that the number of asylum seekers from RKS in the first period of 2016 is considerably lower compared to the first period of 2015.

Another argument from this point of view is that the number of irregular migrants from RKS has decreased, and the situation has been stabilised significantly since the positive recommendation of EC regarding visa liberalisation (EUOK, 2016). In other words, the EU did not make this recommendation randomly, but rather had this situation in mind when they made it. The recommendation has consequently had a positive impact on RKS citizens and their mental state.

For instance, why are the citizens of these countries, including Albanians from Serbia, from Macedonia and from Albania, not taking the path of irregular migration? Mostly because they have passports which allow them to travel for 90 days (within the Schengen area) to visit their relatives and return, or a percentage of them get hired to work or expect to be hired. Two or three years ago, the above-mentioned Albanians, after receiving their passports,

have been going to the EU, but with a low reported number. Today, there is not a huge concern regarding their application for asylum or not returning at all. It's even more concerning when we take into consideration that Kosovo, when compared to Albania or Macedonia, is not notably different in its economic development even though its population is lower.

The majority of asylum seekers from RKS do not know of or have not been to the Western countries for which they have applied for asylum. Taking this into consideration, we shall conclude that the unfair isolation of Kosovo citizens has not only impacted the number of asylum seekers from RKS, but has also damaged considerably the standard of living and stability that is currently highly desirable (during the period we researched, the border agreement between Kosovo and Montenegro was not a criteria for visa liberalisation for Kosovo citizens). There is no explanation regarding the Kosovo isolation and its Albanian majority population; therefore, this is an absurdity caused by the EU.

Institutional vacuum of 2014

According to EUMOE, the parliamentary election of 8 June 2014 was the very first election that was conducted in a fully democratic and transparent way in Kosovo (EUMOE, 2014,p.1-3). Obviously, this circumstance brought new hope to the citizens of RKS who were convinced that after these elections their standard of living would finally get better. But, the lack of political consensus as well as constitutional inconsistencies caused the main institutions of the country to cease function for six months (June-December). Therefore, the exodus, especially among young people, was not incidental. We can conclude that the so-called "political stagnation of 2014" has also contributed significantly to irregular migration from RKS, at least for that period. This fact is further confirmed by Eurostat's data which shows that during this period 32,120 requests for asylums were registered compared to 37,875 for the entire year of 2014 (Bitoulas, 2015:p.5).

Lack of rule of law

Unfortunately, RKS is still considered one of the countries with high rates of corruption, discrimination based on political background, smuggling, and organised crime. Accordingly, with respect to the impartiality and independence of the judicial system of RKS, in the Kosovo Progress Report for 2013 (EC, 2014:p.11) it is emphasised that there was political interference in the judicial system. Furthermore, the current economic and social conditions in RKS are required to offer concrete results on fighting organised crime, especially on the prevention and repression of human trafficking, drugs (its precursors), and arms trafficking (EC, 2014:p.14). It is understandable that such situations significantly contribute to worsening the lives of citizens, and therefore increase the probability of leaving the country, even if that includes illegal migration. Unfortunately, this occurrence has mostly impacted the youth who should have been a pillar of progress in RKS instead of victims of the non-applicability of law and of the dysfunctional justice system.

High rate of unemployment and poverty

The high rates of unemployment and poverty are the most common reasons for asylum seeking among youth in other countries. According to the data from the KAS, in 2014 the rate of unemployment was 35%, and among the youth was 61% (KAS, 2015:p.21). Relatedly, 29.7% of the population lives in poverty, and 20.2% in extreme poverty (KAS, 2013:p.3).

We consider that the push factors identified in this paper are not the only reasons that have prompted the irregular migration of the 2014 in Kosovo. However, based on this research paper we are convinced that lack of visa liberalisation for Kosovo, obstacles in Kosovo's justice system, stagnation of economic growth, and other circumstances as described above are the main reasons for the exodus. However, the authors do not intend to exclude other circumstances that may have caused the irregular migration for any particular group for the periods 2013-2015. We can add additional circumstances, such as citizens' discontent with privatisation procedures

in Kosovo, discontent with public procurement, obstacles in foreign policy such as negotiations between Kosovo and Serbia, the failure of joining *the United Nations Educational, Scientific and Cultural Organisation* (UNESCO). These push factors we have mentioned above are a result of our research using international and local reports, interviews with some of the asylum seekers or their family members and others sources used.

Conclusion

Irregular migration is a global occurrence, and the deprivation of freedom of movement is one of its prerequisites. Therefore, visa liberalisation for RKS citizens should be a primary goal of the country and of our society. In this regard, the EU should react adequately as soon as possible to entirely avoid a repeat of the last exodus that occurred during 2013-2015. The irregular migration confirmed that there is a need for economic and legal reforms in Kosovo. In other words, the country and the society shall have prioritized offering positive results on rule of law. The desire for a better standard of living is one of the pull factors that influence citizens to leave the country. However, push factors, such as the high rates of unemployment and poverty, contributed to citizens choosing irregular migration. Nevertheless, the political stagnation that lasted approximately six months in 2014 played a significant role also.

In conclusion, it has to be said that factors of the recent irregular migration from Kosovo can't be enumerated in an absolute way. Even so, the authors are convinced that the conclusions based on the results of their research should be taken into consideration. Accordingly, the EU should consider as soon as possible visa liberalisation for RKS citizens since they are the only isolated citizens in the region. While the limitation of the fundamental right of movement might not have been the one and only reason for the irregular migration crisis in RKS, it undoubtedly was a significant push factor for its citizens.

Bibliography

Assembly of Republic of Kosovo (2012) Criminal Code of Republic of Kosovo, no. 04/L-082. Promulgated with the decision of the Assembly of Republic of Kosovo, No. 04-V-399, dated 22 June 2012. Available from: <http://www.kuvendikosoves.org/?cid=2,191,914> [Accessed: August 17, 2017].

Assembly of Republic of Kosovo (2013) Law on Asylum of Republic of Kosovo, no. 04/ L-217. Available from: <http://www.kuvendikosoves.org/?cid=2,191,1041> [Accessed: August 17, 2017].

Bitoulas, A. (2013) *Asylum applicants and first instance decisions on asylum applications: 2012*. Eurostat, *Data in Focus*, 5(2013). Available from: https://emnbelgium.be/sites/default/files/publications/eurostat_2012.pdf [Accessed: August 27, 2016].

Bitoulas, A. (2014) *Asylum applicants and first instance decisions on asylum applications: 2013*. Eurostat, *Data in Focus*, 3(2014). Available from: https://emnbelgium.be/sites/default/files/publications/eurostat_2013_data_in_focus.pdf [Accessed: August 27, 2016].

Bitoulas, A. (2015) *Asylum applicants and first instance decisions on asylum applications: 2014*. Eurostat *Data in Focus*. 3(2015). Available from: <http://ec.europa.eu/eurostat/documents/4168041/6742650/KS-QA-15-003-EN-N.pdf/b7786ec9-1ad6-4720-8a1d-430fcfc55018> [Accessed: August 27, 2016]

Deutscher Bundestag (1949) *Grundgesetz für die Bundesrepublik Deutschland* (The Basic Law for the Federal Republic of Germany), Berlin, Deutscher Bundestag. Available from: <https://www.btg-bestellservice.de/pdf/80201000.pdf> [Accessed: June 1, 2017].

Deutscher Bundestag (2008) *Asylgesetz für die Bundesrepublik Deutschland* (Law on Asylum for the Federal Republic of Germany), Berlin, Deutscher Bundestag. Available from: https://www.gesetze-im-internet.de/asylvfg_1992/BJNR111260992.html [Accessed: November 7, 2017].

EC - European Commission (2014) *Kosovo Progress Report 2013*. [online] Brussels: European Commission. Available from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2014/20141008-kosovo-progress-report_en.pdf [Accessed: August 17, 2016].

EC - European Commission (2016) *News*. [online] Brussels: European Commission. Available from: http://ec.europa.eu/news/2016/07/20160713_en.htm [Accessed: August 17, 2016].

EUMOE - European Union Election Observation Mission (2014) *Final report, Kosovo 2014*. Available from: http://www.eods.eu/library/eu-eom-kosovo-2014-final-report_en.pdf [Accessed: August 24, 2016]

EUOK - European Union Office in Kosovo (2016) European Union Special Representative in Kosovo [online]. Available from: https://eeas.europa.eu/delegations/kosovo_en [Accessed: August 24, 2016].

Eurostat (2016) *Eurostat News-Release No.44/2016, Asylum in the EU Member States*. Available from: <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/> [Accessed: August 24, 2016].

Frontex (2015) *Western Balkans Annual Risk Analysis 2015*. Warsaw, Poland, European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

Frontex (2016a) *Western Balkans Risk Analysis Network Quarterly Report, Quarter 1*, Warsaw, Poland, European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Available from: http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q1_2016.pdf [Accessed: August 29, 2016].

Frontex (2016b) *Western Balkans Annual Risk Analysis 2016*. Warsaw, Poland, European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

Frontex (2017) *Western Balkan route*. [online] Official web-page of Frontex. Available from: <http://frontex.europa.eu/trends-and-routes/western-balkan-route/> [Accessed: June 1, 2017].

Hammarberg, T. (2008) *Human rights in Europe: no ground for complacency*. Strasbourg: Council of Europe Publishing. Available at: https://www.coe.int/t/commissioner/source/prems/HR-Europe-no-grounds-complacency_en.pdf [Accessed: June 1, 2017].

IOM - International Organisation on Migration (2016) Key Migration Terms. Available from: <https://www.iom.int/key-migration-terms> [Accessed: August 22, 2016].

KAS - Kosovo Agency on Statistics (2013) *Consumption Poverty in RKS during 2011*.

KAS - Kosovo Agency on Statistics (2015) *Results of Survey of Empower Employment during 2014 in Kosovo*.

Kosovo Police (2016) Official web site [online]. Available from: <http://www.kosovopolice.com/sq/informacione/arrestohet-nje-i-dyshuar-per-kontrabandim-me-migrante-4916> [Accessed: August 24, 2016].

PACE - Parliamentary Assembly of Council of Europe (2006) Human rights of irregular migrants, Resolution no. 1509. Available from: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17456> [Accessed: August 24, 2017].

Protector. (2014) Kosovo Police Protector. Official magazine of Kosovo Police. No. 5/2014.

Salihu, I., Zhitija, H. & Hasani, F. (2016) *Komentari*. Available at: <http://jus.igjk.rks-gov.net/485/1/Komentari%20-%20Kodi%20Penal%20i%20Kosoves.pdf> [Accessed: August 24, 2016].

UN - United Nations (1948) Universal Declaration on Human Rights

UN - United Nations (1990) Convention on the Rights of the Child, General Assembly resolution no. 44/25.

UNHCR (1951) *Convention and Protocol Relating to the Status of Refugees*. Geneva, Switzerland, United Nations High Commissioner for Refugees (UNHCR). Available from: <http://www.unhcr.org/3b66c2aa10.pdf> [Accessed: August 24, 2016].

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