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VISA-FREE WHIP

PROSPECTS OF PRESERVING A VISA-FREE REGIME FOR UKRAINE, MOLDOVA AND GEORGIA





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Visa-free whip. Prospects of preserving a visa-free regime for Ukraine, Moldova and Georgia

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Europe Without Barriers is a Ukraine-based NGO and think tank founded in 2009. The organization's mission is to find a new balance between freedom of movement, human rights and security in an effort to see Europe without barriers and Ukraine being a part of such a Europe. The organization's activity is aimed at enabling human rights to freedom of movement and supporting related socially important reforms in the fields of the rule of law, migration and border management, public order and combating discrimination.

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Introduction

For more than a year already, Ukrainians with biometric passports can travel without a visa to the countries of the Schengen zone. Now, when more than 1.5 million Ukrainian citizens have tasted the benefits of visa liberalization, and the excitement around biometric passports is finally subsiding, we seem to be accustomed to a new routine. However, the fact is that it is still too early to relax, because the EU countries are closely monitoring migration trends, and in the event of a breach of a number of conditions (such as a significant increase in the number of citizens refused entry or rejection of reforms), the visa-free regime may be suspended. Of course, this method of control applies not only to Ukraine, but also to other states that have successfully met the criteria for visa liberalization, in particular, the Western Balkans and the Eastern Partnership.

The first annual report of the European Commission (published in December 2017) was based on the migration trends of 2015-2016 and the first half of 2017, when visa-free travel for Ukraine has not yet begun. So, let's try to predict what the European Commission's verdict will be in the second report, when essentially the results of the first year of visa liberalization in Ukraine will be evaluated (2017 - the first half of 2018). We are additionally interested in the fate of Georgia and Moldova, since they are heading towards European integration with Ukraine.

Ukraine: potential threats of irregular migration

Two indicators are most likely to become the main weakness of Ukraine in the future report of the European Commission: refusal of entry and illegal stay within the territory of the EU member states. With both of these migration indicators, we have projected growth, which, however, can not be called critical for objective reasons.

In particular, if in 2016 the European Commission reported a slight decrease in refusals of entry to Ukrainians compared to 2015, in 2017 the situation changed. According to the European Agency for the Protection of the Frontier and Coastal Guard (Frontex), Ukrainians were refused entry 34% more than in 2016 - 37 thousand times. The lion's share of refusals Ukrainians had occurred on the border with Poland.

In 2018, the situation became even more threatening: during the first nine months, Ukrainians were denied entry to Poland 38.7 thousand times, which is 57% more than during the same period in 2017, according to the Polish Border Guard Service. If such an increase occurred within 2 months, then the EU could have criticized Ukraine for the breach of the criteria for the suspension mechanism. However, a point in our favor can be that other countries after the introduction of visa-free regime also had similar problems, as checks from consular offices for

travelers with biometric passports ceased to exist. In addition, the number of refusals to enter the territory of Poland is negligible compared with the total number of entries. **During 9 months of 2018 Ukrainians entered Poland 7.5 million times, which means the level of refusals was only less than one percent.** Under such conditions, the growth rate is unlikely to be critical to our western neighbors, especially given the policy of engaging Ukrainians in the Polish labor market. Still, the European Commission obviously would pay attention to this indicator in the second report and advise to intensify the informational campaigns for Ukrainians about the rules of using a visa-free travel.

Another indicator that have a slight increase is the number of Ukrainian citizens, who were illegally staying within the territory of the EU member states. In 2017, according to Frontex, there were 32.6 thousand such people, which is 12% more than in 2016. At the same time, in the year 2015-2016, the annual increase in the number of Ukrainian irregular migrants was even higher and amounted to 26%. As with refusals of entry, most cases of Ukrainians with irregular status were recorded in Poland, but this figure is also rather low compared to the number of Ukrainians, who were in the country legally. For example, according to data from the Polish Office of Foreigners, by the end of 2017 Ukrainian citizens had 1.79 million valid residence permits in Poland, and by the end of the first half of 2018 this figure amounted to 1.87 million.

However, despite the relatively small number of unregulated migrants, the tendency of growth of their numbers is alarming. At present, the data for the first half of 2018 are not available to public, but diplomatic circles say that the amount of Ukrainians, who have exceeded their stay in the EU countries have increased, and this seriously disturbs individual EU member states. Therefore, the European Commission will most likely devote its attention to this issue and will encourage the Ukrainian authorities to strengthen preventive measures.

In general, statistics show that Ukrainians prefer to comply with migration laws of the EU countries. Some trends may alarm the EU partners. Therefore, the informational campaigns should continue in Ukraine, which should be aimed at specific risk groups, first of all, at potential migrant workers, who may be illegally staying within the territory of the EU member states in the future. The introduction of a martial law does not affect migration flows for now, and in the absence of large-scale hostilities, Ukraine does not pose a threat to state policy or internal security of the EU.

Apart from migration, over the next seven years, our EU partners will continue to monitor the implementation of criteria that were assessed during visa-free dialogue, such as the introduction of an integrated border management system, anti-corruption reform or anti-money laundering efforts. A year ago, in its first report, the European Commission focused on the need to strengthen anti-corruption measures, but all of the recommendations were never implemented. In particular, the NAPC failed to launch a truly effective system for verifying electronic declarations of civil servants, while Ukrainian MPs did not abolish electronic declaration for public activists, although this was directly recommended by the EU in 2017.

Obviously, all these shortcomings will not go unnoticed by the European Commission, which will urge the Ukrainian authorities to consistently implement anti-corruption guidelines.

Moldova: departing from democratic standards

Moldova has serious reasons for concern on the eve of the publication of the second report of the European Commission on the mechanism for suspending visa-free travel. This is not even about the annual increase of 57% of refusals for entry for Moldovan citizens, recorded by Frontex, or an increase of 14% of those, who exceeded their stay in the EU countries. Four years after the introduction of a visa-free regime, the European Parliament said it was seriously concerned about the deviation from democratic standards and the rule of law, lack of fair and transparent elections, as well as impartial judiciary, and insufficient efforts to fight corruption and combat money laundering in Moldova. In its resolution, the European Parliament recalls that the criteria for combating corruption and money-laundering were linked to the provision of a visa-free regime to the country, which 1.5 million Moldovan citizens of had used over the course of four years. **Thus, the EU gave a peculiar signal that it could apply a mechanism for suspending a visa-free travel to return Moldova to democratic standards.**

Consequences of the rollback of reforms for Moldova can serve as a warning call for all other countries of the Eastern Partnership, in particular for Ukraine. According to the resolution of the European Union, the EU financial support will be provided to Moldova only after their parliamentary elections, scheduled for February 2019, provided they are conducted in accordance with international standards.

Georgia: threatening situation with asylum seekers

Among the countries of the Eastern Partnership, Georgia was the most frequent source of anxious news about the visa-free regime. In 2017, the number of Georgian asylum seekers increased by 34% and reached 11.1 thousand. **In Germany and Sweden, the number of applications for the first two months of 2018 increased significantly (by more than 50% compared with the same period in 2017), which could potentially launch a mechanism for suspending the visa-free regime.** The ministers of internal affairs of Germany and Sweden have publicly complained about the unjustified growth of Georgian asylum seekers and demanded that the Georgian government takes appropriate measures if they want to keep the visa free regime. Special concern for the EU was caused by representatives of organized crime, who abused the asylum system.

Has Georgia been able to cope with the difficulties? Official data on Georgian asylum seekers in the EU in the first half of 2018 indicates that the situation has not been fully stabilized. Thus, the European Commission will not ignore this problem in its new report, and political debate in support of the launch of the mechanism of suppressing a visa-free free may intensify in the event of a worsening migration situation. In addition, the European Commission is likely to criticize the implementation of justice, freedom and security reforms, as did members of the European Parliament in its latest resolution devoted to Georgia.

Conclusions

On the eve of the publication of the second report on the mechanism of suspension of the visa-free regime, it should be noted that **Ukraine is currently the only country of the Eastern Partnership, for which there was no political debate or signals about the possible launch of a mechanism for suspending visa-free regime.** Despite the fact that Ukraine has increase in refusals to enter and cases of illegal stay in the EU, such migration trends were relevant for other visa-free countries, in particular for Moldova.

Instead, Eastern Partnership neighbors of Ukraine should be more concerned, although in the process of reviewing the fate of a visa-free travel for Georgia, the EU has shown a greater willingness for dialogue rather than to act tough. It is likely that Europeans will restrain from using a visa-free whip this time, but will once again demonstrate its presence.

NGO «Europe without barriers»

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