



# BULLETIN

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Editors: Marcin Zaborowski (Editor-in-Chief) ● Katarzyna Staniewska (Managing Editor)  
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## On the Eve of the Eastern Partnership Summit in Riga: Progress in Visa Policy

Elżbieta Kaca

*The Riga summit will bring decisions on visa liberalisation for Georgia, Ukraine and Belarus. A positive outcome will depend not only on the fulfilment of technical criteria, but also on the development of the situation in Donbas. The success of this process will depend also on the EU, which should facilitate further circular migration as well as to improve border infrastructure and the application of consular procedures.*

Liberalisation of visa regimes is one of the main elements of the Eastern Partnership (EaP), which is of great interest among Eastern European countries. Since the first summit in Prague, in 2009, most of the partners have made significant progress in meeting EU conditions, and the visa requirement for Moldovan citizens was lifted in April 2014. In May, the EaP summit in Riga is expected to determine the timetable for visa-free regimes for Georgia and Ukraine, as well as visa facilitation with Belarus.

**EU Requirements.** In relation to Eastern European countries, the European Union might lift only visas issued for a period of 90 days (within six months) for holders of biometric passports. To this end, the partners must complete a number of EU criteria. The first step is to sign an agreement on visa facilitation, which implies waiving or reducing fees for certain groups (such as students, entrepreneurs and journalists) and simplification of procedures. The condition is that a readmission agreement be concluded, enabling the EU to turn back immigrants crossing the border illegally from a given country.

The next stage is a visa-free regime. To this end, the criteria included in the two-step Visa Liberalisation Action Plans (VLAP) must be implemented. The first phase of the plan includes legislative conditions, and the second relates to their implementation. This involves the introduction of biometric passports, the improvement of migration management and data protection, and the fight against organised crime, corruption and discrimination (including against women, children, disabled people or based on sexual orientation or national minority).

**Visa Facilitation.** EaP countries that are not interested in meeting EU standards fully, and therefore have not signed association agreements, might obtain visa facilitation. Such deals (including readmission) came into force in Armenia and Azerbaijan in 2014. These countries are currently focused on developing cooperation with the EU in the fields of border management and infrastructure (Armenia) and the fight against human trafficking and smuggling.

Before the Riga summit, Belarus is expected to make progress in negotiations on visa facilitation, which began in January 2014. Despite Minsk's initial reluctance, the talks were launched due to a warming of relations with the EU. Indeed, the Belarusian government has already taken several steps in order to improve border management. The Council of Europe Convention relating to trafficking in human beings came into force in 2014, and in January 2015 Belarus adopted amendments to the law on border security. The next round of negotiations will take place in March. The abolition of visas for holders of diplomatic passports, demanded by Minsk, remains an issue to be resolved. If negotiations are finalised, the resulting reduction in the Schengen visa fee and improvement of consular infrastructure (any deal reached would impose an obligation to outsource some consular services) would be of great importance for Belarusian society. In 2013, up to 5% (770,000) of all Schengen visas were issued to Belarusians.

**Visa-Free Regime.** EaP countries that are willing to implement reforms required by the EU may get visa-free regimes. A positive example is Moldova, which, in 2014, managed to get visa requirements lifted, after just three years

of negotiation. Before the Riga summit, Georgia and Ukraine also applied for visa-free regimes. Georgia, like Moldova, decided to implement the conditions before they were formally confirmed. Therefore, in October 2014 (one year after receiving VLAP) Tbilisi passed to the second stage of the visa plan. It currently fulfils most of the criteria, having implemented biometric passports, adopted amendments to anti-corruption and anti-discrimination legislation, improved asylum procedures and protection of personal data, and reformed migration services. Nevertheless, the challenge remains, among others, to ensure effective action against human trafficking. In January this year, a special EC mission was carried out, the report of which will be the basis for the decision on visa liberalisation.

Ukraine has speeded up the implementation of EU conditions considerably (in May 2014 it passed to the second stage of VLAP), and President Petro Poroshenko has declared that all will be finalised before the Riga summit. Ukraine implemented a package of anti-corruption laws (including the establishment of a National Anti-Corruption Bureau) and improved border infrastructure. Importantly, it introduced biometric passports in January this year, which had until then been the biggest stumbling block due to competency conflicts between Ukrainian services. However, full implementation of the plan will depend on biometric passports being issued, and on ensuring that refugee integration mechanisms (such as improved asylum procedures and efficient institutions responsible for tackling corruption) are in place. The EU is also insisting on further reforms to the judiciary and the prosecutor's office.

**The Impact of the War in Donbas.** The decision to lift visas may be delayed in Ukraine's case, due to the potential risk of an increase of migrants as a result of the conflict in Donbas and the unsecured borders between separatists and the Ukrainian army. Since the start of the conflict, the number of asylum applications submitted to EU countries by Ukrainians has increased significantly. According to Eurostat, in the first three quarters of 2014 this figure was around 8,600 and almost 11 times higher than it was in 2013. What is more, in the third quarter of 2014 it represented 3% of all applications to the EU (the same level as Iraq, Nigeria, Somalia and Russia). The war in Donbas has not, however, affected the number of illegal crossings. According to Frontex, 131 illegal crossings on the Schengen border with Ukraine were reported in the third quarter of 2014, out of which 47 were Ukrainian citizens. Nevertheless, the scale of migration from Ukraine to the EU is high (in 2013, around 1.5 million Schengen visas were issued), and this may indicate that a significant escalation in the conflict might result in direct refugee flows in the direction of the EU.

The potential threat of migration may have a negative effect on the EU's perception of the whole EaP region, and be an argument in favour of postponing visa-free regimes not only for Ukraine, but also for Georgia. In fact, Georgia has the highest level of refusals of Schengen visas in the region (11.5% in 2013), which is one of the indicators for the irregular migration increase. Yet, despite the crisis, the region is relatively safe in terms of migratory risk. Firstly, the eastern Schengen border, according to Frontex, is characterised by a low number of illegal crossings (369 were reported in the third quarter of 2014), while the entire border of the Schengen area (sea and land) recorded more than 110,000 such crossings. Secondly, according to EC data, 16% of all Schengen visas issued in 2013 were to the EaP region (2.5 million), while at the same time the average percentage of refusals was relatively low (2%).

**What Next for the Summit in Riga?** At the Riga summit, Georgia and Ukraine will probably get the green light for lifting visas in the short term, due to progress in the implementation of the conditions. However, there is a risk, namely in the case of Ukraine, that this will be postponed until the situation in Donbas has stabilised. The abolition of visas would be an important gesture for Ukrainian society, which could lead to increased support for the EU and the current pro-European government. Therefore, after Ukraine completes the technical criteria, EU Member States should agree on a visa-free regime, even in a conflict situation. If irregular migration increases, the suspension mechanism to reintroduce visas could always be used.

Taking into account the fact that Moldova has already achieved a visa-free regime, and that other association countries will soon join them, the EU needs new incentives to maintain their interest in the Eastern Partnership. Brussels should develop mechanisms to facilitate the mobility of workers from the EaP region to the EU (such as better recognition of qualifications and educational institutions). In the case of Moldova, it would help to overcome the negative impact of Russian restrictions on the movement of workers, which has led to the deterioration of the economic situation. The current EU solutions are insufficient in this respect. EU mobility partnerships, in the scope of which the contracts on circular migration are signed, are intergovernmental agreements of a limited scope. The provisions of the EU Blue Card scheme include only highly skilled workers. A good practice to promote is the Polish solution for ensuring flexibility for eastern immigrants, through the introduction of a system of work declarations.

In relation to countries that are at the visa facilitation stage, the EU should first improve the functioning of these agreements. In this respect, the union should settle the issue of common application centres, based on the Moldovan example, with the possibility to apply for asylum. At the same time, the EC should also ensure the real simplification of Member States' visa procedures. Secondly, the EU should develop larger-scale projects in the fields of border infrastructure and migration management. Belarus, which has no contractual relations with the EU, might conclude a mobility partnership, and in this framework develop such cooperation. The EC should also speed up the implementation of the EaP flagship initiative on border management, by acquiring additional resources from international financial institutions.