

EWI POLICY BRIEF



VISA POLICIES IN SOUTH EASTERN EUROPE: A HINDRANCE OR A STEPPING STONE TO EUROPEAN INTEGRATION?

By Martin Baldwin-Edwards

Edited by Lejla Haveric and Marina Peunova



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EastWest Institute, 2006

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VISA POLICIES IN SOUTH EASTERN EUROPE



Map 1: South Eastern Europe

EXECUTIVE SUMMARY

South Eastern Europe (SEE) has been under great pressure from the European Union (EU) to modernize and improve its border management, while simultaneously trying to facilitate cross-border flows and good neighborly relations in the region. The forthcoming accession to the EU of two countries from the region, Bulgaria and Romania, and recently opened negotiations for the accession of two more, Croatia and the former Yugoslav Republic of Macedonia, have the potential to damage both cross-border flows and regional stability. One of the principal factors influencing this potential is the requirement for acceding countries to implement the Schengen regime – in particular, the so-called “black list” of countries whose nationals require visas to enter the Schengen area. At this time, from the Balkan region only Croatia, Bulgaria and Romania are not on the “black list”.

EU policy developments over 2006 have started to respond to highly negative public opinion in South Eastern Europe concerning Schengen visas. The European Commission is beginning to accept that the imposition of visa requirements puts regional integration at risk. Thus, the Justice and Home Affairs (JHA) Council Meeting of April 2006, while imposing an increased Schengen visa fee, also developed *visa facilitation agreements*, to be concluded with neighboring countries. Specifically, it is intended that these agreements be concluded with all SEE countries, and that a visa waiver is also provided during the negotiation stage. The Commission plans to conclude such agreements with all SEE states not on the Schengen “white list” by the end of 2007.

Current visa regimes in the region exhibit the following characteristics:

- (1) Visa-free movement exists between all of the former Yugoslav states,¹ at least until the end of 2006.
- (2) Bulgaria also allows visa-free travel for all of former Yugoslavia except for Bosnia and Herzegovina.
- (3) Romania excludes all of the former Yugoslavia other than the countries on the Schengen “white list”.
- (4) Albania allows visa-free travel for the Schengen “white list” (Bulgaria, Croatia and Romania) and also tourist border crossings for the former Yugoslav Republic of Macedonia and Montenegro.
- (5) Moldova has visa-free travel only with Romania and operates a symmetrical visa policy requiring visas from all of the SEE states.

As far as consular representation in the region is concerned, there is a serious problem with Moldova, which has representation only in Sofia and Bucharest, and just two diplomatic missions from the region: a Romanian consulate and a Bulgarian embassy. Bosnia and Herzegovina also lacks consular representation. Croatia, Serbia, Romania and Bulgaria have good consular representation across the region. Diplomatic representation in the former Serbia-Montenegro has now become more complex, with possible consular representation in three territories: Serbia, Kosovo, and Montenegro. Only Bulgaria is present in all three.

1 For the purposes of this brief, “former Yugoslav countries” refers to Bosnia and Herzegovina, Croatia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, and excludes Slovenia as it is now a member of the European Union.

Possible future impediments to the free movement of people in the region are derived from gradual adaptation to the Schengen visa regime. In the case of Romania, Moldova is the only country which will be affected by Romania's accession to the EU, as Romania has from an early stage implemented the Schengen "black list" for all other countries in the region. The situation for Bulgaria is rather different, since Bulgaria has preserved visa-free travel for the former Yugoslav Republic of Macedonia, Serbia and Montenegro. Thus, the implementation of the Schengen "black list" would affect these countries significantly. For the candidate countries of Croatia and the former Yugoslav Republic of Macedonia, their future adjustment to Schengen would affect citizens of Bosnia and Herzegovina and Serbia (in the case of Croatia) and citizens of Serbia, Bosnia and Herzegovina, Albania, and Montenegro (in the case of the former Yugoslav Republic of Macedonia).

The case of dual nationality exacerbates regional tensions along ethnic lines. In particular, countries which have awarded non-resident dual nationality have an obligation to minimize the damage which might be caused by the imposition of visas. These countries include Croatia, Romania, and Bulgaria.

Specific borders which may experience bilateral visa problems in the near future are identified as: Romania-Moldova, Croatia-Bosnia and Herzegovina, Bulgaria-the former Yugoslav Republic of Macedonia and Bulgaria-Serbia, the former Yugoslav Republic of Macedonia-Greece, Albania-the former Yugoslav Republic of Macedonia, and Albania-Montenegro. In addition to regional stability along these borders, labor mobility issues could also become more problematic particularly for Croatia and Montenegro, which have labor shortages, and for Albania and Kosovo, which have excess labor supply.

Alternative solutions to the simple imposition of visa requirements are examined. Two general principles are identified: the need for visa regime asymmetry, when dealing with the EU; and the desirability of a staggered implementation of the Schengen "black list", thus delaying visa imposition to the last minute for neighboring states. The positive experiences of Poland and Hungary are analyzed, in implementing their own temporary facilitated visa regimes as required by the EU. As well as limiting the damage to cross-border flows and economic activity, the policies of those two countries allowed them to maintain good relations with the countries participating in the facilitated visa regimes. Other possible derogations from the Schengen visa rules are identified, since it is unlikely that a single policy option would suit all cases. There are three types of derogation: a general derogation attached to an Accession Treaty; a temporary derogation, allowing the issue of visas with limited territorial validity; and long-term national visas. All three types have been implemented at some point in Schengen's history.

Four policy recommendations are made, as outlined below:

- Bulgaria should begin to prepare a regional facilitated visa regime, specifically targeted on Serbia and the former Yugoslav Republic of Macedonia, in order to minimize the problems that will be caused by implementing the Schengen “black list”.
- Croatia should plan the implementation of the Schengen regime. This will need to be a process, rather than a simple policy, in several stages covering staggered visa implementation, a facilitated visa regime, and a labor recruitment scheme.
- Romania and Moldova should decide rapidly on a joint strategy to present to the EU for managing their common border. Since there is no policy in place, this is a priority.
- The overall strategy of the SEE states not on the Schengen “white list” – Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Moldova, Montenegro and Serbia – should consist of the following:
 - Establishment of visa-free travel for all EU nationals, i.e. acceptance of asymmetrical visa regimes.
 - Maintenance or promotion (in the cases of Albania and Moldova) of visa-free travel.
 - Conclusion of readmission agreements with the EU and with EU countries.
 - Negotiation of facilitated visa regimes with the EU, as a priority measure.
 - Acceptance of Schengen visas for transit purposes.
 - Establishment of EU standards for asylum arrangements and protection.
 - Establishment of bilateral labor migration schemes, for immigrant as well as emigrant workers.
 - Through the Migration, Asylum, Refugees Regional Initiative (MARRI) centre, harmonization of standards and mechanisms for border and migration management – including information exchange.

INTRODUCTION

The 2004 enlargement of the European Union (EU) to a total of 25 member states created new external borders that brought several countries with ethnically complex populations and recent histories of conflict to the doorstep of the EU, raising issues related to the management of these borders. These issues are set to multiply with the accession of Bulgaria and Romania, and possibly later, the candidate countries of Croatia and the former Yugoslav Republic of Macedonia. The potential division of South Eastern Europe (SEE) into countries of differential relations to each other and to the EU/Schengen can only be damaging to regional trade, economic and employment growth, and government relations.

The role of the Schengen system in all of this is central: the Schengen *acquis* is the template for applicant countries that requires them to harmonize their border and visa management, including acceptance of the so-called Schengen “white list” and “black list” of countries (the latter whose nationals require visas to enter the Schengen area). Of the SEE countries, Croatia was the first to be admitted to the “white list” after its declaration of independence, followed by Bulgaria in 2001 and Romania in 2002. The implications of being on the “white list” are not as straightforward as popular opinion asserts. For example, in the case of Bulgarian temporary migration to Greece the effect of removing the visa requirement was a decrease in movements to Greece. Some reports² suggest that the increased power given to border guards actually led to greater travel difficulty, compared with relatively clear (although costly) requirements for the granting of visas. On the other hand, the effect of Romanian inclusion on the “white list” appears to have been mass illegal migration for work within the Schengen zone, allegedly reaching over a million temporary migrants per year.³

Borders, trade and transport

The location of the Balkan Peninsula between Asia Minor and Central Europe means that it is home to six of the pan-European transport corridors linking Europe to the Middle East, Central Asia, Russia, and Ukraine. So far, these routes have been underutilized due to poor infrastructure and lack of safety.⁴ Some of the principal transport routes have had significant expenditures in recent years resulting from the upgrade of roads and railways. In particular, Corridor X connecting northern Greece to Austria, Slovenia and Hungary via the former Yugoslav Republic of Macedonia and Serbia has made some progress with reductions in border crossing delays and other problems.⁵ Corridor IV, connecting Turkey via Bulgaria, has recently developed to become a major transport route. The Bulgaria-Turkey border crossing at Kapitan-Andreevo saw average daily flows of 3,836 vehicles, 13,699 people, and 19,178 tons of goods over 2005 – figures which are expected to increase once Bulgaria is admitted to the EU.⁶

2 Martin Baldwin-Edwards, *Sustainable development and emigration: the contemporary Balkans and the European Union*, South East Europe Review, 7/1 (2004): p. 13.

3 Martin Baldwin-Edwards, *Migration policies for a Romania within the EU: Navigating between Scylla and Charybdis*, Journal of South East European and Black Sea Studies (forthcoming).

4 Liz Barrett, *Business in the Balkans: the case for cross-border co-operation*, Centre for European Reform (2002): p. 33.

5 *Activity Report on Cross-border Issues and results of the Cross Border Survey*, Technical Secretariat of the Steering Committee for Corridor X, University of Thessaloniki (2004).

6 *Bulgaria's porous frontier troubles EU*, International Herald Tribune (May 11, 2006): p. 1.

VISA POLICIES IN SOUTH EASTERN EUROPE

The small size of countries in the region (with the exception of Romania), makes international trade particularly important as it amounts to 62 to 113 percent of GDP; poor transport in the SEE region constitutes “regional market failure”, undermining the geographical advantages of SEE and impeding the manufacturing flexibility needed for economic growth.⁷



Map 2: Minority groups and their proximity to national borders

Cross-border activities, ethnic minorities and local economic development

The distribution of various ethnic minorities across the region is important in understanding cross-border activities, local migration and trade patterns. For example, in Bulgaria “trader-tourism” emerged soon after the collapse of communism and was funded by ethnic Turks from Bulgaria who resided in Turkey. With the introduction of visas for Turks visiting Bulgaria, this activity is now generally limited to those with dual nationality. Across the Balkan region, the most significant ethnic minorities are Hungarians in western Romania and northern Serbia, Albanians in the former Yugoslav Republic of Macedonia and Kosovo, Romanians in Moldova, Greeks in southern Albania, and Turks in Bulgaria (in the southeast and other areas). Many of these minorities are in adjoining border regions, making their communication and movement across the border vital for economic and cultural development. Map 2 indicates the presence of the principal minority groups and their proximity to national borders.

⁷ Reducing the ‘Economic Distance’ to Market – A Framework for the Development of the Transport System in South East Europe, World Bank (2004), p.1.

In addition to these ethnic linkages, the new border regimes, which emerged after the collapse of communism, allowed millions of people to engage in cross-border informal businesses to the extent that cross-border trade has become a major (if not the sole) source of income in disadvantaged regions.⁸ Although there is a paucity of data on cross-border flows in SEE, especially where the borders are between countries of the former Yugoslavia, there is reason to believe that these flows are significant both culturally and economically. In 2005, 415,000 Bulgarians traveled to Serbia and 230,000 to the former Yugoslav Republic of Macedonia; 530,000 Serbs and 580,000 Macedonians entered Bulgaria for tourism in the same period – a significant increase of Serbs from previous years.⁹

Even the Albanian-Greek border areas are showing clear signs of cross-border collaboration, with Albanian businesses in north-western Greece employing Greek workers and stimulating economic development in what was previously a destitute and depopulated area.

The EU has provided funding to many so-called “Euroregions” in South Eastern Europe, including: the *Prespa-Ohrid Euroregion* (Greece-the former Yugoslav Republic of Macedonia-Albania), the *Nis-Skopje-Sofia Eurobalkans* region (Bulgaria-the former Yugoslav Republic of Macedonia-Serbia), the *Danube-Drava-Sava* Euroregion (Bosnia and Herzegovina-Hungary-Croatia), the *Balastica* Euroregion (Bulgaria-Greece-the former Yugoslav Republic of Macedonia), among others. The results of the EU’s financial support are unclear at this time, although older “Euroregions” in Central Europe are thought to have experienced disappointing results with widening economic disparities across borders.¹⁰ The recently approved EC Regulation on the management of local border traffic¹¹ may provide some help with the facilitation of cross-border flows, particularly those borders between EU and non-EU countries.

Schengen: a view from the Balkans

For citizens of the SEE countries not on the Schengen “white list”, travel to the EU for tourism, study or temporary employment involves a visa application process with significant hurdles. Currently, the application process varies across Schengen countries, and therefore it is necessary to discuss typical requirements.¹² These consist of documents that verify identity, prove a connection to the country being visited, and indicate a means for financing the stay. Some embassies require the purchase of a return ticket, although they may not grant the visa. All documents need to be translated into the language of the country of destination and some countries require a notarization stamp, which may cost up to €30 per document. The combined costs of the visa fee, travel insurance, translation and notarization of documents – along with the time taken for consulate appointments and phone calls – amount to approximately the average one month salary for residents in the region.¹³

8 Judy Batt, *The EU’s New Borderlands*, Working Paper, Centre for European Reform (2003).

9 *Balkan states wrestle with EU visa regime*, Balkan Investigative Reporting Network (January 19, 2006).

10 Batt, op. cit.

11 *Regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions*, COM(2005)56.

12 *EU visas and the Western Balkans*, Europe Report No. 168, International Crisis Group (2005): p. 9 ff.

13 *Ibid.*; the average salary ranged from €200 to €400, as of 2005.

What have been the observable effects of the Schengen visa policy for the Western Balkans? Apart from popular frustration with the EU's policies,¹⁴ one can discern two principal outcomes. The first is the massive transfer of money from the region to EU countries. In the case of Macedonians, their annual expenditure on visas is estimated at €10 million – with approximately one third going to Greece. Bosnians are estimated to have spent some €50 million in 2005, which is equivalent to the entire CARDS funding to Bosnia and Herzegovina during the same period.¹⁵ The second consequence is quite simply that the vast majority of young people have never visited an EU country: for example, the International Commission on the Balkans cites an estimate that some 70 percent of young Serbs have never left Serbia.¹⁶ The humiliation and isolation that result are damaging for both the EU and the countries of SEE, and may well impede the re-integration of the region into the European mainstream.

Recent trends in Schengen border management

There remains a serious doubt over whether the Schengen visa system and the Schengen Information System are functioning adequately. As one European Commission official has noted, where the border is difficult to cross – either due to the visa requirements or border police – “the only people who manage to go through are smugglers”.¹⁷ In the case of the Bulgarian-Turkish border crossing at Kapitan-Andreevo, despite an expenditure of \$7.5 million on upgraded facilities, the issues of corrupt officials and smuggling still remain. The structural changes imposed by the EU on border management mean that the old “suitcase trading” and individual smuggling have stopped. With legal documentation required for all imported goods, the smuggling has simply evolved into large-scale professional operations, often employing shipping containers. According to Interpol, the “northern Balkan route” from Afghanistan is a major supply route for heroin to Western Europe, and for human smuggling and trafficking through SEE.¹⁸

The Justice and Home Affairs (JHA) Council Meeting of April 27–28, 2006 raised a number of issues relating to visa and border management.¹⁹ A political agreement was reached (with Greece, Hungary and Sweden opposing) on a Decision for an increase of the Schengen visa fee, from €35 to €65 to be implemented by January 1, 2007. This increase is deemed necessary to cover the costs of the Visa Information System and the collection of biometric data. The Decision allows the fee to be waived in individual cases, for various reasons of national interest. More importantly, it waives the fee entirely for the following categories of persons:

- Children under six years of age.
- School and university students at all levels and teachers traveling for study or educational training.
- Researchers from third countries traveling for research purposes, as defined by Recommendation 2005/761/EC.

14 Various accounts of visa applications from the Balkans are documented in Risto Karajkov *EU and the Balkans: Vis-à-vis Freedom of Movement*, Transitions Online (2005), <http://www.tol.org>.

15 Balkans Update No. 10, Institute of European Affairs (March 2006): p. 2.

16 *The Balkans in Europe's Future*, International Commission on the Balkans (2005): p. 34, <http://www.balkan-commission.org/>.

17 Cited in *EU visas and the Western Balkans*, op. cit., p. 1.

18 *From Cold War exit to EU doorway*, International Herald Tribune (May 11, 2006): p. 7.

19 Press Release 8402/06 (Presse 106), 2725th Council Meeting, Justice and Home Affairs, Luxembourg (April 27–28, 2006).

The visa fee can also be waived as the result of a visa facilitation agreement concluded by the European Commission and the country whose nationals require visas.²⁰ The fee increase will be delayed until January 1, 2008 for those countries with which the Commission is negotiating a visa facilitation agreement.²¹ It is thus vital that all SEE countries engage in such negotiations.

In the explanatory statement accompanying the Decision, it is clear that visa facilitation negotiations with countries will be shaped by two factors: the EU's overall relationship with the country (notably, candidate countries, countries with a European perspective and countries covered by the European Neighbourhood Policy); and the parallel negotiation of readmission agreements planned for simultaneous entry into force of the two agreements.

In a Ministerial Conference in Vienna held on May 4, 2006, Commissioner Franco Frattini elaborated on specific issues concerning the SEE region.²² He reaffirmed the explicit linkage between visa facilitation and readmission agreements negotiations²³ that have been opened with the former Yugoslav Republic of Macedonia since May 5. Commissioner Frattini noted that technical talks were underway with the former Serbia-Montenegro, and were soon to begin with Bosnia and Herzegovina, and Albania. The stated aim of the European Commission is to conclude agreements with the former Yugoslav Republic of Macedonia and Serbia by the end of 2006 with all agreements in the region enforced by the end of 2007.

Commissioner Frattini also foresaw negotiations for visa-free regimes (i.e. to be included on the Schengen "white list") after the effective functioning of visa facilitation and readmission agreements, along with practical efforts to improve cross-border police cooperation and the fight against corruption. Two other areas seen as central to border management are the introduction of biometric data and personal data protection measures. Implicitly, these are priority issues for Balkan countries, which should be assisted with technical support from the EU.

20 Such an agreement has been concluded with Russia, and is under negotiation with Ukraine and, more recently, the former Yugoslav Republic of Macedonia. Negotiations have yet to start with any other country from the region.

21 *Ibid.*, p. 11.

22 Vice President Franco Frattini, European Commissioner responsible for Justice, Freedom and Security in relations between the EU and its neighbours. Ministerial Conference, Vienna, May 4, 2006, www.noticias.info; RSS feed from <http://europa.eu.int>.

23 Readmission agreements are concluded between the European Union (and/or its Member States) and a third country to facilitate the readmission of third-country nationals residing without authorisation in a Member State.

VISA POLICIES WITHIN SOUTH EASTERN EUROPE

Alongside the acceding countries of Romania and Bulgaria, as well as the candidate countries of Croatia and the former Yugoslav Republic of Macedonia, the countries of the Western Balkans view themselves as potential members of the EU. Among other things, the alignment of visa policies with Council Regulation (EC) No. 539/2001, which calls for the listing of third countries whose nationals must be in possession of visas when crossing the external EU border, brings the countries closer to the EU. Bulgaria and Romania have not yet completely implemented the regulation, and the remainder of the SEE countries – Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia – have some way to go before completely harmonizing their visa processes with EU requirements.²⁴

Table 1, below, shows a simplified matrix of current visa regimes within the SEE region.²⁵

Table 1: Visa requirements within the SEE region, as of May 2006

Nationals of the following countries								
	Albania	Bosnia	Bulgaria	Croatia	Macedonia	Moldova	Romania	Serbia-Montenegro
Albania	×	V	NV	NV	Border	V	NV	Border *
Bosnia	V	×	V	NV	NV	V	V	NV
Bulgaria	V	V	×	NV	NV	V	NV	NV
Croatia	V	NV	NV	×	NV	V	NV	NV-TD
Macedonia	Border	NV	NV	NV	×	Min. Int.	V	NV
Moldova	V	V	V	V	V	×	NV	V
Romania	Inv. reqd.	V	NV	NV	V	NV	×	V
Serbia-Montenegro	Border *	NV	NV	NV	NV	V	V	×

V	Visa required	Border	Visa available at border	* Montenegro or Montenegrins only
NV	No visa required	Inv. reqd.	Invitation needed to acquire visa	
NV-TD	Temporary derogation from visa requirement	Min. Int.	Approval needed from Interior Ministry	

BULGARIA follows the Schengen “white list” by allowing citizens of Croatia and Romania without visas and the visa-free entry of Serbia’s and the former Yugoslav Republic of Macedonia’s nationals. However, Bulgaria does require visas for the remaining SEE states – Albania, Bosnia and Herzegovina, and Moldova. The visa-free arrangements are the result of older agreements, and also include Tunisia. These policies are clearly inconsistent with the Schengen regime and will need to change upon accession.

MOLDOVA has a visa waiver for Romanians only and operates its visa policy on the traditional reciprocity principle.

ROMANIA has largely implemented the Schengen provisions starting in 2001, with greater control over the emigration of Romanian nationals alongside more effective policing of external borders.²⁶

²⁴ *Towards a Common Regional Political Platform on Visa Policy and Consular Cooperation*, MARRI document (February 2006).

²⁵ Visa-free entry is indicated with NV; entries marked with V mean that visas are required, whereas more complex arrangements are otherwise indicated.

²⁶ Sebastian Lazaroiu and Monica Alexandru, *Controlling Exits to gain Accession: Romanian migration policy in the making*, CeSPI (November 2005).

However, Romania still does not require visas for nationals of the Republic of Moldova, although tighter controls exist (notably, a valid passport has been required since 2002) and a full implementation of the Schengen visa regime is expected upon Romania's accession. The implications of imposing a strict visa requirement on Moldovans include: damaged political relations; impeded cross-border economic activity; and the likely encouragement of illegal flows.²⁷ With regard to the rest of the SEE countries, Romania follows the Schengen "white list" – admitting without visas only nationals of Bulgaria and Croatia – and stipulating a harsher requirement for Albanians, namely an official letter of invitation to Romania from a private or legal person.

ALL COUNTRIES OF THE FORMER YUGOSLAVIA retain visa-free travel with one another, with the partial exception of Croatia, which is implementing until December 2006 a derogation of its 2005 law placing Serbia and Montenegro on a black list (as required by Schengen). The visa regimes between Albania and other countries in the region show a partial incorporation of the Schengen requirements, alongside facilitation of border crossings for the Albanian communities in neighboring countries.²⁸ Some 25 percent of Macedonians are of Albanian ethnicity and are visa-exempt; and all citizens of the former Yugoslav Republic of Macedonia and Montenegro can get visas at the border.

ALBANIA requires visas for all of the former Yugoslavia²⁹ other than Croatia, in conformity with Schengen, with the exception of tourist border passes noted above for the former Yugoslav Republic of Macedonia and Montenegro. There are some political signals that Albania may remove the regional visa requirement for summer months,³⁰ but no further information is available at this time.

BOSNIA AND HERZEGOVINA has made the least adaptation to Schengen, since it still requires visas from both Bulgaria and Romania. Visa-free entry is granted to all of the former Yugoslav states, as well as Russia and Turkey.³¹ Moldova and Ukraine are subject to visa requirements, however.

CROATIA, despite negotiating its future EU membership, continues to maintain visa-free travel for all of the former Yugoslavia (with the temporary derogation made for Serbia until the end of 2006), but not for Albania or Moldova. Visa-free travel is also granted to Bulgaria, Romania and Turkey; however, this agreement with Turkey is inconsistent with Schengen.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, despite the Schengen-inspired introduction of visa requirements for most of the former Soviet republics (including Moldova, Georgia and Russia), keeps visa-free travel with former Yugoslav states as well as Turkey. It still requires visas from Romanians, but allows short-stay (30 days) visa-free travel by Bulgarians. Nationals of Moldova are subject to an unusually strict procedure requiring advance approval from the Interior Ministry – presumably, a policy designed to address Moldova's prominence as a source country for trafficking in women. The visa arrangements with Albania are as noted above.

27 George Dura, *A tale of two visa regimes – Repercussions of Romania's accession to the EU on the freedom of movement of Moldovan citizens*, Eurojournal.org (January 2006), <http://eurojournal.org/archives.php?id=A2006011>

28 *Towards a Common Regional Political Platform on Visa Policy and Consular Cooperation*, op. cit.

29 For the purposes of this brief, "former Yugoslav countries" refers to Bosnia and Herzegovina, Croatia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, and excludes Slovenia as it is now a member of the European Union.

30 Telephone interview with MARRI official (June 8, 2006).

31 Stricter entry controls for Turkish nationals are in place in Sarajevo Airport, as reported in Péter Futó, Michael Jandl, Liia G. Karsakova, *Illegal migration and human smuggling in Central and Eastern Europe*, Migracijske i etničke teme 21, 1–2, (2005): p. 40.

MONTENEGRO and Serbia operated a dual regime split between the two countries since 2003 with some shared policies under the previous federal arrangements alongside separate policies in Montenegro and Serbia.³² The constitutional referendum on the future of the state union in late May 2006 confirmed the formal separation of the two states: at the time of writing, the visa requirements for Montenegro appear to be a continuation of past practices. Montenegro permitted visa-free entry for nationals of Albania, Russia and Ukraine for tourism; and nationals of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia are permitted during the tourist season to receive a tourist pass (valid for 30 days) on the basis of an ID card or travel document.

SERBIA and Montenegro (as noted above) operated a dual regime split between the two countries since 2003.³³ As of early May, Serbia permits visa-free travel for nationals of Bosnia and Herzegovina (with ID card or passport), Bulgaria, Croatia (a reciprocal arrangement until the end of 2006), and the former Yugoslav Republic of Macedonia; citizens of Russia and Ukraine are permitted entry without visa but require documentation of tourist or business travel. Albanians are technically required to have visas, but extensive exceptions are made for truck drivers, and visits for social, scientific and sports purposes, for which expedited visa procedures exist. Romanians require visas, but are allowed transit with residence authorization from EU, EFTA and other developed countries.

The situation with **KOSOVO** is highly complex. The United Nations Mission in Kosovo (UNMIK) issues travel documents (sometimes incorrectly referred to as passports), which are now recognized by all states in the region (with the exception of Serbia). Identity documents and/or passports are also influenced by ethnic divisions: Serbian passports are issued to Kosovo Serbs according to normal procedures through existing Serbian governmental systems; Kosovo Serbs are equally eligible for UNMIK travel documents though few choose this option because of its political connotations. For Kosovo Albanians, who are the main users of UNMIK travel documents, obtaining a Serbian passport is also possible in many cases (although this carries political connotations), upon presentation of required documentation (birth certificate, a Serbian personal ID card which must be applied for and obtained before application for a passport, etc.) and applying through the normal Serbian administrative systems. However, in some parts of Kosovo this is problematic, owing to the need to travel to administrative centres in Serbia to obtain forms and documentation and for processing, and in cases where applicants resort to intermediaries bribery can be an issue. Complications also remain with UNMIK-issued car licence plates (which, like UNMIK travel documents are not recognized by Serbia), and car insurance – for those traveling both from and to Kosovo. At the time of writing, visas are not needed for holders of Serbian passports for all of the former Yugoslavia as well as Albania.

Regional patterns

Freedom of movement in the region is broadly defined by several patterns:

- 1) Visa-free movement exists between all of the former Yugoslav states, at least until the end of 2006.
- 2) Bulgaria also allows visa-free travel for all of the former Yugoslavia except for Bosnia and Herzegovina.
- 3) Romania requires visas for all of the former Yugoslavia other than the Schengen “white list” (Bulgaria and Croatia).
- 4) Albania allows visa-free travel for the Schengen “white list” (Bulgaria, Croatia and Romania) and also tourist border crossings for the former Yugoslav Republic of Macedonia and Montenegro.
- 5) Moldova has visa-free travel only with Romania, and operates a symmetrical visa policy requiring visas from all of the Balkan states.

³² *Towards the white Schengen list*, Group 484, Belgrade (2005): pp. 19ff.

³³ *Ibid.*

Consular representation across the region

The presence of consulates (exceptionally, embassies only) in the region is shown in Table 2, below.

Table 2: Consular representation in the Balkan region

Diplomatic representation for state of:								
	Albania	Bosnia	Bulgaria	Croatia	Macedonia	Moldova	Romania	Serbia-Montenegro
Albania	×	No Rep.	Tirana	Tirana	Tirana	No Rep.	Tirana	Tirana (Embassy of Serbia)
Bosnia	No Rep.	×	Sarajevo	Sarajevo Banja Luka Mostar, Tuzla	Sarajevo	No Rep.	Sarajevo	Sarajevo Banja Luka
Bulgaria	Sofia	Sofia	×	Sofia	Sofia	Sofia	Sofia	Sofia
Croatia	Zagreb	Zagreb	Zagreb	×	Zagreb	No Rep.	Zagreb	Zagreb Rijeka Vukovar
Macedonia	Skopje	Skopje	Skopje	Skopje Bitola	×	No Rep.	Skopje	Skopje
Moldova	No Rep.	No Rep.	Chisinau *	RO	BUL	×	NV	No Rep.
Romania	Bucharest	No Rep.	Bucharest	Bucharest Resita	Bucharest	Bucharest	×	Bucharest Timisoara
Serbia-Montenegro	Belgrade	Belgrade	Belgrade Pristina Podgorica	Belgrade Kotor Subotica	Belgrade Podgorica	No Rep.	Belgrade Podgorica	×

RO, BUL Diplomatic representation by other Country
* Embassy only
No Rep. No diplomatic representation

The country which clearly lacks foreign consular representation in its territory is Moldova, with only a Romanian consulate and a Bulgarian embassy. Visas for Croatia and the former Yugoslav Republic of Macedonia require that applications be submitted in Romania and Bulgaria respectively. Within the region, Moldovan consulates exist only in Sofia and Bucharest.

Bosnia and Herzegovina also lacks consulates in Albania, Moldova and Romania.

Croatian consulates are well distributed in the region, notably within Bosnia and Herzegovina, Serbia and Romania. Bulgaria and Romania also have a good presence in the region. Serbian consulates are well distributed, except in Moldova.

The situation with former Serbia and Montenegro has now become complex, since consular representation would be optional in three territories – Serbia, Kosovo and Montenegro. Only Bulgaria has consulates in all three; Croatia, the former Yugoslav Republic of Macedonia, and Romania have consulates in Serbia and Montenegro but not in Kosovo; and Albania has representation in Serbia and Kosovo but not in Montenegro. Bosnia and Herzegovina has a consulate only in Belgrade, while Moldova lacks representation in all three.

POTENTIAL FUTURE IMPEDIMENTS TO THE FREE MOVEMENT OF PEOPLE AND GOODS IN THE BALKANS

As noted above, the two acceding countries (Romania and Bulgaria) operate visa regimes that are not yet in accordance with Schengen. They are allowed to delay using the Schengen visa lists until their accession to the EU in 2007. Such an adjustment, if made absolute, would affect primarily Serbia, Montenegro and the former Yugoslav Republic of Macedonia in the case of Bulgaria, and Moldova in the case of Romania. However, even before the next enlargement a new problem will arise with Hungary. The new EU members will need to fully implement Schengen by January 2007, and their temporary arrangements will cease. In 2004, some 230,000 Serbian citizens took short-term visas from Hungary (40 percent of the total issued) under facilitated special visa regimes for countries with Hungarian minorities.³⁴ The scheme to replace this arrangement, which has some issues, is discussed in the following section titled “Alternative Solutions”.

The acceptance of Croatia and the former Yugoslav Republic of Macedonia as candidates for EU membership also affects their future adjustment to Schengen. In the case of Croatia, the countries most affected would be Serbia, Montenegro, and Bosnia and Herzegovina, although at the moment Turkey also has visa-free travel; in the case of the former Yugoslav Republic of Macedonia, as well as Serbia and Bosnia and Herzegovina, there could be problems with nationals of Albania and Montenegro who currently have tourist border crossing facilities.

Problems of citizenship and dual nationality in the region

Nation states, along with their policies on borders and visas, tend to operate on the premise that most people possess only one citizenship (usually that of the country where they reside). Originally present in Western Europe as a strong legal framework³⁵ within the Council of Europe, restrictions on multiple nationalities have now been mostly weakened or removed due to the effects of immigration into the EU.³⁶ Within SEE, however, the picture is more complex. There is now a wide dispersion of ethnicities across many of the new countries created from the former Yugoslavia, along with older ethnic dispersions such as Albanians in Kosovo and the former Yugoslav Republic of Macedonia, and Hungarians in Vojvodina and elsewhere. Map 2 depicts this complex regional issue.

According to one expert on the region, the recent approaches to citizenship in the SEE countries vary with the level of political security and are linked to EU enlargement, which has added a new level of instability.³⁷ There is a view that non-resident dual nationality (other than through mixed marriages) can be politically destabilizing. Furthermore, when the dispersed community is large relative to the home population, the effects can be devastating. It is for this reason that Hungary agonized over the

34 Piotr Kazmierkiewicz, Dora Husz, Juraj Misina, and Ivo Slosarcik, *The Visegrad States: On the EU's Eastern Frontier*, Center for Policy Studies, Central European University (2006): p. 36.

35 1963 Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality.

36 1997 European Convention on Nationality.

37 Richard Crompton, *Nationalism in the Balkans*, Seminar address, St. Antony's College, Oxford (January 20, 2003).

issue in a national referendum in late 2004 without gaining a popular mandate for the reform of the citizenship law.³⁸ However, non-resident dual nationality has appeared in several SEE states, with serious implications not only for political stability in the region but also for domestic politics.

Croatian nationality law has embraced the Croatian diaspora since 1991, with massive support from non-resident Croats for Tudjman's nationalist party in 1995; by 2005, the distortion of voting by the diaspora led to a proposal by the *Croatian People's Party* to remove the voting rights of the diaspora.³⁹ Despite this general provision for the diaspora within the Croatian nationality law, it was allegedly targeted at ethnic Croats in Bosnia and Herzegovina during the 1992–1995 war, and was never extended to Croats in Serbia. Bosnia and Herzegovina, too, initially refused to allow dual nationality for those holding Serbian citizenship, but formally recognized dual citizenship with Serbia in 2002 and with Croatia in 2005.⁴⁰ The number of persons with these dual statuses is unknown but thought to be quite large.

The former Yugoslav Republic of Macedonia has a large number of ethnic Albanians without Macedonian citizenship or ID cards, and a deliberately restrictive citizenship law that until 2004 required 15 years of residence for naturalization. This has now been reduced to eight years, with the 2004 amendment. However, it is likely that there remain significant numbers of persons with no documentation⁴¹ and therefore no legal means to cross the border.⁴²

With regards to citizenship, Kosovo is a grey area as the final status of the UN-administered entity is yet to be resolved. As noted above, two main forms of identity documents are used – UNMIK-issued ID cards and travel documents (which is neither a passport nor a document that attests nationality) and standard Serbian ID cards and passports. There are many cases of individuals in Kosovo holding both UNMIK and Serbian identity documents and passports. With negotiations underway but final status yet to be determined, UNMIK's role in the province will reduce, with responsibilities in the process of being transferred to the EU.

The recent referendum on the independence of Montenegro has already led to an agreement on dual nationality between Serbia and Montenegro. In 1999 Montenegro passed a national law on citizenship but continued to use passports issued under the state union of Serbia-Montenegro (and its predecessor state, the Federal Republic of Yugoslavia), despite having effectively two different visa regimes for Montenegro and Serbia. The precise terms of the new agreement have yet to be formally declared.⁴³

By some accounts, 40 percent of Moldova's population has dual nationality, the majority being Russian and Romanian.⁴⁴ This was initially resisted by the Moldovan authorities, which in 2000 legislated for the removal of Moldovan nationality from dual nationals with the exception of those who acquired the status through mixed marriage. The law was revoked in 2003, without having been implemented. Moldova's relations with Romania are discussed below.

38 Mária M. Kovács, *The politics of non-resident dual citizenship in Hungary*, Regio – Minorities, Politics, Society – English Edition, No. 1 (2005).

39 *Ibid.*, p. 65.

40 Associated Press, 5 August 2005.

41 Natasha Gaber and Aneta Joveska, *Macedonian census results – controversy or reality?*, South East Europe Review, No. 1 (2004): pp. 99–110.

42 Henry Bolton, *Border management in the Kosovo–Southern Serbia–FYR Macedonia Vortex*, Policy Brief, EastWest Institute (February 2005): p. 13.

43 Telephone interview with MARRI official (June 8, 2006).

44 *The politics of non-resident dual citizenship in Hungary*, op. cit., p. 55.

Bulgaria's 1998 Citizenship Law broke the tradition of prohibiting multiple nationalities, stated that dual nationals would be treated as Bulgarian citizens from the moment they enter Bulgaria. A 2001 amendment reduced (from three years to one) the period of residence required to recover Bulgarian citizenship, which had previously been removed. In particular, this affected the 1989 emigrants of Turkish ethnicity.⁴⁵ Many of the dual citizenships resulted from the 1989 emigration when they returned to reclaim their citizenship and benefit from the privileges that came with dual status. The benefits include choosing the country for performing military service (which is easier in Bulgaria), entering Bulgarian universities as foreigners but paying lower fees as Bulgarian citizens and easier movement across the border and transport or trading of goods. The result is resentment by locals on both sides of the border for what is now seen as an unfair advantage and the misuse of rights by dual nationals.⁴⁶ There are also reports of citizens of the former Yugoslav Republic of Macedonia using ties to distant relatives (such as a Bulgarian grandparent) to benefit from the changed Citizenship Law of 2001.⁴⁷

Some specific bilateral visa problems

ROMANIA – MOLDOVA

The relationship between Moldova and Romania is extraordinarily close. Up until 1812, what is now the Republic of Moldova was part of the Moldavian principality of Romania; furthermore, Moldova was also part of Romania during the interwar period, when its people were Romanian citizens. At least 65 percent of Moldova's population is of Romanian ethnicity and shares a language and culture.⁴⁸ Romania has been trying to construct a privileged relationship with Moldova since its independence in 1991; this included an open border policy until 2001 when the government began requiring passports for crossing the Romania-Moldova border.⁴⁹

There are at least three underlying issues related to the possible transformation of that border to an external Schengen one. First is the reality of local border crossing and the border economies, which might be dealt with by the EU Regulation on local border traffic. Secondly, there is the matter of Romanian-Moldovan relations, which are strained and hardly contribute to the resolution of Moldova's Transnistria conflict. The third problem (which has some precedents in the EU, but not of this magnitude) is the number of Moldovans with Romanian citizenship. Between 1999 and 2002, Romania issued an unknown number of passports to Moldovan citizens (estimates range from 200,000 to 500,000). Since 2002, few passports have been issued. However, in 2005 the President of Romania linked the need for a flexible visa regime with the possibility of resuming the fast track issuing of passports to Moldovans.⁵⁰

⁴⁵ Nurcan Özgür-Baklacioglu, *Dual citizenship, extraterritorial elections and national policies: Turkish dual citizens in the Bulgarian-Turkish political sphere*, in Osamu Ieda, ed., *Beyond Sovereignty: From status law to transnational citizenship?*, Slavic Research Center, Japan (2006).

⁴⁶ *Ibid.*, pp. 324–325.

⁴⁷ *EU visas and the western Balkans*, op. cit., p. 11.

⁴⁸ *A tale of two visa regimes – Repercussions of Romania's accession to the EU on the freedom of movement of Moldovan citizens*, op. cit., p. 3.

⁴⁹ *Migration policies for a Romania within the EU: Navigating between Scylla and Charybdis*, op. cit.

⁵⁰ *A tale of two visa regimes – Repercussions of Romania's accession to the EU on the freedom of movement of Moldovan citizens*, op. cit., p. 11.

Thus, the imperative of putting in place a special regime for the Moldova-Romania border cannot be overstated. Moldova has experienced mass emigration (estimates range from 25 percent to 45 percent of its population)⁵¹ and is also a leading source of trafficked women. It is likely that a high proportion of Moldovans with Romanian passports are working illegally in EU countries. Presumably, these illegal immigrants use Romanian passports rather than Moldovan ones for official purposes. This explains the relatively small number of Moldovans and the rather large number of Romanians enrolled in southern Europe's legalization programs.

CROATIA – BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina does not have a unified constitution accepted by all of its citizens with an “uneasy relationship existing between the central state and the entities”.⁵² Many of the citizens of Republika Srpska still believe that their future lies with Belgrade; likewise, many from the smaller ethnic Croat population feel that a strong link with Croatia is vital. The introduction of a visa regime by Croatia (in line with Schengen) would likely prove highly destabilizing for Bosnia and Herzegovina. Although many ethnic Croats now possess Croatian nationality and those who do not could easily acquire it, the visa requirement would create a privileged class of Bosnians (less than 20 percent of the population of Bosnia, from some accounts) who could cross the border easily. Evidence from the Bulgarian-Turkish border and dual nationals shows that this creates resentment: in the case of Bosnia and Herzegovina, such sentiments along ethnic lines could be extremely problematic and could precipitate a break-up of the federal state, particularly after the recent secession of Montenegro.

Due to the large number of Bosnians working both legally and illegally in Croatia, the future labor recruitment of Bosnians is a significant issue, as well as their status. Both issues need to be addressed in order for Croatia to adopt the Schengen “black list”.

BULGARIA – THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA AND BULGARIA – SERBIA

The large tourist movements – and possibly business travel as well – between Bulgaria and these two countries would be badly damaged by the imposition of the Schengen visa requirement. As with the situation concerning Croatia and dual nationals in Bosnia and Herzegovina, the unknown number of Bulgarian dual nationals in the former Yugoslav Republic of Macedonia is of concern when border controls are asserted. Although the former Yugoslav Republic of Macedonia, as a new candidate country, is hoping to be placed on the Schengen “white list”, this may take some time to achieve: Serbia is unlikely to be visa-exempt for some time. There is also potential, following the symmetrical patterns of visa imposition which the Czech Republic and Slovakia experienced, for Serbia, the former Yugoslav Republic of Macedonia, and others to impose visas on Bulgarians. This would have a great impact, since Bulgarians frequently travel through Serbia en route to Europe. Thus, the potential for damaged relations is high.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA – GREECE

The principal difficulty with this border is that Greece refuses to recognize the name “Republic of Macedonia”, and as a consequence also refuses to recognize the passport. After the signing of an Interim Accord between the two countries in New York in 1995, a Greek liaison office, acting as a consulate,

⁵¹ Baldwin-Edwards, *Patterns of Migration in the Balkans*, Mediterranean Migration Observatory Working Paper 9 (2006), <http://www.mmo.gr>.

⁵² Maurizio Massari, *Do all roads lead to Brussels?*, Cambridge Review of International Affairs, 18/2 (2005): p. 262.

has operated in Skopje for visa applications. More recently, another office was opened in Bitola. The Greek state claims that 1.3 million visas were handed out over the period 1995–98, which amounts to two visas per household.⁵³ This figure seems improbable, especially as other Greek data sources⁵⁴ report 35,000 issued visas for 1998 and 45,000 for 1999. Since 2001, Greece has issued one-year multiple entry visas, which totaled 90,000 in 2003.⁵⁵ Unofficial press reports state that visas issued by Greece in 2004 and 2005 totaled 114,000 and 90,000.⁵⁶ Press reports released in March stated that the two Greek Liaison Offices had a long waiting list for appointments, impeding some Macedonians from taking their holidays in Greece in the summer of 2006.

Christos Nikas reports a massive drop in tourism into Greece from 1997 to 1998, (from 378,000 down to 87,000) caused by the implementation of Schengen.⁵⁷ Tourism recovered to some extent following the signing of a *Protocol on Border Cooperation* in 1998, although no agreements have ever been ratified by the Greek Parliament owing to the name dispute.⁵⁸ Other border crossing issues concern a relatively large number of Macedonian students in private Anglophone colleges in northern Greece (some 15 percent of foreign students), alongside the failure of the Greek state to conclude a bilateral labor recruitment agreement with the former Yugoslav Republic of Macedonia. Very few Macedonians from the former Yugoslav Republic of Macedonia reside in Greece, according to Census and residence permit data.

The procedure for issuing the visa is highly unusual, as Greece still refuses to recognize the passports (although requiring to view them at all times). Thus, the visa stamp is placed onto a blank sheet of A4 paper. This has the obvious problem that there is no record of the border crossing made in the passports. What will happen when the former Yugoslav Republic of Macedonia is admitted to the EU (if in fact Greece does not block its accession) is unclear and like many other aspects of its relations with Greece, there are complex formal procedures.⁵⁹

ALBANIA – THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA AND ALBANIA – MONTENEGRO

As noted above, Macedonians of Albanian ethnicity do not require visas to enter Albania, and during the tourist season visas are available at the borders of Albania, the former Yugoslav Republic of Macedonia and Montenegro. With the acceptance of the former Yugoslav Republic of Macedonia as a candidate country, alignment with Schengen would imply removing the availability of visas at the border. It would not obviously prohibit ethnic Albanians from having visa-free entry into Albania, although Macedonian residents without any form of documentation are unable to cross the border. The independence of Montenegro clarifies visa relations with Albania, as previously the State Union passports did not specify Montenegrin nationality. As mentioned above, it is possible that Albania will remove visa requirements for all nationals of the SEE region throughout the tourist season.

53 Athens News Agency data, presented on the Greek Embassy website for Atlanta, GA.

54 Athens News Agency, 22/11/2000.

55 Baldwin-Edwards, *Statistical Data on Immigrants in Greece*, Mediterranean Migration Observatory, research undertaken for IME-PO, Ministry of Interior, Greece (2004): Table 5.

56 Dnevnik, 3/03/2006.

57 Christos Nikas, *The effects of the Interim Accord on economic relations*, in Evangelos Kofos and Vlas Vlasidis, eds., *Athens-Skopje: An Uneasy Symbiosis (1995–2002)*, Athens: ELIAMEP, (2005).

58 Haralambos Kondonis, *Bilateral relations between Greece and FYROM*, in *Athens-Skopje: An Uneasy Symbiosis (1995–2002)*, op. cit.

59 Nikos Zaikos, for example, cites a Greek-sponsored 5-year development aid plan of 2002, which like the Interim Accord fails to name either country, instead referring to “the Party of the First Part”, etc. Nikos Zaikos, *The Interim Accord*, in *Athens-Skopje: An Uneasy Symbiosis (1995–2002)*, op. cit., p. 50.

Labor market and economic issues

It is extremely difficult to assess the extent of labor migration within the visa-free area of the former Yugoslavia, not only because of free movement but also because of the great extent of unemployment and informal employment throughout the region. Some countries of the region are able to present data concerning foreigners' residence, employment and detection as illegal workers.⁶⁰

For 2004, Croatia allocated some 7,500 work permits, with fewer than 3,000 issued. (For 2006, the quota was reduced to just 1,000 new permits.) The number of foreigners working illegally was detected at 1,600 in 2004 and 1,900 in 2005, of which approximately 80 percent were Bosnians working mainly in construction. Business permits issued in 2005 came to just under 4,000, with the principal nationalities being Bosnian, Macedonian, Chinese, Slovakian, Italian, and Serbian. As of November 30, 2005, 11,348 foreigners had temporary residence status, 13,879 had permanent residence status, totaling 25,227 persons. The principal nationalities were Bosnian, Serbian, Macedonian, and Slovenian.

In the case of Serbia, the number of foreign nationals and residents employed for more than one year is recorded as 5,528 only, of which more than 3,000 were school students. Foreign residents employed for less than one year have not been recorded. Data on employment is of low quality but it appears to show that the principal nationalities either seeking or gaining work are Greek, Russian, Ukrainian, Macedonian, Bosnian, Jordanian, Iraqi, Bulgarian, Polish, Croatian, and Chinese. The recorded numbers are very small, and the government report also notes the visible (but unrecorded) presence of foreigners from Asia and Africa. Seasonal labor migration is thought to be tied to the tourism, construction and agriculture sectors but this is also unrecorded.

The Government of Montenegro notes that for 2005 it approved some 30,000 requests for the employment of foreigners – primarily in tourism and catering (53%), agriculture (21%) and construction (16%). Almost all applicants were from the SEE region, mainly from Bosnia and Herzegovina, Kosovo, and the former Yugoslav Republic of Macedonia.

The former Yugoslav Republic of Macedonia currently has neither adequate legislation nor data collection on immigrant workers, but notes the existence of two categories – Albanians in the construction sector, and also cross-border employment opportunities. There are frequent press reports of the deportation of illegal Albanian workers (i.e. with passports but working without permits).

Some patterns are visible from the incomplete data. First, there is migrant employment of primarily other SEE nationals in most countries of the region, especially in construction, but also in tourism and agriculture. In Montenegro, immigrant employment mostly exists in the tourism sector; for Croatia, business activities may be equally important. Secondly, it is evident that the employment sector is very poorly regulated – with extensive and unknown employment of foreigners. Thirdly, frontier employment is significant to Montenegro-Albania and Montenegro-Bosnia and Herzegovina, and may be significant for other border regions. Finally, the presence and/or employment of foreigners from outside the SEE region is almost completely concealed.

⁶⁰ Official responses from the Governments of Croatia, Serbia, the former Yugoslav Republic of Macedonia and Montenegro compiled for MARRI/IOM meeting *Labour Migration in the Western Balkans*, 22–24 February 2006 in Zagreb.

Experiences from the Visegrad countries

Perhaps surprisingly, the Visegrad countries⁶¹ did not adopt similar approaches to the management of their visa regime adjustment to Schengen. One author attributes the difference to divergent positions on the purpose of visas, with the Czech Republic and Slovakia seeing them as a first barrier against illegal immigrants and requiring the applicant to prove good intentions, while Poland, and to some extent Hungary, viewed visas as an instrument of foreign policy.⁶² Thus, both the Czech Republic and Slovakia introduced early on visas for all countries on the Schengen “black list”. In the case of the Czech Republic, there were also pressures for restrictions from its immediate EU neighbors Austria and Germany. The Czech Republic introduced visas for Ukraine and Moldova in 2000, which led those countries to require visas for Czech nationals. Slovakia followed suit in 2000, requiring visas for Ukrainians, and this led Ukraine to retaliate by renouncing its readmission treaty and imposing visa requirements on Slovakia.⁶³ Subsequently, Ukraine’s unilateral lifting of visa requirements for all EU nationals in 2005 prompted the Czech and Slovak governments to abolish fees for short-term visas for Ukrainians, resulting in asymmetrical visa regimes not very different from those of Poland and Hungary.

Hungary and Poland negotiated in the accession talks that they would delay their visa adjustments until six months before EU accession and aimed for gradual harmonization, starting with those states with which they maintained the loosest ties and culminating with those considered to be core countries for foreign policy. They also tried to find solutions acceptable to Ukraine; this approach resulted in asymmetrical visa regimes with free Hungarian visas for Ukraine and Serbia, and free Polish visas for Ukraine and subsequently Moldova. Thus, visa-free entry for Hungarian and Polish citizens was retained by Ukraine, Serbia and Moldova.

The result of Slovakia’s visa imposition on Ukrainians in June 2000 was a significant reduction in cross-border traffic (from 1,558 crossings in 1999 to 403 in 2001) but the numbers have steadily increased since. The impact was mainly on “shuttle trade” by Transcarpathian residents. Border crossings into Poland also declined by about 30 percent from 2001 to 2004, despite the facilitated visa regime in place. For Hungary, the decline was short-term mainly, although with a reduction of 10 percent for Ukrainians and 20 percent for Serbs from 2002 to 2004.⁶⁴

As far as impact on illegality is concerned, there is a trend of declining detected border crossings alongside the large increase in crimes associated with illegal migration. In Hungary, between 2002 and 2004, the forgery of official documents increased by 68 percent, and illegal entry and residence increased by 44 percent. In Slovakia, the number of detained nationals from Moldova increased by an annual 600 percent over 2000–2002, and continued to rise slowly afterward. In the Czech Republic, Ukrainians constituted some 80 percent of persons violating immigration conditions (e.g. by working or overstaying) in 2003; the introduction of short-term visas also resulted in mass asylum applications in order to work during the asylum process.⁶⁵

61 The Visegrad group is an alliance of four Central European countries (Czech Republic, Hungary, Poland and Slovakia) that entered into an agreement to coordinate their policies and further cooperation in a number of fields of common interest concerning European integration.

62 Piotr Kazmierkiewicz, *The Visegrad States between Schengen and Neighbourhood*, Institute of Public Affairs, Warsaw, (2005): pp. 2–3.

63 *The Visegrad States: On the EU’s Eastern Frontier*, op. cit., p. 18ff.

64 *Ibid.*, pp. 20–25.

65 *Ibid.*, pp. 26–29.

It has been observed that when borders in SEE have been more rigorously enforced, the result seems to be new modes and strategies of illegal migration – although there is a general decline in the total numbers of detected illegal crossings.⁶⁶ In particular, official border crossings are increasingly being used (Bosnia and Herzegovina, Bulgaria, Hungary, Poland), with forged documentation (Hungary, Poland and Romania), abuse of asylum systems (Hungary, Poland, Slovakia) and ever more sophisticated and professional measures being employed to smuggle people. The latter, with long-distance and coordinated local agents, has been noted especially in the Czech Republic, Hungary, Poland, Romania, Slovenia and Ukraine. In contrast, most of the SEE countries outside of the EU border regime know only small-scale smuggling, especially in border regions.⁶⁷

Thus, the experiences of the Visegrad countries seem to show that inclusion in the EU border management regime will damage cross-border traffic and economic activity – although the sort of visa regime adopted will determine to what extent this occurs. Secondly, there seems to be little to gain and a lot to lose in hastening the introduction of visas: the experiences of Slovakia and the Czech Republic show this. Thirdly, better border management can be expected to lead to greater use of false documents and other subterfuges at official crossing points. Finally, small-scale smuggling and semi-professional border transgressions, which prevail in the Balkan region will most likely transform into, or be replaced by, professional smuggling as countries of the region adopt EU border management techniques. Below are policy implications based on these observations.

Structural patterns and inconsistencies

It is evident that several important and potentially contradictory structures prevail in the region, consisting of the following:

- The imperative of harmonization of national visa regimes and border management with the Schengen system.
- Regional demand⁶⁸ for a regional visa policy and approach, especially to retain free movement of workers in the former Yugoslav countries.
- Successful negotiations for a free trade zone covering the entire Balkan peninsula.
- Minority networks – ethnic Albanian, Croat and Hungarian – across the region, whose interests are paramount for certain states.
- Cross-border areas which need regular cross-border access.
- Important “old” external relations, for which the visa scheme is a major part of foreign policy (Moldova, Turkey, Russia, Belarus, Ukraine).

⁶⁶ *Illegal migration and human smuggling in Central and Eastern Europe*, op. cit., pp. 44–45. This article summarizes the complete ICMPD datasets on border violations over a three year period.

⁶⁷ *Ibid.*, pp. 46–48.

⁶⁸ MARRI is the locus of this expressed demand, responding also to pressure from international organizations (such as the World Bank and IOM) and the EU.

ALTERNATIVE SOLUTIONS

Some guiding principles

Alternatives to simple adjustment to the Schengen *acquis* – which seemed to have been the approach initially touted by the European Commission – are implicit in the policy proposals currently favored by the EU for SEE and the European Neighborhood. This latest policy stance adopted by the Commission, outlined above in the “Introduction”, reflects an increasing awareness of the negative outcomes that can be expected from rigid visa impositions in SEE. There are two main forms of flexibility that constitute this new approach – the visa facilitation negotiations put in place recently and the Regulation for a local cross-border visa regime.

With regard to the issue of national visa adjustment for the countries about to accede (Romania and Bulgaria), the candidate countries (Croatia and the former Yugoslav Republic of Macedonia) and potential candidate countries, several guiding principles have emerged from the preceding analysis of visa regime adjustment. The first is that the traditional doctrine of visa regime symmetry cannot be sustained when dealing with a power bloc such as the EU. Visa regime asymmetry has emerged – even in those cases where it was not originally planned – to the benefit of both countries in the relationship. Thus, Ukraine’s visa-free access for all EU nationals has had positive results almost immediately, resulting in free and expedited visa applications for Ukrainian nationals traveling to Visegrad countries, along with Visegrad acceptance of Schengen visas and residence permits. It is expected that similar concessions will be extracted from the ongoing EU negotiations, with a readmission agreement with the EU as the price for such.

A second principle, applicable especially to candidate states, is the need to delay acceptance of the Schengen “black list” visa requirements for as long as possible. The positive experiences of Poland and Hungary in doing so cannot be ignored. Along with their own facilitated visa regimes, the delayed implementation of the visa requirement for foreign policy core countries seems to have minimized disruption to cross-border flows as well as promoted good relations in the region. This is in contrast with the approach of the Czech Republic and Slovakia, which prioritized suppression of illegal migration over relations with immediate non-EU neighbors.

The Polish and Hungarian strategies

Poland’s more liberal approach to the management of its visa regime can be traced to a comprehensive “eastern foreign policy” covering Russia, Belarus, Moldova, and Ukraine.⁶⁹ Hungary, on the other hand, was more concerned with its neighbors in the Carpathian basin – notably Slovakia, Ukraine, Romania, Serbia-Montenegro, and Croatia. In particular, Hungary concentrated on its two neighbors with large Hungarian minorities that are still on the Schengen “black list” – Serbia-Montenegro and Ukraine. In terms of policy approach, Poland rapidly extended an asymmetrical regime to Ukraine, with extensive development of its network of consulates there, while Hungary was more concerned with local cross-border traffic. Poland initially introduced one-year visas to business travelers in order to stabilize migration flows of Ukrainians, and Hungary chose five-year multiple-entry preferential visas for those who could demonstrate close links with Hungary. In November 2004, Poland offered

⁶⁹ *The Visegrad States between Schengen and Neighbourhood*, op. cit., p. 4.

to Ukrainians multi-entry long-term visas (as with Hungary, on a preferential basis for those with ties to Poland), which allowed stays for a total of one year over a period of five years. Since January 2006, Hungary has made available to ethnic Hungarians special residence visas valid for five years, for multiple entries and practically unlimited stay. To comply with Schengen, these visas do not permit the holder to work or study in Hungary.⁷⁰ However, the latest policy is focused on ethnic Hungarians to the exclusion of ethnic Serbs, for example.

The success of both approaches in limiting the reduction of border traffic flows has already been noted; however, this was achieved at some cost. Poland expanded consular offices in Kyiv, Lviv and Kharkiv, and opened two new offices in Lutsk and Odessa – thus ensuring that the whole of Ukraine was covered, but with two offices actually in the vicinity of the border. More consuls were provided, and 250 local staff were employed; computer and office equipment was also needed, as well as training by the Foreign Ministry.⁷¹ Hungary opened two new offices in the Hungarian-populated areas within Ukraine (Berehovo and Uzhhorod), along with the existing one. Although intended for the Hungarian minority, the ethnic Hungarians turned out also to be a minority of the applicants. Thirty new staff were employed in Ukraine and Serbia-Montenegro, and an online consular information system covering 98 offices was developed.

The preferential conditions pertaining prior to Hungary's and Poland's full participation in Schengen – especially in contrast to those of most countries' Schengen visa application procedures – should be noted. They included:

- Simplified visa application forms with fewer questions.
- Persons holding visas or residence permits from Schengen states did not need to apply for transit visas.
- Short waiting periods: Polish visas issued same day; Hungarian visas issued over five days maximum.
- Immediate visas for emergencies.
- No visa fee for certain citizens: Russians and Ukrainians for Poland, Serbs/Montenegrins and Ukrainians for Hungary.

In terms of issuing visas, Poland and Hungary are among the top countries in Europe. In 2002, Poland issued 217,000 visas; in 2003, the first year of the visa requirement for the three neighboring CIS states, the number rose to 562,000. By 2004 it had reached 1.23 million, of which only five percent were transit visas.⁷² The rejection rate for 2004 was 0.75 percent, compared with 13 percent Schengen rejection rates in Ukraine. Hungary saw a rise in short-term visas for Moldova, Ukraine and Serbia-Montenegro from 124,000 in 2002 to 573,000 in 2004. Hungary's refusal rate was around 0.2 percent for Ukraine in 2004.

Other models of visa strategy

Three general types of derogation from the Schengen visa rules can be identified: derogations linked to an Accession Treaty; temporary derogations permitted while a member state is not fully operating under the Schengen arrangements; and long-term national visas, which under certain conditions are compatible with Schengen.

⁷⁰ *The Visegrad States: On the EU's Eastern Frontier*, op. cit., p. 74.

⁷¹ *Ibid.*, pp. 29–30.

⁷² *Ibid.*, p.38.

DEROGATIONS LINKED TO TREATY DECLARATIONS

The Spanish protectorates in North Africa (Ceuta and Melilla) were granted local visa exemptions for border traffic with the Moroccan provinces of Tetuan and Nador. Moroccans residing in those towns are issued one-year residence permits, which facilitate daily movements across the border. Moroccans who do not reside in those two towns are subject to the usual visa requirements.⁷³

Portugal also negotiated a Visa Waiver Agreement with Brazil, whereby it undertook to readmit to its territory Brazilian nationals found illegally residing in other Schengen states and who had entered the Schengen area via Portugal.⁷⁴

TEMPORARY DEROGATIONS

While partially operating Schengen over the period 1992–98, Greece was permitted to issue visas with limited territorial validity for its SEE neighbors. Such visas are permitted by Schengen, if they can be shown to be in the national interest; they do not allow transit or entry into other Schengen states.

LONG-TERM NATIONAL VISAS

Schengen visas are issued for a maximum of three months; long-term visas are issued for periods exceeding 90 days. The most relevant example of this is the revised form of a flexible cross-border scheme which operated from 1991 to 2000 between Estonia and Russia and covered some 20,000 cross-border residents.⁷⁵ This was terminated in 2000 at the insistence of the European Commission and replaced by a bilateral agreement with Russia allowing both states to issue up to 4,000 multiple-entry visas a year to border residents with the need to cross the border regularly. The visas are issued free of charge and are valid for one year; priority is given to those visiting close relatives, the graves of close relatives, distant relatives, the graves of distant relatives, and to those who own real estate on the other side of the border.⁷⁶

What strategy for SEE states?

It is unlikely that the acceding states of Bulgaria and Romania will be allowed to attach derogations to their Schengen accessions. The Romania-Moldova relations present a special case, and an arrangement similar to the Portuguese visa waiver for Brazilians would appear to be the best solution. Another arrangement would entail a facilitated visa system with Moldova; yet another would be a limited territorial validity visa regime preventing travel to Schengen. The constraining factor is the late stage that Romania is in, and whether it is politically possible to negotiate derogation. Were derogation not possible, the local border crossing facility would be of some use for the Moldova-Romania border region.

Romania has already adopted visa requirements for all other SEE countries as required by Schengen, but facilitation of visas during its transition period would help to repair its damaged relations with SEE neighbors. Given that both the Polish and Hungarian models of visa management were natural outgrowths of their histories, it seems likely that Romania is content to follow the same path as the Czech Republic and Slovakia – namely, rapid adjustment to Schengen.

73 Eiki Berg and Piret Ehin, *What kind of border regime is in the making?* Cooperation and Conflict: Journal of the Nordic International Studies Association, 41/1 (2005): p. 65.

74 Joanna Apap and Angelina Tchorbadjiyska, *What about the Neighbours?*, Working Document, Centre for European Policy Studies, 210 (2004): p. 6.

75 *What kind of border regime is in the making?*, op. cit., pp. 62–63.

76 *Ibid.*, p. 68.

Bulgaria has not followed the Schengen requirements closely, and is trying to maintain visa-free travel with the former Yugoslav Republic of Macedonia and Serbia. Probably the easiest solution is to resist imposing visas for immediate neighbors until the last minute, hoping that the EU facilitated visa regime will have been negotiated by that point. Upon full implementation of the Schengen “black list”, some temporary facilitated regime like the Polish/Hungarian early approaches might be used. This would probably require the opening of more consulates. A system of free visas, rapidly and easily granted, would minimize disruptions to cross-border flows.

For the other SEE countries, there is no obvious gain in applying the Schengen “black list” before participating in Schengen. Croatia has delayed its visa requirement for Serbia-Montenegro and is maintaining visa-free travel for Bosnia and Herzegovina, and the former Yugoslav Republic of Macedonia. Should Croatia be required to implement Schengen fully, and impose visas on Bosnia and Herzegovina, Serbia, Montenegro, and the former Yugoslav Republic of Macedonia, the threat to regional stability is heightened. The optimal strategy seems to be the Polish approach (as opposed to the Hungarian “ethnicity-based” approach). Croatia has extensive consular representation in the region, and should be able to offer free and rapid visas to its neighbors in the early stages of its EU accession.

The tourist border passes covering Albania – the former Yugoslav Republic of Macedonia – Montenegro will surely be short-lived in the shadow of Schengen (Serbia has already removed its tourist passes, under pressure from the EU). The current arrangements are largely inspired by the consideration of the significant ethnic Albanian communities present in the former Yugoslav Republic of Macedonia and Montenegro; however, the practice of charging border pass fees to non-Albanians does not appear optimal. A more inclusive approach would be that of visa-free travel between Albania and the other SEE countries. A reciprocal visa-free regime would promote regional tourism, labor migration and political stability. Some considerations of consular representation across the region would be desirable, in the process of gradual alignment with Schengen.

For most of the SEE states, if the aspirations of the European Commission for facilitated visas can be met, along with implementation of the local border crossing proposal, many of the impediments to free movement will be averted. Thus, creating the right conditions for these to occur, while delaying the imposition of visas in the region, is the optimal strategy.

CONCLUSIONS

For some time, the Schengen system has been viewed generally as an inflexible and exclusionary regime, whose primary purpose is to prevent illegal migration and also to inhibit asylum-seeking in Europe. Despite its apparent rigid format, national characteristics have pervaded the procedures for issuing visas. Furthermore, inclusion on the Schengen “white list” has turned out to be a political decision on the part of the EU, despite the availability of objective criteria to judge a country’s acceptability for inclusion.

For the SEE region, the creation of substantive borders represents an impediment to economic growth; with the collapse of communism, cross-border informal economic activity grew as a major source of income in economically weak areas. Most of these cross-border regions were constituent republics of the old Yugoslavia, but some new areas of cooperation have also emerged. Recognition of the importance of such cross-border trade has led to the funding of “Euroregions”, and, more recently, to the EU Regulation on the management of cross-border traffic. However, in reality it is national measures from the new member states (primarily Poland and Hungary) that have done the most to sustain cross-border flows and economic activity. Such measures have been inconsistent with Schengen, and will mostly cease when the new members participate fully in the Schengen regime.

The solidification of borders necessitated by the implementation of Schengen will also have negative ramifications for political stability and relations in the region. Thus far, these have been avoided, with Bulgaria preserving visa-free travel for all but Bosnia and Herzegovina and Moldova, and Croatia delaying the imposition of a visa requirement on Serbia. Romania, on the other hand, has an exception only for Moldovans. Throughout the region, the significance of dual nationality has not been well understood. In particular, new visa controls in Croatia and Romania would result in ethnic discrimination for residents of Bosnia and Herzegovina and Moldova, respectively. Even a national facilitated visa regime, along the lines of the Polish-Hungarian model, is unlikely to deal adequately with perceptions of discrimination and ethnicity-based privilege.

Overall, the effects of the Schengen system on most of the SEE countries have been predominantly negative. They include:

- Massive transfer of resources for visa applications.
- Exclusion of many (especially youth) from travel to EU countries.
- Sense of public anger about the isolation of SEE countries from mainstream Europe and humiliating aspects of the Schengen visa application scheme.

Along with serious doubts about the effectiveness of Schengen in actually managing borders, popular reaction in the region appears to have had some impact on the EU’s internal political dialogue. Despite a French initiative to increase the Schengen visa fee, the overall Commission’s activities in 2006 appear to be creating flexibility in the regional operation of Schengen. In particular, a short-term policy linking readmission agreements with negotiated EU visa facilitation regimes is envisaged for the entire region. Such regimes could operate free visa applications and in all cases postpone the increased charge for now. Further liberalization is envisaged in the longer term (i.e. inclusion on the Schengen “white list”) after the successful operation of the short-term regime.

The experiences of the Visegrad countries are instructive, showing that decline in cross-border traffic is inevitable but can be minimized with facilitated free visa regimes. However, the temporary schemes are now coming to an end. A special visa regime for Serbian citizens with Hungary will end with full participation of Hungary in Schengen and its replacement regime will benefit only Serbian citizens of Hungarian ethnicity. At least in the short term, various visa regimes (as discussed above) are open to the newly acceding states of Bulgaria and Romania. For those countries which are some way from possible EU accession (notably Croatia and the former Yugoslav Republic of Macedonia) there should be a staggered implementation of the Schengen “black list” in order to preserve cross-border flows and good relations with their neighbors. For the remaining countries, the priority must be to negotiate a facilitated visa regime with the EU, which is an expressed desire of the European Commission. Thus, putting in place the conditions for satisfying that regime is an immediate imperative, with a longer-term goal of acceptance to the Schengen “white list”.

RECOMMENDATIONS

Bulgaria should begin to prepare a regional facilitated visa regime, specifically targeted on Serbia and the former Yugoslav Republic of Macedonia, in order to minimize the problems that will arise from implementing the Schengen “black list”.

The model of visa policy currently being implemented in Poland for Russians and Ukrainians is the most appropriate. Although such a strategy is unlikely, on the basis of Visegrad experiences, to be able to maintain current cross-border flows, it would minimize the disruption. Furthermore, it would be beneficial to regional relations, since there is some understanding in the region about the difficulties associated with EU accession and the Schengen regulations.

There is probably a need to open more consulates in areas of potential demand, such as Serbia, although Bulgaria has good consular representation in the region. There should also be clear training programs for consulate staff, possibly with assistance from the governments of Poland or Hungary.

The visa application procedures should prioritize the maintenance of cross-border flows, as opposed to the security rationale of Schengen. In particular, the visa process should:

- Have no fees for neighboring countries in the region.
- Use a simplified application form, rather than the Schengen one.
- Aim for a minimal refusal rate (in contrast to the high Schengen rejection rates).
- Guarantee maximum waiting-periods, of a few days rather than weeks.
- Offer an expedited process for justified emergency cases.

Croatia should plan for the implementation of the Schengen regime. This will need to be a process, rather than a simple policy, in several stages covering staggered visa implementation, a facilitated visa regime, and a labor recruitment scheme.

The first stage, following the examples of Poland, Hungary and Bulgaria, is to delay the implementation of the Schengen “black list” for neighbors with close ties (notably Bosnia and Herzegovina, Montenegro and Serbia) for as long as possible. Given the uncertainty of an accession date for Croatia, such a policy might be expected to provide a few more years of visa-free travel within the region.

The second stage is broadly that which has been recommended for Bulgaria – to implement a facilitated visa regime for close neighbors, especially Bosnia and Herzegovina. Croatia has good consular representation in the region, which might not require much expansion. However, issues of ethnicity and dual nationality complicate matters and make this less than ideal as a solution. This stage, therefore, needs to be deferred for as long as possible. An additional feature at this stage is likely to be that Croatia will need to institute labor migration recruitment schemes, especially with Bosnia and Herzegovina, but also with Albania.

Romania and Moldova should decide rapidly on a joint strategy to present to the EU for the management of their common border. This is a priority since there is no policy in place for this issue.

The existence of large numbers of dual Romanian/Moldovan nationals is a new problem for border management within the EU. The ideal solution, from the point of view of Moldova, would be for continued visa-free access to Romania. This would require a declaration by Romania, on assuming responsibility for accepting the return of Moldovans illegally present in Schengen countries. There is, however, a lack of confidence across the EU in Moldova's ability to manage its borders, particularly because of the Transnistria dispute. It would be advisable for Moldova to conclude readmission agreements widely, and especially with the EU.

In the likely event that the EU will not accept visa-free access across the Romania-Moldova border, a facilitated visa regime needs to be put in place. The exact nature of that scheme would have to be the result of discussions between Romania and Moldova. Various options are acceptable under Schengen, including a limited territorial validity visa. Given that many Moldovans who are not of Romanian ethnicity work or study in Romania, the ethnic approach used by Hungary is far from ideal. Nor is the Polish approach optimal. A *medium-term limited territorial visa* (i.e. excluding travel to Schengen, but permitting employment in Romania) should be acceptable to the EU with some safeguards. This needs urgent negotiation, and cannot be left until 2007.

As far as Moldovans' access to other SEE countries and to the Schengen area, this is currently highly problematic. Owing to the prominence of Moldovan trafficked women, restrictive policies are in place across the region. Furthermore, only Romania and Bulgaria have diplomatic representation in Moldova. Thus, better consular presence of SEE states, and possibly the creation of a "Euroconsulate" for Schengen visas, seem imperative. At present, Moldovans need to travel to another country where there is a suitable consulate to apply for Schengen visas. Effectively, Moldovans are applying for a visa in order to travel to apply for a visa.

The overall strategy of the SEE states not on the Schengen "white list" (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Moldova, Montenegro and Serbia) should be the following:

- Establishment of visa-free travel for all EU nationals, i.e. acceptance of asymmetrical visa regimes (Moldova does not permit this).
- Maintenance or promotion (in the cases of Albania and Moldova) of visa-free travel between themselves.
- Conclusion of readmission agreements with the EU and EU countries.
- Negotiation of facilitated visa regimes with the EU as a priority measure.
- Acceptance of Schengen visas for transit purposes.
- Establishment of EU standards of asylum arrangements and protection.
- Establishment of bilateral labor migration schemes, for immigrant and emigrant workers.
- Through the MARRI centre, harmonization of standards and mechanisms for border and migration management, including information exchange.

GLOSSARY

CARDS:	Community Assistance for Reconstruction, Development and Stabilisation
CIS:	Commonwealth of Independent States
EU:	European Union
GDP:	Gross Domestic Product
JHA:	Justice and Home Affairs
MARRI:	Migration, Asylum, Refugees Regional Initiative
SEE:	South Eastern Europe
UNMIK:	United Nations Mission in Kosovo



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