

BULLETIN

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EU Visa Dialogue with Eastern Partnership Countries

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In the final declaration of the second Eastern Partnership summit, which took place in Warsaw on 29–30 September 2011, a statement was included to indicate that the full abolition of visas for the Eastern neighbours could be possible in a few years' time, with respect to the citizens of those countries that have fulfilled all the EU's conditions. Nevertheless, there still are material difficulties with this on both sides—the EU and its Eastern partners. To eliminate these difficulties, the Eastern neighbours should harmonize visa legislation, including technical conditions for border controls and introduce biometric documents, as well as reduce the EU's concerns associated with illegal immigration.

Abolishing EU visa limitations for Eastern Partnership (EaP) states comprises two stages. During the first stage, the parties negotiate visa facilitation and readmission agreements to allow citizens of EaP states to obtain short-term “Schengen visas” and to regulate deportation procedures. Such agreements have already been entered into by Ukraine and Moldova (in 2008) and Georgia (in 2011). Armenia and Azerbaijan are preparing for the negotiations. As for Belarus, the European Commission decided to start discussions on visa facilitation only with local, non-government representatives. The EU commenced the second stage of the visa dialogue—the full abolishment of the visas—with Ukraine and Moldova. In November 2010, the Ukrainian government agreed to the technical conditions to be met for a complete abolishment of a visa for Ukrainians. In January 2011, similar negotiations were concluded with Moldova. An additional EU instrument for the gradual elimination of visas while enhancing the mobility of citizens is a Mobility Partnership. These are being applied in parallel with visas. So far, such agreements have been executed by Moldova and Georgia.

The Political Dimension of the Visa Dialogue. The development of the visa dialogue with the EU's Eastern neighbours is largely dependent on the member states overcoming concerns related to the numbers of illegal immigrants. The recent developments in the Arab countries, especially the increased influx of illegal immigrants from North Africa to the EU, have demonstrated that the Schengen Zone is not properly protected and has led France and Denmark to bring back border controls. Some of the EU countries (especially Germany, Netherlands, Belgium and France) object to a prompt liberalization of the visa regime and remain concerned about the increase in illegal immigration from EaP and third states, e.g., Sri Lanka, India and Pakistan. The EU also wants to avoid a situation in which migrants cross the Schengen border legally, but then remain illegally. This has happened with Western Balkan countries, whose citizens have been able to travel without visas to the EU since the beginning of 2010. It is worth pointing out that eastern EU border illegal-crossing indices are lower than those from the southern border. Compared to 2008, there was both a decrease in the growth of illegal immigration, by 50%, and in the percentage of visa refusals by the consulates of EU member states.

Technical Aspects of EU External Border Protection. The European strategy for counteracting illegal immigration necessitates the coordination of a cross-border asylum policy and the establishment of effective bilateral border-protection measures. For this purpose, the European Union is trying to develop integrated border-management strategies, such as the development of telecommunications networks, the coordination of operations with Interpol, Europol, Eurojust and Frontex, and training for EU and EaP member state border-control

officers, and to increase the transparency of the decision-making process at all levels. The issue of security in the context of the liberalization of the EU visa regime towards EaP countries additionally covers a strategy for counteracting organized crime, drug trafficking, corruption, money laundering, terrorism and human trafficking.

The Eastern neighbours, particularly Ukraine and Moldova, that strive to deepen the visa dialogue are required to engage in cooperation with EU member states to strengthen controls on the Union's eastern borders and to meet technical criteria of the EU Visa Code (facilitating the flows of particular groups of people, regulating how short-term visas are granted, and allowing travel to the EU by decreasing visa fees and simplifying visa procedures). To accomplish this, EaP countries need to carry out reforms to harmonize legislation about border guards and civil migration services and implement migration-and-readmission agreements and strategies to fight corruption. The EU imposed on the Eastern partners requirements related to ensuring the protection of documents and personal data, public policy and the security of external relations and fundamental rights. Partners also have to improve their procedures for granting refugee status or temporary residencies to migrants, integrating them and deporting illegal migrants.

In its report of 16 September, the European Commission summed up the achievements of Ukraine and Moldova in their implementation of conditions set by the visa dialogue. The most important unsolved problems included corruption, organized crime, ineffective strategies to manage migration, a lack of adequate protection of personal data, a lack of access by services and institutions to an electronic system of information about foreigners, visas and border-crossing rules, biometric passports that are sub-standard for the EU, and a lack of reform of the countries' internal affairs systems. Improvements in border-management strategies, the development of asylum policies, fighting drug trafficking and human trafficking, and counteracting money laundering have been claimed as successes.

Perspectives. The EU has recently decided to deepen cooperation on visas with partners whose progress in fulfilling the technical requirements are the most significant. During its presidency of the EU Council, Poland has proposed to offer EaP states a perspective for the automatic abolishment of visas to the EU after the fulfilment of certain conditions. Poland has objected to a long-term perspective for visa abolishment, stating that it is not a matter merely of time but of the Eastern neighbours' meeting the requirements for reforms as motivated by the EU. It is no doubt a success of the Polish presidency that the final declaration of the second EaP Summit does not refer to the visa dialogue as a long-term goal. The abolishment of visas probably will be possible within the next few years for the most advanced countries that comply with "conditions of the well-managed and safe mobility", (Ukraine and Moldova).

The EU may support the EaP states' implementation of visa liberalization schemes by delivering the necessary know-how, organizing common training for border guards and civil migration services and sharing experiences about the effects of immigration on the local labour market, visa facilitation and the standardization of procedures for consulates that issue visas. The Moldavian Application Centre at the Hungarian Embassy in Chisinau (Kishinev) may serve as a good example. It acts as the visa department for all Schengen Zone states that do not have diplomatic representation in Moldova.

The effective development of visa cooperation also is conditional on the ability of the EaP states to engage representatives of civil society and media in public debate regarding visas. Such campaigns are being run in Ukraine, Moldova and Georgia.

Recommendations for Poland and the EU. Poland and other EU member states should deepen the visa dialogue with those partners that are prepared to comply with most of their commitments, particularly Moldova and Ukraine. For the EaP countries, the introduction of a visa-free regime will mean the same as what it meant for Poland in the early '90s—actual, close contact with the EU and a motivation for further integration. For those countries that have not yet initiated a visa dialogue with the EU, i.e., Azerbaijan and Armenia, the European Commission should develop action plans that contain the findings and technical requirements necessary to implement internal rules for visa facilitation. As for Georgia, an action plan similar to the one for Ukraine and Moldova, should be adopted. It should provide the ground to launch a visa dialogue about the gradual abolishment of visas. Poland also should more strongly participate in the cooperation process with its neighbours with respect to strengthening the Eastern borders. This cooperation would primarily entail providing equipment, adequate infrastructure and properly qualified staff as well as common training for border guards and migration personnel, the application of best practices and sharing experiences about visa facilitations.