

# **VISA-FREE REGIME:**

## **INTERNATIONAL AND MOLDOVAN EXPERIENCE**

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## INTRODUCTION

Dear readers!

The following publication is dedicated to the visa-free regime. The visa-free regime is the contemporary realization of the centuries-old dream of people's free movement around the world. The more difficult the process of border crossing, of entry and exit in human migration would become, the more people dreamed this freedom. The visa-free regime today has become an every-day practice in international relations; it has a direct effect on international migration. The visa-free regime characterizes people's movement not only between two states, but between different groups/ communities of states. The visa-free regime today is a reality for the Republic of Moldova. It possesses a visa-free regime within the framework of both the Commonwealth of Independent State and the European Union.

The authors of this collection have made it their goal to conduct a complex analysis of the visa-free regime phenomenon, to analyze the global and national practices of visa-free regime implementation, to uncover the particularities of obtaining and using the EU visa-free regime by the Republic of Moldova.

In the first half of this article the authors are analyzing the theory and practice of the visa-free regime in the European Union and in post-Soviet space (the CIS); the reasons and interests of states to introduce a visa-free regime are uncovered; identified are the multiple consequences of "a world without borders", of the visa-free regime, of its use in international relations, in solving of political, socio-economic, cultural and educational issues, of the realization of human rights and freedoms. In the presented articles, the authors are analyzing and identifying the general and particular aspects of achieving and introducing the visa-free regime by a number of European states that neighbor the European Union (the Balkan states, the Republic of Moldova, Ukraine, and Georgia). The researchers are drawing attention to the fact that the European Union views visa-free regime granting as the implementation of the democratic modernization project of societal transformations in the beneficiary-countries. Investigating the experience of Belarus in obtaining the visa-free regime, one can see the presence of other pursuits – the realization of solely a tourist/ economic project that is aimed at achieving democratic and modernizing goals to a lesser extent.

The authors are uncovering the positive and negative effects of EU visa-free regime introduction with the west-Balkan countries, and the Eastern Partnership countries, which have been identified during the implementation process. Among the positive effects they point out the increased levels of international migration, the improvement of human dignity of citizens that are employing the visa-free regime; consolidation of human rights in migration processes, the increasing value and importance of national passports of the states that have received the EU visa-free regime; the improvement of migration policy, development of measures for counteracting illegal/ irregular

migration. Identified at the same time were negative effects tied to the increase of illegal migration, attempts by economic migrations to pass off as refugees and asylum-seekers ("pseudo-refugees"). The visa-free regime does not lead to the exhaustion of a country's demographic and professional potential for development, instead, often contributing to its growth.

In the second half of the offered collection of articles the authors are analyzing the experience of the Republic of Moldova on improving and introducing the visa-free regime. The main stages and actions of Moldovan authorities to obtain the EU visa-free regime are uncovered. The EU visa-free regime with the Republic of Moldova is viewed in the context of the country's policy for European integration, the main/ baseline documents that dictate the implementation of the process for obtaining the EU visa-free regime are analyzed.

A significant place in the analysis of the Moldovan practice of visa-free regime implementation is given to highlighting the Republic of Moldova's public opinion over a large number of issues tied to the use of the visa-free regime by the population of the republic of Moldova. The authors are analyzing the changes in the Moldovan population's migration strategies and plans before and after 2014, the year the EU visa-free regime was implemented.

A standalone article is dedicated to the analysis of illegal migration of the Moldovan population into the European Union, to identifying the general and particular aspects of this process compared to Europe's other developing countries. The authors are uncovering the changes / modifications of individual group attitudes and practices manifested by illegal migrants before and after the implementation of the visa-free regime.

Likewise, within the collection of scientific articles there is material dedicated to the analysis of the main techniques and methods of the mass-media of the Republic of Moldova for the highlighting of the topics of migration and the EU visa-free regime.

The authors are making wide use in their articles of statistical materials, results of empirical sociological research, of scientific literature, of materials from both printed and electronic publications of the Republic of Moldova and of other countries whose populations are using the possibilities of the EU visa-free regime.

The collection is meant for a wide audience that is interested in the implementation of the EU visa-free regime with Moldova, and with other countries in particular. The presented materials can be widely used in scientific research. They will likewise serve as a good support in the educational process when studying the various aspects of European integration and the visa-free regime practice.

# I. VISA-FREE REGIME: THE THEORY AND CONTEMPORARY INTERNATIONAL PRACTICE

## MIGRATION WITHOUT BORDERS AND VISA-FREE REGIME

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*In recent years, the international scientific community has wondered: Is it possible to create a world without borders? If so, what needs to be done for this and what will be the consequences? The result of this was the appearance of the “migration without borders” scenario, which consists of the fact that the possibility of unrestricted movement around the world allows a person to fully realize their fundamental right to freedom of movement. This scenario may be implemented in the distant future, but it can serve as a source stimulating the development of new solutions to existing problems.*

*At the regional level, one of the steps towards an open border society is a visa-free regime of the European Union with the countries of the Western Balkans and the Eastern Partnership. This regime provides important benefits for citizens and strengthens social, cultural and economic ties between the EU and its partners. In case of increased risks, the European Union may introduce a mechanism for suspending a visa-free regime, but so far it has not been applied.*

*The Republic of Moldova acquired a visa-free regime with the EU in 2014. Five years after the liberalization of the visa regime, European institutions are concerned about deviations from democratic standards and the rule of law, which may lead to suspension of the visa-free regime. According to the author, the new government should make every effort to solve the above mentioned problems so that Moldovan citizens would continue to be able to freely move around Europe.*

**Keywords:** *migration without borders, a visa-free regime, visa suspension mechanism, Western Balkans, Eastern Partnership.*

### ***Introduction***

In the modern world, migration processes cover all continents. As a result of globalization, the borders between the states become less rigid, which contributes to increased interdependence, the emergence of the new or transformation of the old cross-border communications and the formation of transnational and regional networks. This leads to displacement becoming a serious international strategic problem.

The globalization of migration flows has led to the idea of “migration without borders,” which challenges the traditional view of the need to control and limit migration. The authors of the “migration without borders” scenario call to not only open national

borders, but also to look on the future of international migrations in a globalizing world from a new perspective.

The European Union is the only regional association in the world that has institutionally recognized the right to population mobility. At the same time, there are concerns that the opening of borders will cause a massive influx of migrants, lead to the collapse of social security systems, and create security threats. The two existing approaches, “Europe without Borders” and “Fortress Europe”, do not contradict each other, but express two different dimensions: internal and external.

In relations with non-EU countries, the European Union uses such a tool as a visa-free regime. Eight countries of Eastern Europe and the Western Balkans (Montenegro, Serbia, Macedonia, Albania, Bosnia and Herzegovina, Moldova, Georgia and Ukraine) have a visa-free regime with the EU, which entails certain responsibilities and obligations.

Among the countries of the Eastern Partnership, the Republic of Moldova was the first to acquire a visa-free regime with the European Union. To achieve this, Moldova has fulfilled a number of requirements put forward by the EU. However, there are still problems that may lead to the suspension of a visa-free regime with the European Union (high level of illegal migration, corruption and organized crime).

This article will consider three main problems: The idea of “migration without borders”, which will be analyzed from various points of view; the role of a visa-free regime as one of the instruments of the EU in its relations with third countries; the path that the Republic of Moldova has traveled to obtain a visa-free regime with the European Union.

### ***Migration without borders***

In the late 80s of the 20th century, significant changes took place in international migrations. New forms of mobility appeared, and regions that were not previously distinguished by mass migrations became involved in migration processes. This has led to increased border protection and the introduction of severe entry restrictions into developed countries.

The international scientific community has wondered: Is it possible to create a world without borders in which people have the right to freely move from one country to another and stay there as they wish? The scenario of “migration without borders” appeared as a result of this; it consists of the fact that the possibility of unrestricted movement around the world allows a person to fully realize their fundamental right to freedom of movement and choice of residence.

Scientists acknowledge that the idea of migration without borders (MWB) will only be possible in the distant future. But it can serve as a source, stimulating the development of new solutions to existing problems [8, p.7]. Experts subject this scenario to comprehensive analysis and consider it from ethical, economic, social and practical points of view.

***Ethical aspect*** is the foundation of the MWB scenario. The Universal Declaration of Human Rights proclaims the right to emigrate, while the right to immigration is not



provided for. But emigration and immigration are inextricably complementing each other, and the Universal Declaration of Human Rights, in its recognition of the right to freedom of movement, has stopped halfway for some reason. Debates on this issue show that human rights are not something that is given once and for all. They need to be reconsidered and, if necessary, supplemented [8, pp.8-9].

Another ethical issue is to address the inequalities that exist between individuals and countries in the migration process. This is due to such factors as citizenship, qualifications, border control. Citizens of developed countries can travel and settle almost anywhere around the world, while citizens of less developed countries are faced with the need to obtain visas and residence permits. States are more likely to seek skilled workers, who enjoy the right to a much higher level of mobility than their unskilled compatriots. But there are times when unskilled workers also enjoy the privilege of mobility [8, p.9].

Border control also contributes to inequality between countries. Migrations function as a redistribution mechanism: people from poor regions travel to developed countries, earn money there, and send money to their homeland, usually through remittances. From a moral point of view, it is difficult to prevent migrants from poor countries from gaining access to the wealth of developed countries. But, as experience shows, migrations are not only the most effective way to overcome inequality, but also the most acceptable solution to this problem [8, p.10].

It is widely believed that free movement will open the way for the mass movement of migrants from less developed countries to more developed ones. However, the experience of the European Union shows that this is not so. This can be explained by the fact that potential migrants act on the basis of information on the availability of jobs and the level of wages in countries of destination, and the demand for labor becomes a more significant regulator of migration flows [12, p.74-76].

**Economic aspect.** The internationalization of the economy creates a global labor market. The MWB scenario involves the release of market incentives that will solve the problem of inequality between countries. In terms of the impact of migration on the economies of sending countries, it is generally accepted that emigration generates remittances to these countries, reduces tax revenues and leads to the loss of skilled workers. But, according to the British economist N. Harris, returning home with new, higher skills would be much more profitable than remittances sent by migrants to their homeland [4, p.44].

There is no consensus among scientists about the contribution that migrants make to the economies of host countries. A number of researchers emphasize the costs of immigration and the fact that migrants in receiving countries consume a significant share of the benefits provided by the state. Other researchers show that the contribution of migrants to the economies of host countries exceeds government spendings on them, and the presence of migrants is beneficial to recipient states. According to M.Ugur, the impact of migration on the welfare of citizens of recipient countries is, in any case, limited.

Researcher B. Ghosh notes that according to classical and neoclassical theories of economic migration, host countries benefit because immigrants eliminate labor shortages, increase professional mobility, and often increase national human capital. In donor countries, thanks to migration, there is a fall of unemployment and acceleration of economic development as a result of access to strategic resources and skills of returning migrants. Migrants themselves benefit from higher earnings and higher productivity in recipient countries [3, p.99].

But despite the positive contribution that freedom of movement makes to economic efficiency and income globally, it does not lead to economic convergence of donor and recipient countries, or to an equal distribution of benefits between different groups of the population of these countries. Positive external factors (placement of skilled workers, capital inflows, etc.) will contribute to accelerated growth in rich countries, while a serious shortage of human capital will limit the growth of the economy in poor countries [3, p.101].

It should be noted that the economic and ethical aspects of the MWB scenario are closely interlinked; therefore, migration policy cannot be guided solely by economic considerations and cannot be equally beneficial for everyone. There is no consensus among the scientific community on what matters more - economics or ethics. Some believe that the main thing is the economic characteristics of migrants. Others are of the view that the humanitarian aspects are more important. However, it is difficult to simultaneously satisfy donor countries, recipient countries, and migrants themselves.

All the possible economic consequences of the freedom of movement are clearly not foreseeable. In addition, migrations create very complex social problems and political challenges that cannot be neglected.

**The social aspect** of the MWB scenario is less studied than the ethical and economic aspects. Migration is often perceived as a threat to social stability of the welfare states. From the point of view of Professor H.Entzinger, the main problem is the contradiction of the logic of the welfare state and the logic of free migration. The MWB scenario assumes openness of movement, while state material support systems are based on closeness: people bind themselves to long-term commitment to the community, receiving protection from the community in return [2, p.120]. It is difficult to reconcile the openness of the state of immigration and the closeness of the welfare state, since immigration requires open borders, and the welfare state functions better as a more closed system, the borders of which coincide with the borders of the national state [17].

Another important issue is the inclusion of migrants in the host community. On the one hand, it is difficult for Europe to incorporate non-Europeans living in it into its pan-European essence, especially Muslims. On the other hand, migrants are often blamed for not wanting to "integrate" and for threatening the socio-cultural foundations of the host countries. Entzinger notes that host states should invest in the linguistic and vocational training of migrants, which will facilitate their integration and increase their share in the workforce.

The massive influx of foreigners can create a serious burden on the infrastructure and public services of the recipient country (housing, transport system, healthcare). If immigrants are very different from the population of the recipient country ethnically, culturally or religiously, the costs of integration are particularly high. If the number of immigrants exceeds the ability of the host society to integrate new arrivals and exceeds tolerance for foreigners, the consequences are racism and xenophobia [3, p.101]. This provokes a mobilization of society against immigrants and strengthens the influence of right-wing parties and populist leaders. The National Unification in France, the Alternative for Germany, the Northern League in Italy, the Austrian Freedom Party have significant voter support, as demonstrated by the 2019 European Parliament elections.

Another important issue is related to the participation of migrants in public life. As a rule, access to civil rights depends on citizenship. Thus, migrants are excluded from these rights. However, the UN International Convention on the Rights of Migrants notes that all residents of a country should have equal access to a minimum set of rights, including civil and social rights [8, p.19].

As noted by the French political scientist and sociologist C.Wihtol de Wenden, many host countries have changed their citizenship laws and now place more emphasis on residency rights [13, p.59]. Migrants participate in trade unions, in the educational system, in the welfare system, and enjoy the rights that protect them in the labor market. Sometimes migrants even enjoy the right to vote and can participate in local elections.

Often migrants are denied access to political rights. This is especially true for recipient countries with rigid naturalization procedures. Migrants have permission to reside in the country, but cannot exert any influence on the functioning of its institutions. Another consequence of immigration is the formation of an electorate consisting of migrants. The result of these is problems, associated with the political behavior of naturalized immigrants [13, p.60].

A reasonable question arises: When and to whom should the rights be granted? Scientists suggest using a differentiated approach: At the start, migrants can receive the first set of rights - civil rights and fundamental social rights. All rights to social protection and political rights will be acquired only subsequently and gradually [8, p.20].

An interesting question is the external and internal borders. Researchers Kunz and Leinonen propose to consider the concept of "border" not only in the narrow sense of national boundaries, but also in a broader one, including administrative, cultural, and linguistic and other barriers [6, p.155]. According to the MWB scenario, migrants will be able to freely cross interstate borders (external borders), and host countries should create conditions under which people will not be stopped at internal borders (excommunication from the institutions of the host society), but provided with an opportunity to fully participate in the life of the host society. This is a condition for ensuring the social stability of a society [8, p.20-21].

**Practical aspect.** The implementation of the MWB scenario raises the need to anticipate practical implications and requires a multilateral approach. Experts identify

two basic principles of managing free movement: interstate cooperation and monitoring [8, p.21]. Both principles emphasize the need for multilateral agreements that ensure comprehensive management of free movement, in which donor and recipient states are jointly involved.

There are two approaches to multilateral cooperation. The first approach advocates the idea of an orderly migration management system [3, p.107], which will balance the needs and interests of donor countries, recipient countries and transit countries with the needs and interests of migrants themselves.

The second approach is based on the fact that multilateral cooperation is a temporary measure that smoothes the transition to freedom of movement. But, according to researchers, the formation of multilateral cooperation at the global level is a difficult task. Therefore, the first proposed step is the implementation of regional cooperation. The most outstanding example is the European Union, which provides unprecedented freedom of movement for citizens of EU countries ("Europe without Borders"). Despite this, the migration policy of the EU member states is still based on the desire to prevent migrants.

As researchers J.Kuntz and M.Leinonen point out, the creation of opportunities for citizens to move freely from one member state of the European Union to another has not led to a significant increase in migration, which indicates the importance of internal borders (including administrative, financial, cultural, linguistic and psychological barriers). For the most part, mobility is characteristic of European elites, while those who work for a wage tend to remain at home.

At the same time, European leaders began to tighten control over the external borders of the EU and the monitoring of said borders. This leads to a situation called "Fortress Europe". In principle, these two trends (the disappearance of internal and the solidification of external borders) require a common approach to migration, but European leaders consider progress in this direction to be extremely difficult.

From the point of view of Kunz and Leinonen, these two metaphors - "Europe without borders" and "Fortress Europe" - do not contradict each other, but express two different dimensions: internal and external. On the one hand, the EU has given its citizens the freedom to move from one EU country to another. On the other hand, in terms of control and security, the EU is called "Fortress Europe": this primarily refers to the protection of external borders. But in modern Europe, "watchdog functions" are not limited only to external borders: they control access to state institutions, the labor market, social security systems, and also key positions within the political system. Most of the security powers belong not to border guards, but to ordinary officials who are in charge of employment, municipal housing, and social security [6, p.137-138].

Based on the experience of the European Union, the researchers developed three possible scenarios regarding future borders and migration in Europe: rigid internal and external borders; no internal but rigid external borders; neither internal nor external borders. Scenario 1 (rigid internal and external borders) represents a step backwards compared to the status quo in Europe. Scenario 2 (no internal borders and rigid external

borders) goes beyond the status quo if internal borders are understood in a wider sense. External borders will only disappear in very specific cases where economic or image benefits are involved (e.g., a lack of skilled labour or the acceptance of political refugees); otherwise, Europe remains a 'fortress'. It would appear that the EU is currently heading in this direction. Scenario 3 (neither internal nor external borders) is a utopian idea, but this does not mean that it should be unconditionally rejected. EU can implement certain aspects of it in its future policies, such as more global responsibility concerning equality, justice, and sustainable development [6, p.156-157].

Today, Europe Without Borders, as well as the Migration Without Borders scenario, do not look promising. But they are ethically justified in terms of realizing the human right to freedom of movement. According to international experts, the MWB scenario requires deep comprehensive reflection and may become one of the promising strategies of the future.

### ***Visa-free regime as a tool for regulating international migration***

Western Europe is proud of its liberal traditions of freedom of movement, but in their communication with the outside world, EU Member States still apply this principle selectively, in the light of political circumstances and ideological considerations [3, p.103]. Even today, the European Union is not ready to fully open the borders for migrants from third countries, but for some of them it facilitates access to the EU with the help of such a powerful tool as a visa-free regime.

A visa-free regime is a regime of relations between countries, in which citizens of these states do not need a visa to enter their territory [14]. A visa-free regime can be reciprocal when the governments of two or more countries have signed an agreement. But it can also be one-sided if the host country made a decision according to which citizens of another state are allowed visa-free entry into its territory even in the absence of a similar decision by this other state (for example, the Republic of Moldova established a visa-free regime for citizens of the United States, Canada, UK and Ireland). Also possible are limitations of the types of passports (visa-free regime for holders of biometric or simple passports) and of the length of stay. You can stay in the EU countries for 90 days every six months, and those entering must have medical insurance, as well as applicable currency in the equivalent of 50 euro per day.

Since 2008, the EU (with the exception of the United Kingdom and Ireland) and four non-EU Schengen states (Iceland, Liechtenstein, Norway and Switzerland) have been implementing a common visa liberalization policy with third countries. As part of this policy, the EU is conducting dialogues on visa liberalization with a number of OSCE participating States, the purpose of which is to create conditions that would allow the EU to abolish the visa regime for short-term travel of citizens of these states. The liberalization of visa regimes requires the adoption of not only technical, but also political measures. To obtain the right of visa-free entry into the EU, every third country must meet a number of criteria established by the EU in a number of political areas. In order to determine whether this country meets all the conditions necessary for the

abolition of the visa regime, the EU analyzes the results achieved by each country in this regard.

Which countries does the visa-free regime with the EU apply to? A visa-free regime applies to the countries of the Western Balkans and the Eastern Partnership. Macedonia, Montenegro, and Serbia received a visa-free regime with the EU in December 2009; Albania, Bosnia and Herzegovina - in December 2010. Among the countries of the Eastern Partnership (Azerbaijan, Armenia, Belarus, Georgia, Moldova, Ukraine) a visa-free regime with the EU applies to Moldova, Georgia and Ukraine.

The path to a visa-free regime for the Western Balkans and the eastern neighbors of the European Union was not easy. It should be noted that the requirements of the EU were tougher for Eastern European countries than for the countries of the Western Balkans. Before accepting the EU visa liberalization action plans, the European Union sent a situation assessment mission to each state that was considering visa liberalization. Despite the fact that all action plans provide the same criteria, each national action plan reflects the current features of the legislation of the country in each policy area.

The "road maps" for the Western Balkans and the Visa Liberalization Action Plans for the Eastern Partnership countries addressed four main blocks of political measures in the following areas: 1) document security (including biometric data); 2) migration management (including readmission); 3) public order and security; 4) external relations and fundamental rights.

The content of each block of political measures in the action plans of the countries of the Eastern Partnership is similar to the content of the successfully implemented "roadmaps" on visa liberalization for the countries of the Western Balkans. But unlike the roadmaps, the action plans included two stages: lawmaking and practical implementation [22]. It was necessary to carry out deep reforms in the fields of justice, security and internal affairs, the consolidation of legal institutions, the observance of human rights, the fight against corruption and illegal migration, the growth of living standards and mobility of the population. That is, from a bureaucratic point of view, the process of implementing the Plan has become more complex and lengthy [21, p.107]. As a result of the implementation of the first stage, the European Commission was to put forward a proposal on the transition of this state to the second stage, and the European Council was to officially support it.

In March 2010, the EU launched dialogue on visa liberalization with three countries of the Eastern Partnership - Georgia, Moldova and Ukraine. Based on experience and under the influence of the Balkan countries, Ukraine became the first country to initiate and sign a Plan for visa liberalization with the European Union. The same action plan was proposed to Moldova in January 2011, and to Georgia in June 2013.

In relation to the countries of the Eastern Partnership, the European Union has become more demanding in evaluating ongoing reforms and practical policies. In particular, Macedonia received a visa-free regime without the adoption of a law to combat discrimination. While Ukraine was not allowed to the second stage without the

adoption of this law. The Republic of Moldova and Georgia adopted this law in strict accordance with EU requirements [21, p.108].

Of the countries of the Eastern Partnership, Moldova was the first to receive a visa-free regime with EU countries in April 2014. Georgia and Ukraine got this opportunity in March and June 2017, after the EU introduced a new system for suspending visa-free travel if countries do not fulfill the necessary requirements, if irregular migration or unjustified asylum applications exceed a certain level [18]. Only holders of biometric passports can use the visa-free regime.

The new measures allow the European Union to respond more quickly if it faces strong migration pressure or an increased risk to the internal security of member states that may arise from visa-free travel. In accordance with the revised mechanism, the Commission can now launch a suspension mechanism, whereas previously only EU Member States could do this.

In addition, the revised mechanism obliged the Commission to monitor the implementation of visa liberalization requirements, as well as annually report this implementation to the European Parliament and the Council, during seven years after the entry of visa liberalisation into force for a third country. The European Commission may suspend a visa-free regime for a third country in the following circumstances: a substantial increase (more than 50%) of irregular migration, including people found to be staying irregularly, and persons refused entry at the border; a substantial increase (more than 50%) of asylum applications with low recognition rate (around 3-4%); a decrease of cooperation on readmission, notably in case of an increasing refusal rate for readmission applications; an increased risk to the security of Member States, in particular serious criminal offences [7].

The Commission can also trigger the mechanism in case certain requirements are no longer met as regards the fulfillment of the visa liberalization benchmarks by third countries that have gone through a visa liberalization dialogue. The process of suspension of the visa-free regime can be initiated by both EU member states and the European Commission. After a Member State is notified, the Commission will have one month to decide on the suspension of the visa-free regime for the country for up to nine months. If during this time the situation does not begin to improve, the suspension can be extended for another 18 months. During this period, the European Commission together with a third country should try to find a solution to the problem that led to the suspension of the visa-free regime. If necessary, the European Union reserves the right to cancel the visa-free regime completely. The revised suspension mechanism was adopted in February 2017 and entered into force on 28 March 2017.

The assessment of specific areas is based primarily on: information provided to Eurostat by Schengen+ area, by the EU Agencies (Europol, EU-LISA, European Asylum Support Office (EASO), European Border Coast Guard Agency (EBCGA), and exchange of information between the Commission, European External Action Service (EEAS) and visa-free countries.



The first annual report of the European Commission (December 2017), conducted as part of the new mechanism for suspending visa-free travel for eight countries [10], was based on migration trends in 2015-2016 and the first half of 2017. All countries have demonstrated full commitment to meeting the necessary requirements and have made important efforts to implement the reforms envisaged in the framework of visa liberalization processes. The Commission believes that all the countries evaluated continue to fulfill the criteria for visa liberalization. Cooperation on readmission continues smoothly for all Western Balkan and Eastern Partnership visa-free countries with overall high return rates.

However, some countries must take immediate action to ensure continuous progress in specific areas. For Albania, the problem of illegal migration is particularly acute, Moldova should take immediate measures to combat corruption and money laundering, Ukraine must step up its anti-corruption efforts.

The Second Report from the European Commission (December 2018) [11] notes that all eight countries continued to take measures to solve the problem of irregular migration. Further efforts are needed to ensure the improvement and the sustainability of results. Increasing numbers of unfounded asylum applications, in the case of Moldova and Georgia are a source of concern. Increased irregular migration from Ukraine, Serbia and Bosnia and Herzegovina has been observed. Albania took effective measures but continued efforts are nevertheless needed to ensure the improvement and the sustainability of results. As for Serbia, the number of illegal stays in the EU increased in 2017 by 31%, to almost 15 thousand. In the first half of 2018, there was an increase in both the number of refusals of entry and Serbs illegally in the EU (Table 1).

Cooperation on readmission and return continues smoothly for all Western Balkan and Eastern Partnership countries with overall high return rates and should be continued. There remains, however, room for improvement, in particular as regards the readmission of third-country nationals in the case of Serbia [11].

Both in the first and in the second report it was noted that all countries continued to take measures to prevent and fight against organized crime. Organized crime groups from these countries are still active in trafficking in illicit fire arms, property crime and trafficking of various illicit commodities (in particular drugs and tobacco), money laundering, trafficking in human beings, smuggling of migrants and cybercrime in EU Member States. Efforts in this respect need to be strengthened [10].

The situation in Moldova is worrying the European Union. 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 an impartial judiciary, fair and transparent elections.

The First Report identified the need for Moldova to take immediate actions to ensure the continuous implementation of the fight against corruption and money laundering benchmarks, as well as the sustainability of the reforms. While some actions have been taken against money laundering, Moldova needs to take immediate actions to ensure the fulfillment of the fight against corruption benchmark as a matter of urgency. Thus,



the EU gave a peculiar signal that it could apply a mechanism of suspending a visa-free travel to return Moldova to democratic standards.

In addition to the rollback from democratic standards, Moldova has other serious reasons for concern. The number of refusals of entry for Moldovans registered by FRONTEX increased by 57%, the number of those who exceeded their stay in the EU increased by 14%. In the first half of 2018, more than 1,500 Moldovan citizens applied for asylum - 128% more than in the previous year. At the same time, the level of satisfaction of their applications decreased by 1.5% [18].

Consequences of the reforms rollback for Moldova can serve as a warning call for other countries of the Eastern Partnership, in particular for Ukraine. The First Report also identified immediate action that needed to be taken by Ukraine to safeguard anticorruption measures introduced with previous reforms and to allow further progress to be made. While some actions have been taken, more efforts are needed to ensure full implementation and sustainability of past reforms, and address outstanding recommendations. 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 [5, p.22].

As well as for Moldova, refusal of entry and illegal stay on the territory of EU member states are Ukraine's weaknesses. According to FRONTEX, in 2017, Ukrainians were denied entry by 34% more than in 2016 - 37 thousand cases, mainly on the border with Poland. Compared with 2016, in 2017 the number of Ukrainian citizens, who were in the territory of the EU member states illegally, increased by 12%. As in the case of refusals of entry, the majority of Ukrainians with irregular status were registered in Poland, but this figure is quite low compared to the number of Ukrainians who were legally in the country [5, p.21-23].

In 2017, the number of refusals to enter the EU for Georgian citizens increased by 200%, up to 2.5 thousand. But the main problem that can start the mechanism of suspension of the visa-free regime for the Georgia, is the situation with asylum seekers. In 2017, their number increased by 34% and reached 11.1 thousand people. In the first half of 2018, the number of applications from Georgian citizens doubled, reaching 9.5 thousand compared to the same period in 2017. The asylum recognition rate was 14,09% in 2016 and 5,48% in 2017, showing a considerable decrease (Table 2).

Germany and Sweden suffered most from the influx of potential refugees from Georgia. There, the number of applications for the first two months of 2018 increased by more than 50% compared to the same period in 2017. The EU was particularly concerned about organized crime who abused the asylum system. The European Union demanded that the Georgian government take appropriate measures if they want to maintain a visa-free regime, but the situation has not been fully stabilized.

Further monitoring of the implementation of the criteria will continue through meetings and dialogues between the EU and visa-free countries – and for the Western Balkans countries, where relevant, EU accession negotiations.

Thus, despite the significant migration problems of Georgia and Moldova, the EU has not applied the mechanism of suspension of visa-free regime to them. The second report of the European Commission showed that the EU is more inclined to dialogue than to drastic decisions. Noting the certain progress of Georgia and Moldova in a number of areas, the EU, together with these countries, is aimed at a positive solution to the current situation.

But the EU is interested in improving the mechanisms of tracking and managing the flow of citizens crossing EU borders. Therefore, in the interest of enhancing security, from 2020 the European Travel Information and Authorization System (ETIAS) will enter into force in the European Union. Within the ETIAS, each applicant will undergo a security check, which will determine if he can be allowed to enter any Schengen country [19].

Nationals of third countries with a visa-free regime with the EU will have to fill out a special electronic form and pay 7 euros for authorization (people under the age of 18 and over 70 can be checked for free). On the electronic form, people entering the EU will have to indicate travel document numbers, name, date and place of birth, gender, and citizenship, and inform about the presence or absence of a criminal record, and about any stays in areas of military conflict.

The check may take a few minutes up to four weeks, and it does not replace a possible search on the external border of the EU. In case of refusal, it will be possible to appeal. The permission received will be valid for three years [19].

Thus, a visa-free regime with the EU is attractive for third countries, as it helps to facilitate contacts between people and strengthen ties between citizens of third countries and the EU. At the same time, it imposes certain obligations and responsibilities on countries that have received a visa-free regime to maintain democratic standards and implement effective measures to combat illegal migration, corruption, and money laundering. If these conditions are not met, the European Union may use such a tool as the suspension of a visa-free regime.

### ***Republic of Moldova and visa-free regime***

Migration is free if there is freedom to leave said state and freedom to enter another state. In the USSR (and Moldavia as part of the USSR), Soviet citizens did not have the freedom to leave the country. This applied to both moving to a permanent place of residence and temporary emigration (international tourism; visiting relatives abroad; studying or working abroad). The real channel was family reunion (marriage with a foreigner or reunion with relatives living abroad).

Permanent emigration has become easier since 1975 after the adoption of the Final Act of the Conference on Security and Cooperation in Europe. The Third Basket provided for political commitments on human rights and fundamental freedoms, including freedom of movement, contact, information, culture, and education, and monitoring the implementation of these commitments in practice. In Moldova, this applied to Jews and Germans.

There were no changes in temporary migration. A complex system of state and public control to obtain exit permits remained in place. It was necessary to fill out a questionnaire, which included many different points (lack of a criminal record; relatives in the occupied territory, abroad, etc.), to pass an interview in party bodies and non-governmental organizations. Decisions were often made unprofessionally and could not be appealed.

Having declared itself an independent democratic state, the Republic of Moldova began to pursue a policy of ensuring human rights and freedoms. This also applied to the right to freedom of exit and entry into the country. In 1990, the Law "On Migration" was adopted, in which emigration was understood only as a temporary departure abroad to study or work. Articles 27 of The Constitution of the Republic of Moldova (1994) proclaims the right to free travel and return to the country. These provisions are specified and developed in the laws "On Departure and Entry into the Republic of Moldova" (1994), "On Identity Documents and the National Passport System" (1994), etc. Based on these acts, permits are not required for leaving the country. The exception are persons holding state or military secrets, or minors, for whom the documented consent of parents or guardians is required.

In 1992, Moldova signed the Bishkek agreements, which allow citizens to enjoy a visa-free regime within the CIS, as well as in relations with Georgia and Ukraine, up to this day. A visa-free regime was first established with the countries of Central and Eastern Europe (former socialist countries); it was carried out on the principles of reciprocity. But the European integration of these countries required the introduction of a visa regime and enhanced border controls. Moldova also introduced a visa regime in return.

Since 2006, Moldova has unilaterally introduced a visa-free regime for the EU countries, Switzerland, Norway, the USA, Canada, Japan, and Israel. Moldova seeks to obtain a visa-free regime with other countries, concludes bilateral agreements with Peru (2010), Turkey (2012), Mexico (2013) and others. Today, citizens of the Republic of Moldova can enter 72 countries without visas.

After independence, the Republic of Moldova began to intensively develop diverse ties with neighboring Romania, including the regime of entry into the country. In 1991-2002 for citizens of the Republic of Moldova, entry into Romania was carried out on the basis of an identity card. In 2002-2007 Romania is a candidate for EU membership, therefore, the requirements for entry into the country for Moldovan citizens are being tightened and include a foreign passport. Since 2007, Romania has become a member of the EU and entry into the country is possible only with a passport and visa.

Romania's introduction of a visa regime with the Republic of Moldova created many problems for Moldovan citizens. Most EU countries do not have embassies in Moldova; their embassies are located in Bucharest. At the request of the EU, registration for a visa is made on-line. This generates huge queues at the consulate for filing documents, corruption during registration; the business of issuing Romanian passports develops and flourishes.

To simplify the situation, in 2008 in Chisinau, the EU Unified Visa Center was created at the Embassy of Hungary. If one entered the European Union through Romania (Bulgaria) and had a visa to the EU, then a Romanian visa was not required (one was allowed to stay in Romania up to 5 days, but one must exit the country to the EU). If citizens left the EU, then a visa for these countries was not required if there was a ticket for leaving Romania (Bulgaria).

As a first step towards the long-term prospect of visa-free entry into the EU, agreements on readmission and on simplification of the visa regime with the EU were signed (2007). The readmission agreement in respect of Moldovan citizens was entered into force on January 1, 2008, in respect of third-country nationals - in 2010. This Agreement applies not only to Moldovan citizens, but also to foreign citizens and stateless persons who arrived in the European Union from the territory of the Republic of Moldova.

In 2010, under the influence of the Balkan countries and Ukraine, the Republic of Moldova initiated negotiations with the European Union on a visa-free regime for Moldovan citizens. In 2011, an Action Plan on visa liberalization between the Republic of Moldova and the European Union was signed [1]. Obtaining a visa-free regime for Moldovan citizens was conditional upon a deep reform of the sphere of jurisprudence, security and internal affairs, the strengthening of the country's legal institutions, respect for human rights, the fight against corruption and illegal migration, the growth of living standards and mobility of the population.

The implementation of the Action Plan in the Republic of Moldova was structured into the National Action Plan and was coordinated by the Ministry of Foreign Affairs and European Integration of Moldova through an interagency working group.

The dialogue on liberalization of the visa regime of the Republic of Moldova - EU was built in accordance with four blocks and two stages: the first was aimed at strengthening the legal framework, and the second was aimed at implementing the activities formulated in the Plan. At the first stage, Moldova submitted three Progress Reports (May 2011, November 2011 and May 2012). The EU assessed the level of implementation of the Action Plan by submitting three Progress Reports (September 2011, February 2012 and October 2012), as well as a study of the impact on migration and security (August 2012).

In Moldova (as well as other countries of the Eastern Partnership), all technical laws were adopted quite quickly, without resistance from government structures. Moldova has successfully fulfilled all the requirements of the first ("document security", i.e. biometric passports) and the second ("fight against illegal migration and readmission") blocks.

The laws on combating corruption and discrimination, related to the 3rd ("public order and security") and the 4th ("international relations and fundamental rights") blocks, were more difficult to adopt, taking a long period of postponement and political deliberation. The most difficult problems are related to the fight against corruption, especially in the highest echelons of state power. Initially, promises were made and

some top-level anti-corruption actions were taken. But then the case stalled, there was no political will, and no real action to prove the guilt of senior officials.

On 19 November 2012, the EU Council Conclusions on the fulfillment of all the benchmarks under the first phase under Visa Dialogue and the need for an effective implementation of all the benchmarks under the second phase were adopted. In the second phase, the Republic of Moldova presented 2 Progress Reports (December 2012 and September 2013), and the EU evaluated the RM through the evaluation missions (March-February 2013) and the 2 Progress Reports (June 2013 and November 2013).

After signing the Action Plan for the Moldovan authorities, it was important for Moldova to receive a visa-free regime before the 2014 parliamentary elections. At the same time, the electoral factor influenced the decision of the European Commission. Prior to the summit in Vilnius (November 2013), the head of the European Commission M.Barroso said that Moldova will receive a visa-free regime in 2014 [20].

The situation that developed at the summit in Vilnius, when Ukraine refused to sign the Association Agreement with the EU, brought Moldova to being Europe's favorite. Against this background, on 27 November 2013, the European Commission proposed the liberalization of the visa regime for Moldovan citizens by amending Regulation 539/2001 on the abolition of the visa requirement for short-period travels for Moldovan citizens holding a biometric passport in the Schengen zone. This proposal confirmed that the Republic of Moldova fulfilled all the conditions of the Action Plan and was endorsed by the EU Council on 20 December and the European Parliament on 27 February, 2014.

Following the inter-institutional consultations between the European Parliament, the European Commission and the EU Council under the ordinary procedures laid down by the Treaty of Lisbon on 3 April 2014, the decision on the liberalization of the visa regime for Moldovan citizens was signed by the presidents of the European Parliament and the Council of the European Union. Thus, the decision on the abolition of visas for the citizens of the Republic of Moldova was published in the Official Journal of the EU on 8 April, 2014 and entered into force on 28 April, 2014 [9].

What are the results of visa liberalization? Firstly, obtaining a visa-free regime showed that this does not lead to an increase in risks for the EU. Moldovan citizens did not en masse seek asylum in the countries of the European Union. Secondly, the number of Moldovan citizens traveling to EU countries has increased. In the first year after the liberalization of the visa regime (April 28, 2014 - April 28, 2015), more than 500,000 Moldovans entered the EU using biometric passports. In just five years of a visa-free regime, more than two million Moldovans traveled to the European Union using biometric passports. Over five years, the proportion of Moldovans who were refused entry to the EU amounted to only 0.3% of the total number of entrants, and the share of illegal stay in the Community countries was 0.5% [15]. The main reason is the inability to fulfill the entry conditions, insufficient financial resources and exceeding the duration of legal residence in EU Member States.

Thirdly, the majority of Moldovan citizens know that a visa-free regime does not imply employment. But employment does occur. However, there are few Moldovan

citizens who choose illegal status. Forms of employment are changing. For example, the presence of an employment contract, replacing an employee for 2 months ("shift method") and returning home. Another option is to work without violating the principle of legal stay (90 days). Another opportunity for legal employment is to come to the country, find a job, sign a contract, leave the country, and enter to work legally, on the basis of an employment contract.

Fourthly, the problem of mass acquisition of Romanian / Bulgarian citizenship is removed. Fifthly, the growth prospects of the number of Moldovan citizens in Transnistria. 167 thousand residents of the left bank have biometric passports [16]. It is true, however, that this does not guarantee that the reunification of the country is nearer.

Sixthly, a visa-free regime with the EU has made Moldova attractive to foreign citizens. An increase was recorded in the number of Ukrainian citizens (more than 5 thousand) wishing to obtain Moldovan citizenship for free entry into the EU. One of the forms of obtaining citizenship is fictitious marriage.

Illegal migration to Moldova is growing. Illegal migrants believe that a visa-free regime applies to everyone who enters the EU from Moldova. We are visited by foreigners who seek to take advantage of the situation to get into the EU countries.

Seventh, seeing the feasibility of a visa-free regime with the EU, other countries of the Eastern Partnership (primarily Ukraine and Georgia) began to actively implement the Action Plan for the liberalization of the visa regime. They received the visa-free regime in 2017.

The advantage of Moldova is that as a result of the adoption of various agreements and decisions on the liberalization of cross-border travel, the Republic of Moldova has a visa-free regime with both the European Union (2014) and the CIS countries (Bishkek agreements, 1992), and post-Soviet Ukraine and Georgia, which came out from this integrative formation. This allows Moldovan citizens to move freely both in the western and eastern directions with various migration goals.

## ***Conclusions***

The conducted analysis of the "migration without borders" scenario, a visa-free regime as an EU tool in relations with third countries, as well as the path Moldova has taken to obtain a visa-free regime with the European Union, allows us to draw the following conclusions.

Today, the idea of open borders is not very popular. But this does not mean that this is a bad idea. It is obvious that the scenario of "migration without borders" in the near future is very, very difficult to implement. At the regional level, within the framework of the European Union, although unprecedented freedom of movement has been ensured, at the same time, tightening of control over the external borders of the EU is taking place. Of course, you cannot immediately cancel all borders and allow everyone to move freely between countries. Open borders are more like an ideal.

Nevertheless, the idea of open borders can contribute to the development of optimal migration policies at the global and regional levels.

A visa-free regime is an important tool that allows the EU to regulate relations with third countries, and extends to the countries of the Western Balkans and the Eastern Partnership. This provides important benefits to citizens of these countries and strengthens social, cultural and economic ties between the EU and its partners. At the same time, the visa-free regime holds partners accountable in maintaining the progress made within the framework of the visa liberalization dialogues and for ensuring a well-managed migration and security environment. In case of increased risks, the European Union may introduce a mechanism for suspending a visa-free regime, but so far it has not been applied.

Among the countries of the Eastern Partnership, Moldova was the first to receive a visa-free regime with the EU, which had a demonstration effect for Georgia and Ukraine. But five years after the liberalization of the visa regime, European structures are concerned about deviations from democratic standards and the rule of law, lack of fair and transparent elections, insufficient efforts to combat corruption and money laundering in Moldova. The European Union signaled to Moldova that it could suspend the visa-free regime until Moldova returned to democratic standards. Therefore, the new authorities of the Republic of Moldova should make every effort to solve the above problems so that Moldovan citizens could continue to freely move around Europe.

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## ANNEX.

Table 1. Irregular migration

<b><i>Third country nationals refused entry at the external borders</i></b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Albania	15,835	30,305	34,310
Ukraine	23,795	22,495	33,105
Serbia	7,850	7,910	8,070
Bosnia and Herzegovina	5,185	5,150	5,145
Moldova	2,725	4,660	7,270
Former Yugoslav Republic of Macedonia	2,555	2,495	3,200
Georgia	1,330	810	2,655
Montenegro	385	335	545

<b><i>Third country nationals found to be illegally present</i></b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Albania	47,755	33,445	37,325
Ukraine	23,480	29,565	33,485
Serbia	13,785	11,180	14,665
Moldova	4,050	7,660	8,785
Georgia	5,405	5,240	5,860
Former Yugoslav Republic of Macedonia	5,265	4,595	6,555
Bosnia and Herzegovina	3,585	3,645	4,135
Montenegro	770	570	810

Sources: [10; 11]

Table 2. Asylum

<b><i>Total number of asylum applications</i></b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Albania	66,715	30,840	24,070
Serbia	30,325	13,515	8,325
Ukraine	22,100	12,460	10,075
Former Yugoslav Republic of Macedonia	16,110	9,100	6,890
Georgia	8,110	8,700	11,755
Bosnia and Herzegovina	9,100	4,495	2,790
Moldova	1,850	3,675	1,610
Montenegro	4,115	1,830	970

Sources: [10; 11]

# THE POLITICAL-LEGAL FRAMEWORK OF THE EUROPEAN UNION ON THE VISA- FREE REGIME

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*The Schengen Area is one of the most concrete achievements of the European Union and is a space of free movement, where border controls have been eliminated - a rule from which there are numerous exceptions. It is the area where the controls at the internal borders of the signatory states have been eliminated and the creation of a single external border, where the immigration controls for the Schengen Area are carried out in accordance with the common rules of the Member States.*

*This article examines the political-legal framework regarding the free movement of persons in the Schengen Area.*

**Keywords;** Schengen Area, visas, free regime, free movement

Analysis of the political-legal framework of the European Union on the free movement of persons implies the treatment of concepts with reference to the Schengen Area. Thus, Schengen space is one of the most concrete achievements of the European Union and is an area of free movement, where border controls have been eliminated - a rule from which there are numerous exceptions.

Schengen, the name of a small village in Luxembourg, located at the border with Germany and France, became inseparably linked to the free movement of people in Europe. This vast space has been built very progressively since 1985, when several European governments reached a principled agreement in the Luxembourg City of Schengen. The first effective elimination of border controls took place in 1995 between Belgium, France, Germany, Luxembourg, the Netherlands, Portugal and Spain. Within this area, EU and some third country citizens can travel freely, without going through controls at borders [8].

The elimination of controls at internal borders is accompanied by common rules for the control of external borders and the strengthening of judicial and police cooperation in combating crime. Each state in the Schengen Area is subject to a periodic evaluation by the EU, in order to verify that it properly applies the established rules. Currently,

the Schengen Area without internal border controls comprises 26 countries (22 EU member states and 4 associated states), which apply the Schengen *Acquis* as a whole. The external border of the Schengen Area is over 50,000 km long (approximately 80% maritime borders and 20% land borders) and includes hundreds of airport, sea or land border crossing points [9].

The Schengen Area and cooperation between Member States is based on the *Schengen Agreement on the elimination of controls at their common borders*. It was signed on June 14, 1985, between the Federal Republic of Germany, France, Belgium, Luxembourg and the Netherlands. On 19 June 1990, the *Convention on implementation of the Schengen Agreement* was drafted and signed. According to the document there have been eliminated the controls at the internal borders of the signatory states and a single external border was created. Thus, the immigration controls for the Schengen Area are carried out in accordance with the common rules of the Member States. The Schengen Area is a space of free movement of persons, which is made up of 26 Member States. The last country that entered the Schengen Area is the Principality of Liechtenstein (19 December 2011).

For EU citizens, eliminating controls at Schengen's internal borders means greater freedom of movement and increased security, by adopting common rules of the States that are signatories to the *Convention on implementation of the Schengen Agreement*:

- Elimination of persons' controls at internal borders;
- Common set of rules that are applied to persons crossing the external borders of EU Member States;
- Harmonization of the entry conditions and rules regarding visas and consular cooperation;
- Consolidated police cooperation;
- Judicial cooperation through a fast extradition and transfer system for the execution of criminal decisions;
- Creation and development of the Schengen Information System [10].

The Schengen Area is a space of freedom of movement where controls at the internal borders of states have been eliminated and a single external border has been created. Thus controls are carried out according to a set of clear rules. Timeline of accession to the Schengen Area: 1985 - Belgium, Netherlands, Luxembourg, Germany and France; 1990 – Italy; 1992 – Greece; 1995 - Austria, Portugal; 1996 - Denmark, Sweden, Finland; 2001 - Iceland and Norway; 2004 - Czech Republic, Lithuania, Slovakia, Estonia, Malta, Slovenia, Latvia, Poland, Hungary. Iceland and the Kingdom of Norway together with Sweden, Finland and Denmark are part on the Nordic Passport Union, where internal border controls have been eliminated. Iceland and Norway signed an Agreement with the European Union in May 1999, under which these two states can participate in the development of new legislative instruments of the Schengen *acquis*. The acts are adopted only by EU Member States, but are also applied to Iceland and Norway. In practice, this association takes the form of a Joint Committee outside the EU, made up of representatives of Iceland, Norway, the EU Council and the European Commission.

The decision on the Schengen Space Enlargement was taken by the EU Council on December 21, 2007. Thus there were eliminated the controls at the land and sea borders for the 9 Member States (except for Cyprus) that acceded to the EU in 2004. At the end of March 2008 there were eliminated the controls for Schengen domestic flights at airports, namely: Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, and Hungary. Freedom of movement of persons is ensured in the territory of 24 Schengen Member States, without controls at the internal land and sea borders - from Portugal to Poland and from Greece to Finland.

The most important stage in the evolution towards a real internal market, in which there are no obstacles to the free movement of persons, lies in the conclusion of the two Schengen agreements: The Schengen Agreement (signed on June 14, 1985) and the Schengen Implementation Convention (signed on 19 June 1990 and entered into force on 26 March 1995). Currently the Convention is signed by 13 Member States. Ireland and the United Kingdom are not members of the Convention, but have had the opportunity to opt for the application of certain parts of the Schengen of legislation. Since the implementation of the Convention for Italy and Austria (April 1, 1998), controls at the internal borders of all signatory states have been eliminated, except for Greece. In addition, Iceland and Norway (members of the Nordic Passport Union) have the status of associate members. The Council Directive of 28 February 2002 regulates Ireland's request to participate in several provisions of the Schengen *Acquis*, a stepping stone towards the full adoption of the Schengen *acquis* by this State. The implementation of the Schengen Convention aims to eliminate controls at internal borders for all persons, including of course measures to strengthen controls at external borders. These measures involve a common visa policy, the possibility of processing asylum applications, judicial and police cooperation, as well as an exchange of information. At the external borders of the Schengen Area, EU citizens only have to present a valid identification document. The nationals of third countries included in the common list of states whose citizens need an entry visa, should only have a unique visa valid throughout the Schengen Area. However, each Member State has the freedom to require visas for citizens of other third countries. The *acquis* in the field of visa policy is provided by Article 9-27 of the Convention on implementation of the Schengen Agreement and a series of other normative acts regarding:

- the implementation of the Schengen *Acquis* in EU countries;
- the establishment of a type of visa model (Council Regulation 334/2002 EC on amending the Regulation 1683/1995), or
- the establishment of a uniform model of visa application form which is issued by the Member States to holders of a travel document that is not recognized by the Member State. Thus it is established an application form to countries whose citizens need a visa to enter the Community area (Council Regulation 333/2002 EC).

The Council Regulation 539/2001 EC establishes the list of third countries whose nationals are subjected to a visa requirement in order to cross the external borders of

EU Member States. The Regulation also establishes the list of countries whose citizens are exempted from this obligation.

Currently, the negative list of the EU, regarding the countries whose citizens need a visa to enter the community area, comprises 134 states (Annex 1 to Regulation 539/2001). Council Directive 2001/40 EC regulates the legal framework for the mutual recognition of decisions to remove third-country residents. Thus, if an EU Member State makes the decision to remove a citizen from its territory, then the decision is valid throughout the EU member states. The Regulation of the free movement of citizens in the community area (citizens holding a long-term visa), is made by the Council Regulation 1091/2001, which refers to the free movement of persons who hold a visa longer than 30 days. In order to create a community space where border controls will disappear, and the free movement of citizens will be full, it is necessary to create a security of external borders and a solidarity of EU states in this regard [1, p. 24].

In the context of analyzing the EU political-legal framework on free movement, it becomes necessary to emphasize the Regulations of the Convention on implementation of the Schengen Agreement of 14 June 1985 between the governments of the Benelux Economic Union States, the Federal Republic of Germany and the French Republic on the phasing out of controls at the common borders. In the Title III, "Elimination of the controls at the internal borders and the movement of persons", Chapter I, "Crossing the internal borders", there are stipulated the conditions for crossing the borders of the space. Thus, according to article 2 of the Convention, the internal borders can be crossed at any point, without carrying out a control of the persons. However, if required by reasons of public policy or national security, a Contracting Party may, after consulting the other Contracting Parties, decide to establish controls at national borders for a limited period, depending on the situation. If reasons of public order or national security require immediate action, the respective Contracting Party shall take the necessary measures and inform the other Contracting Parties thereof as soon as possible.

Also, according to the provisions of Article 2, p.3, the elimination of the controls carried out on persons at internal borders is without prejudice to the provisions of Article 22 (on exercising the police powers to maintain order throughout the territory of a Contracting Party by the competent authorities). It is done in accordance with the law of the respective Contracting Party, or the requirement to hold, to have on it and to present the permits and documents provided in the legislation of the respective Contracting Party [2].

According to the provisions of Article 3, p.1 of Chapter II, "Crossing the external borders", it is stipulated that the external borders can be crossed only through the border crossing points, between the hours established for this purpose. More detailed provisions, exemptions and Regulations regarding local border traffic, as well as the rules governing special categories of sea traffic, such as pleasure cruises and coastal fishing, will be adopted by the Executive Committee. Also, the Contracting Parties undertake to impose sanctions for the unauthorized crossing of external borders through places other than crossing points or outside the hours set for this purpose.

Since 1993, the Contracting Parties shall ensure that passengers of third-country flights who transfer on domestic flights and hand luggage are subjected to an entry check at the airport of arrival of the aircraft that performed the external flight. Passengers on domestic flights that are transferred on air travel to third countries and hand luggage are subjected to a check-in at the airport where the external flight takes place. Control is performed either at the airport of final destination or at the airport where the initial departure takes place, and the airports are considered external borders for domestic flights (art.4).

According to Article 5 of the Document, for stays not exceeding three months, the permission to enter the territory of the Contracting Parties may be granted to foreigners who fulfill the following conditions:

- a) possess a valid document or documents, as defined by the Executive Committee, which authorizes them to cross the border;
- b) hold a valid visa, if necessary;
- c) present, as the case may be, documents justifying the purpose and conditions of their stay and confirming the existence of sufficient means of subsistence, both for the period of stay and also for returning to the country of origin or for transit to a third country where there is the certainty that they will be admitted, or are in a position to possess such legal means;
- d) are not included in the category of persons against whom there is an alert for the purpose of being refused entry;
- e) are not considered to be a danger to the public order, national security or international relations of one of the Contracting Parties.

If a foreigner does not fulfill all of the above conditions, unless a Contracting Party considers it necessary to make an exception to that principle for humanitarian reasons, national interest or under its international obligations, it shall be refused entry into the territory of the Contracting Parties. In such cases, the entry authorization shall be limited to the territory of the respective Contracting Party, which shall inform the other Contracting Parties accordingly. Foreigners holding residence permits or return visas issued by one of the Contracting Parties or, as the case may be, both documents are allowed entry into a territory for transit purposes, provided that their name is not on the alert list at the national level of the Contracting Party whose external borders attempt to cross them. This control includes:

- a) all persons are subjected to at least one such check to establish their identity based on the presentation of their travel documents;
- b) upon entry, foreigners will be subjected to a thorough check, as provided in point (a);
- c) at the exit, the checks shall be carried out according to the interest of all the Contracting Parties, in accordance with the law on the regime of foreigners, in order to discover and prevent the risks to the national security and public order of the Contracting Parties. Foreigners are subjected to these controls;

- d) if certain circumstances prevent such controls from being carried out, priorities need to be established. In this case, the entrance controls usually have priority over the exit controls.

The competent authorities use mobile units for monitoring the external borders between the crossing points; the same is true for border crossing points outside normal working hours. This surveillance is carried out in such a way as to discourage those who intend to bypass control at the crossing points. The monitoring procedures shall be established, as appropriate, by the Executive Committee. The Contracting Parties undertake to carry out adequately qualified personnel in sufficient numbers to organize controls and surveillance along the external borders. The same control requirement is ensured at the external borders.

According to Article 9 of Chapter 3, “Visas”, section 1, “Short-stay visas”, the Contracting Parties undertake to adopt a common policy on the movement of persons and in particular visa arrangements. They will help each other for this purpose. The Contracting Parties undertake to achieve, by mutual agreement, the harmonization of their policies regarding visas. The visa regime vis-à-vis third countries, whose nationals are subjected to the visa regime common to all Contracting Parties at the date of signature of this Convention or at a later date, may be amended only by mutual agreement of all Contracting Parties.

A Contracting Party may, in exceptional cases, derogate from the common visa regime in relation to a third State when imperative reasons of national policy require the urgent adoption of a decision. Firstly it shall consult the other Contracting Parties and, in the preparation of its decision, shall take into account their interests and the consequences of that decision [2].

In this context, according to the provisions of Article 10 a uniform visa is introduced for the entire territory of the Contracting Parties. This visa, the period of validity of which is established in Article 11, may be issued for visits not exceeding three months. Until such a visa is introduced, the Contracting Parties shall recognize the national visas, provided that they are issued in accordance with the common conditions and criteria established in the context of the relevant provisions of this Chapter. By way of derogation from paragraphs 1 and 2, each Contracting Party reserves the right to limit the territorial validity of the visa, in accordance with the common measures established in the context of the relevant provisions of this chapter. Thus, according to Article 11, the visa can be:

- (a) a travel visa valid for one or more entries, provided that neither the duration of a continuous visit nor the total duration of successive visits shall exceed three months in a period of half a year from the date of the first entry;
- (b) a transit visa which allows the holder to cross the territories of the Contracting Parties once, twice or, exceptionally, several times on the way to the territory of a third State, provided that no transit period occurs shall exceed five days.

The point 2 of Article 11 also stipulates that no contracting party shall be prevented from issuing a new visa, the validity of which is limited to its territory in the said half year, if necessary.



The uniform visa stipulated in Article 10 shall be issued by the diplomatic and consular authorities of the Contracting Parties and, where appropriate, by the authorities of the Contracting Parties. The Contracting Party responsible for issuing such a visa is that of the main destination. If this cannot be established, the visa is issued by the diplomatic or consular mission of the first-entry Contracting Party. The Executive Committee specifies the implementing rules and in particular the criteria for determining the main destination (Article 12). According to the provisions of Article 13, no visa is applied to an expired travel document, and the validity period of a travel document must exceed that of the visa, taking into account the period of the visa usage. It must allow foreigners to return to their country of origin or to enter a third state. Also, according to Article 14, no visa is applied on a travel document, if this travel document is not valid for any of the Contracting Parties. If a travel document is valid only for one Contracting Party or for a number of Contracting Parties, the visa shall be limited to the Contracting Party or Contracting Parties in question. If a travel document is not recognized as valid by one or more Contracting Parties, an authorization document may be issued instead of the visa.

Visas for stays exceeding three months, according to the provisions of Article 18 of section 2, **“Long-stay visas”**, are called national visas issued by one of the Contracting Parties in accordance with its national law. These visas allow their holders to cross the territories of the other Contracting Parties to reach the territory of the issuing Contracting Party, if they meet the conditions for entry into Schengen Area.

Foreigners holding uniform visas and who have legally entered the territory of a Contracting Party in accordance with the provisions of Chapter IV “Conditions for the movement of foreigners” may move freely within the territories of all Contracting Parties during the period of validity of their visas, provided they fulfill conditions of entry into the territory of Schengen. Also, until the introduction of a uniform visa, foreigners who are holders of visas issued by one of the Contracting Parties and who have legally entered the territory of a Contracting Party may move freely within the territories of all Contracting Parties during the period of validity of the visas, for a maximum of three months from the date of the first entry, provided that they fulfill the entry conditions stipulated in the Document.

According to the provisions of Article 20 of the Document, foreigners who are not subjected to a visa requirement may move freely within the territories of the Contracting Parties for a maximum of three months during the six-month period from the date of first entry. Foreigners holding a residence permit issued by one of the Contracting Parties in accordance with Article 21 may travel freely, pursuant to this permit and a valid travel document, for a maximum of three months in the territories of the other Contracting Parties.

Foreigners who have legally entered the territory of one of the Contracting Parties according to Article 22 are required to declare their arrival, in accordance with the conditions laid down by each Contracting Party, to the competent authorities of the Contracting Party on whose territory they have entered. Foreigners may do so at the



time of entry into that territory or within three working days of entry, as determined by the Contracting Party on whose territory they are entering. Foreigners residing in the territory of one of the Contracting Parties and entering the territory of another Contracting Party are required to declare their arrival [2].

Foreigners who do not meet or cease to fulfill the short-stay conditions applicable in the territory of a Contracting Party shall, as a rule, immediately leave the territories of the Contracting Parties. Also, foreigners holding valid residence permits or provisional residence permits issued by another Contracting Party must immediately leave for the territory of that Contracting Party.

If these foreigners do not leave voluntarily or if it is presumed that they will not do so, or if their departure is prompted by reasons of national security or public order, they must be expelled from the territory of the Contracting Party where they were detained, in accordance with the national law of the respective Contracting Party. If its legislation does not allow expulsion, the Contracting Party may allow those persons to remain in its territory. Such foreigners may be expelled from the territory of that Contracting Party in the countries of origin or in any other State where they would be admitted, in particular in accordance with the relevant provisions of the readmission agreements concluded by the Contracting Parties (Article 23).

According to the provisions of Chapter VI, "Accompanying measures", regarding the obligations of the Status of Refugees (Geneva Convention July 28, 1951, as amended by the New York Protocol of 31 January 1967), the Contracting Parties must include in their national law the following rules:

- (a) If foreigners are refused entry into the territory of one of the Contracting Parties, the carrier who brought them to the external border by air, sea or land is obliged to assume responsibility for them immediately. At the request of the border surveillance authorities, the carrier is obliged to return the foreigners to the third country from which they were transported, or to the third country that issued the travel document with which they made the trip or to another third country where there is certainty that they will be received;
- (b) The carrier is required to take all necessary measures to ensure that a foreigner that has been transported by air or sea is in possession of the travel documents required for entry into the territories of the Contracting Parties.

Also, regarding the obligations of the Status of Refugees (Geneva Convention July 28, 1951, as amended by the New York Protocol of 31 January 1967), and in accordance with their constitutional right, the Contracting Parties must impose sanctions on carriers transporting by air or sea from a third state to their foreign territory that do not possess the necessary travel documents (Article 26).

In case of committing violations of the provisions of the Document, according to Article 27, the Contracting Parties undertake to impose appropriate sanctions against any person who, for financial gain, helps or tries to help a foreigner to enter or reside in the territory of one of the Contracting Parties, thus violating the law of that Contracting Party with respect to entry and stay of foreigners.

Any Contracting Party requesting another Contracting Party to initiate a criminal prosecution, for reasons of violation of its own laws, in the case of actions such as those referred in paragraph 1, must specify, through an official report or a certificate issued by the competent authorities, the provisions of the law that have been violated [2].

The (EC) Regulation no. 562/2006 of the European Parliament and the European Council of 15 March 2006 regarding the establishment of a Community code on the regime of border crossing by persons (Schengen border code) is another document that stipulates the conditions for the free visa regime in the Schengen Area. Thus, according to the Regulation, the adoption of common measures on the crossing of internal borders by persons, as well as the control at the external borders, should reflect the Schengen *Acquis* integrated into the European Union, and in particular the relevant provisions of the Convention on implementation of the Schengen Agreement of 14 June 1985 between the governments of the Benelux Economic Union States, the Federal Republic of Germany and the French Republic on the gradual elimination of controls at the common borders.

Regarding the control at the external borders, then it is stated that the establishment of a “*common body*” of legislation, in particular through the consolidation and development of the *Acquis*, is one of the essential components of the common foreign border management policy, as defined by the Commission Communication of 7 May 2002 entitled “Towards an integrated management of the external borders of the European Union Member States”.

This objective was included in the “Plan for managing the external borders of the European Union Member States”. This document was approved by the Council on 13 June 2002 and supported by the Seville European Council on 21 and 22 June 2002, as well as by the Thessaloniki European Council on 19 and 20 June 2003. The definition of common rules on crossing borders by persons does not call into question and doesn’t bring prejudice to the rights of free movement enjoyed by Union citizens and members of their families, as well as third national countries or members of their families; which, under the agreements signed between the Community and the Member States, on the one hand, and the respective third countries, on the other, enjoy rights of free movement equivalent to the rights of European Union citizens. Border control exists not only in the interest of the Member State whose external borders apply, but also in the interest of all Member States that have eliminated control at their internal borders. Border control should contribute to combating illegal immigration and human trafficking, as well as preventing any threat to the internal security, public order, public health and international relations of the Member States. Border control should be performed in such a way that human dignity is fully respected. Border control should be carried out in a professional and respectful manner and be proportionate to the objectives pursued. According to the provisions of Article 1 of Title I, “General provisions”, the Regulation provides absence of control over persons at the internal borders between the Member States of the European Union. The Regulation also establishes the rules applicable to the control over persons at the external borders of the Member States of the European Union.

*According to the provisions of Article 5, Conditions of entry for nationals of the third country*

- 1) For a stay not exceeding three months over a period of six months, the conditions of entry for third-country nationals are as follows:
  - a) to be in possession of a valid travel document or some documents that allow the border to be crossed;
  - b) to be in possession of a valid visa, if it is required under (EC) Regulation no. 539/2001 of the Council of 15 March 2001 on establishing the list of third countries whose nationals must hold a visa for crossing external borders and the list of third countries whose nationals are exempted from this obligation, unless the respective nationals hold a valid residence permit;
  - c) to justify the object and conditions of the stay and to have sufficient means of subsistence, both for the duration of the stay and for the return to the country of origin or for the transit to a third country where admission is guaranteed or to be able to legally acquire those means;
  - d) not to be a person for whom an alarm has been given within the SIS for the purpose of refusing entry;
  - e) not to be considered a threat to public order, internal security, public health or international relations of one of the Member States and, in particular, not to be reported as inadmissible in Member States' databases for the reasons listed above.
- (2) A non-exhaustive list of supporting documents that the border policeman may request from a third national country for verification of compliance with the conditions referred to paragraph (1), letter (c), is set out in Annex I.
- (3) The assessment of the means of subsistence shall be made according to the duration and the object of stay and in relation to the average level of accommodation and meal prices in the Member State or of the Member States concerned, for a moderate price accommodation, multiplied by number of days of stay.

The reference amounts established by the Member States shall be communicated to the Commission in accordance with Article 34.

The assessment of sufficient means of subsistence can be based on the possession of cash, travel checks and credit cards by a national of the third country. Sponsorship statements, when provided by national law and sponsorship letters defined by national law in the case of third- national country staying at a host may also be evidence of sufficient means of subsistence.

- (4) By derogation from paragraph 1:
  - a) Nationals of the third country who do not fulfill all the conditions referred under paragraph 1, but who hold a residence permit or a return visa issued by one of the Member States or, if requested, both documents, are authorized to enter for transit through the territory of other Member States in order to be able to reach the territory of the Member State which issued the residence

permit or return visa, unless such citizens are on the national list of persons declared inadmissible by the Member State at whose external borders are present or where the respective signaling is accompanied by instructions regarding the prohibition of entry or transit;

- b) Nationals of the third country who fulfill the conditions referred under paragraph 1, with the exception of point (b), and who are at the border, may be authorized to enter the territory of the Member States if a visa at the border is issued, in accordance with (EC) Regulation no. 415/2003 of the Council of 27 February 2003 on the issuance of visas at the border, including seamen in transitions. Visas issued at the border are recorded in a list. If it is not possible to apply the visa on the document, then this is exceptionally applied on a separate form that is inserted in the document. In this case, it is used the uniform model of visa provided in (EC) Regulation no. 333/2002 of the Council of 18 February 2002. It regulates the establishment of a uniform model of visa that is issued by the Member States to the holders of a travel document that are not recognized by the Member State issuing the form.
- c) Nationals of the third country who do not meet one or more of the conditions referred under paragraph 1 may be authorized by a Member State to enter its territory on humanitarian grounds, for national interest or under international obligations. If the national of the third concerned country is declared inadmissible, as referred under paragraph 1 (d), then the Member State authorizing entry into its territory shall inform the other Member States to that effect [6].

In the context of analyzing the political-legal framework regarding the free movement of persons in the EU space, it appears the necessity to emphasize the EU policy on the movement of the Republic of Moldova's citizens in the European space. Thus, on November 27, 2013, the European Commission proposed to liberalize the visa regime for Moldovan citizens by amending Regulation 539/2001 on the elimination of the visa requirement for short-term travel for Moldovan citizens holding the biometric passport in the Schengen Area. This proposal confirmed that the Republic of Moldova fulfilled all the conditions of the Action Plan and was supported by the EU Council on December 20 and the European Parliament on February 27, 2014. Thus, the decision on the visa elimination for the Republic of Moldova's citizens was published in the Official Journal of the EU on April 8, 2014 and entered into force on April 28, 2014. Already at the end of the first year 241,415 of Moldovan citizens, holders of biometric passports, have traveled in the Schengen Area. At the end of the second year the number increased to 577 058 and at the end of the third year - 982 764 have travelled in the Schengen Area. At the same time, according to the European Border Police and Coast Guard Agency (Frontex), only about 0.3% of refusals of entry and 0.5% of cases of illegal stay were registered. Thus, Moldovan citizens have and continue to have a responsible attitude towards this freedom. The visa-free travel option is open to all 1,824,806 biometric passport holders, including those from the Transnistrian region (125 106) [3].

On 20 December 2017, the European Commission presented a report to the European Parliament and the European Council on the functioning of the visa-free regime in the Eastern Partnership countries. According to the document, the Commission found that the Republic of Moldova must not only continue to implement reforms, but also take certain immediate actions in this regard, such as adopting new legislation on combating money laundering. Of the three countries in the European Neighborhood with a visa-free regime for the Schengen Area, the situation in Moldova is the most worrying, showing a clear decline in almost all the important commitments. Refusal of entry increased by 71%, illegal stays in the EU increased by 89%, and asylum applications by Moldovan citizens almost doubled compared to 2015. At the same time, the acceptance rate for asylum applications dropped from 11% to 2%, it is said in the report. Since the lifting of visas in April 2014, over 980 thousand Moldovans have made a total of 2.7 million trips to the EU. The upward trend of refusals to enter the Schengen Area, which was present throughout the whole period, intensified in the first half of 2017. The number of Moldovans with illegal residence increased from 2245 in 2015 to 7660 in 2016 and increased by another 40% in the first six months of 2017. The report also mentions serious delays and political interventions in areas such as anti-corruption and money laundering prevention, measures required by the visa liberalization mechanism. The European Commission warns that the lack of progress in these areas, calls into question the existence of the liberalized visa regime with the EU [4].

The European Union can revise the visa-free regime for Moldovan citizens in case of non-compliance with the obligations related to the fight against corruption and money laundering. For the first time after the visa regime was liberalized, a reminder of these conditions was included in the European Parliament's project on the implementation of the Association Agreement of the Republic of Moldova with the EU. The warning of the possible suspension of the visa-free regime for Moldova is due to the failure to fulfill obligations, namely one of the four «answers» of the European parliamentarians with reference to the development of the democratic situation in Moldova. The same paragraph mentions the conditions under which the Association Agreement of the Republic of Moldova with the EU can be suspended. Also, a point from the project published on the website of the European Parliament, emphasizes that the macro-financial assistance will be unlocked only after the parliamentary elections from February 2019. It is provided that they were expected to be held in accordance with international standards and to be evaluated by specialized international bodies. All the support programs that the EU offers to the Republic of Moldova will also remain blocked until «significant progress in the field of democratic standards» is reached. At the same time, the European Parliament intends to continue to provide financial support to Moldovan civil society, independent media, the private sector and local authorities. In the draft report, MEPs recall that adherence to democratic principles is the basis of the association agreement, and violation of this obligation may result in the suspension of the rights implied in the agreement, including the rights of citizens of the Republic of Moldova on the visa-free regime with the EU. The European Parliament intends to take all these measures in response to the annulment

of the results of local elections in Chisinau, the lack of independent justice, politically motivated cases against the opposition, lawyers and human rights activists, pressure on journalists and media monopolization. Regarding the visa-free regime for Moldovan citizens, in December 2017, the European Commission has prepared a monitoring report on how visa-free countries with the EU fulfill their visa liberalization obligations. According to the document, Moldova needed urgent measures to ensure a lasting fight against corruption and money laundering, in order to continue to benefit from the visa-free regime with the European Union. Later, the Ministry of Foreign Affairs and European Integration mentioned that Moldova is fully fulfilling its obligations, but the Moldovan authorities are willing to listen to the recommendations [5].

Although the Schengen Area provides free movement of citizens from the Member States, under the new threats to international/regional security, there is a need to strengthen control at the borders of the European Union. In this context, it is worth to respect all the conditions submitted by the EU to the Republic of Moldova in order not to infringe the rights of citizens to travel within the EU.

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## VISA-FREE REGIME IN THE POST-SOVIET SPACE

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*The article is devoted to the study of a visa-free regime in the post-Soviet space. The issue is considered in the context of the interaction of the CIS member states. In the regulatory system in the field of regulation of mutual travel of citizens the author identifies two instruments of cooperation - multilateral agreements and bilateral agreements. Legal regulation gradually began to enter in force on a multilateral basis within the framework of interstate associations of the CIS. At present the borders-crossing visa-free regime for of the CIS countries can be considered as a factor promoting interconnections of the post-Soviet countries.*

**Keywords:** *visa-free regime, member states of the Commonwealth of Independent States (CIS), multilateral agreements, bilateral agreements, interstate associations*

After the collapse of the USSR and the emergence of new independent states on its territory, the process of formation of international legal relations between the countries of the former USSR followed. This process took place both at the bilateral level and at the level of multilateral interstate agreements and integration associations. The foundation was laid on the establishment of the Commonwealth of Independent States (CIS) on December 8, 1991 by the leaders of Russia, Ukraine and Belarus.

Already at the initial stage of the CIS, its participants realized the need to ensure free movement within the boundaries of the new commonwealth. In art.5 of the Agreement on the establishment of the Commonwealth of Independent States, the CIS member states committed to the principle of freedom of movement of citizens: “the parties guarantee open borders, freedom of movement of citizens and the transfer of information within the framework of the Commonwealth” [1].

The Protocol to the Agreement on the establishment of the Commonwealth of Independent States was signed on December 21, 1991 in Almaty by the heads of eleven sovereign states (with the exception of Latvia, Lithuania, Estonia, and Georgia, which became a member of the CIS in 1993 and officially ceased to be a member of this international organization August 18, 2009) [2]. In Minsk on January 22, 1993 at the CIS summit, the Charter of the Commonwealth was adopted [3]. Ukraine has not signed the charter, and thus is not a member state of the CIS, and can only be considered as a founding state and a member of the Commonwealth. In turn, Turkmenistan at the Kazan CIS Summit (August 26, 2005) announced that it would participate in the community as an “associate member”. Such a complex political fate of the Commonwealth certainly reflects the contradictions that were inherent in the nature of the organization.



In the legal system of the Commonwealth of Independent States, two instruments for joint problem solving can be distinguished: multilateral agreements and bilateral treaties. At the initial stage, multilateral agreements were the working tool in ensuring the unity of the migration space, namely the Agreement on visa-free movement of citizens of the states of the Commonwealth of Independent States through the territory of its participants [4], concluded in Bishkek on October 9, 1992 (hereinafter - the Bishkek Agreement) and the Agreement on the mutual recognition of visas of member states of the Commonwealth of Independent States, concluded in Moscow on November 13, 1992 (hereinafter - the Moscow Agreement) [5].

The Bishkek Agreement stipulated that “citizens of the Parties have the right to enter, leave and move through the territory of the Parties without visas if they have documents proving their identity or confirming their citizenship” (Article 1). In addition, a visa-free regime for entry, exit and movement on the territory of the Parties was granted to citizens of the Parties permanently residing in the territory of third states. At the same time, the document does not regulate the entry, exit and movement of foreign citizens and stateless persons permanently residing on the territory of the parties. The document also provides for the possibility of arbitrary restrictions: “the national legislation of the parties may provide for the introduction of restrictions on the movement on their territory of the above-mentioned citizens of the parties, foreign citizens and stateless persons” (Article 1). The agreement does not provide any test for the legality and appropriateness of restrictions. Separately, it is stipulated that the parties may “take special measures to protect their borders and territory in extraordinary circumstances, in particular in situations that threaten their security. In this case, the visa-free movement of the aforementioned citizens and stateless persons does not exclude the right of the Parties to exercise appropriate passport and other types of control.” (Article 4) [4].

The parties to the agreement were Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan and Uzbekistan. On August 1, 1995, Georgia joined him. The agreement on visa-free movement of citizens of the states of the Commonwealth of Independent States through the territory of its participants was intended to promote the development of friendly good neighborly relations, strengthen economic, trade, scientific, technical, cultural and other ties, as well as the need to ensure effective protection of the rights and interests of citizens of CIS member states.

The Moscow Agreement stipulated that “each Party shall recognize entry, exit and transit visas issued to foreign citizens by the competent authorities of the Parties” (Article 1). These visas gave their holder the right to freely transit through the territories of other Parties to their destination or departure point to a third country. The procedure for the stay and movement of foreign citizens temporarily staying on the territory of the Parties, including for the purpose of transit travel, was determined in accordance with their national legislation [5].

In the process of economic and political isolation of the CIS member states, a bilateral treaty became the primary tool for joint solving problems in the legal



system of the Commonwealth. On July 3, 1997, an Agreement was signed between the Government of the Russian Federation and the Government of the Republic of Azerbaijan on visa-free travel for citizens of the Russian Federation and the Republic of Azerbaijan [6]. The main provisions of the agreement were as follows: 1) citizens of one Party, regardless of place of residence, have the right to enter, leave, follow transit, move and stay in the territory of the other Party without visas in compliance with the rules of stay and registration according to one of the documents from the attached list; 2) the movement of citizens of the states of the Parties is carried out through checkpoints at common state borders; 3) The Parties undertake to allow citizens of the States of the Parties to third countries through checkpoints on the state border open for international passenger traffic, according to documents valid for traveling abroad. A similar Agreement was signed between the Government of the Russian Federation and the Government of Ukraine on January 16, 1997. To date, the Agreement has not been canceled, but some additions have been made to the legal regulation of mutual trips of citizens of the Parties: for Russian citizens, the entry regime to Ukraine is visa-free, but only by foreign passports (entry on general (internal) passports was closed on March 1, 2015 by a decision of the Ukrainian government); the maximum period of visa-free stay in Ukraine for citizens of the Russian Federation is 90 days for 180 days.

In line with the development of trends in bilateral regulation of issues, the sector of multilateral interaction of the CIS member states begins to narrow. Seven years after the conclusion of the Bishkek agreement, a “mass exodus” also began from it. Turkmenistan was the first to notify of the Agreement (June 9, 1999)<sup>1</sup>, then the Republic of Uzbekistan (April 16, 2000) and the Russian Federation (December 3, 2000). The Republic of Uzbekistan signed an agreement on the introduction of a visa regime in March 2000 with Tajikistan<sup>2</sup>; and on June 3, 2000 - with Kyrgyzstan (at the moment between the countries there is a visa-free regime for up to 60 days.) The Republic of Kazakhstan decided to temporarily suspend the agreement, and then withdrew from it on January 8, 2001.

A similar fate befell the Moscow Agreement. So, on November 21, 2014, a protocol was signed in Ashgabat on the termination of the agreement of November 13, 1992 on the mutual recognition of visas of member states of the Commonwealth of Independent States. The document, which was progressive in its idea, presupposed the mutual recognition of visas issued to foreigners by the competent authorities of the participating countries. However, countries have not been able to implement the rules of the agreement into national law. During 1999-2001 in fact, all participating countries have withdrawn from the agreement or suspended its operation, thereby refusing further multilateral cooperation on this issue.

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<sup>1</sup>At the CIS summit on August 26, 2005, Turkmenistan announced that it would participate in the organization as an “associate member”. Turkmenistan does not recognize existing in the territory CIS the possibility of visa-free travel between member states (a visa is required to enter Turkmenistan). Other CIS members have taken similar measures in relation to Ashgabat.

<sup>2</sup> In 2018, Uzbekistan and Tajikistan ratified the Agreement on a visa-free regime between the countries. Citizens of two neighboring states can stay in each other's territory for 30 days without any permits.

Gradually, the tendency to use bilateral agreements as a regulatory instrument for mutual visa-free travel for citizens of the CIS countries intensified. The contents of the Agreements reflect the specifics of interstate relations.

On September 25, 2000, Decree of the Government of the Russian Federation No. 721 approved the draft Agreement submitted by the Ministry of Foreign Affairs of the Russian Federation between the Government of the Russian Federation and the Government of the Republic of Armenia on mutual visa-free travel for citizens of the Russian Federation and citizens of the Republic of Armenia [7]. The evidence of the detailed legal regulation of mutual trips of citizens of the Parties was the provision on the introduction of a specific period for the exchange of samples of new identification documents and confirming the citizenship of their owners, or amending existing documents - 30 days before the entry into force of those; the obligation of citizens of the Parties after entering the territory of the other Party to fulfill the rules of stay stipulated by the legislation of that Party is determined it is possible for one Party to introduce, in case of suspension of certain provisions of the Agreement, the corresponding restrictions on visa-free travel of citizens of the other Party with notification of this through diplomatic channels 72 hours before the entry into force of these restrictions.

In the same context, on December 7, 2000, by Decree of the Government of the Russian Federation N 935, the draft Agreement on mutual visa-free travel of citizens of the Russian Federation and citizens of the Republic of Moldova was approved [8]. Repeating the main provisions of the previous analogues, the Agreement contained a number of norms reflecting the specifics of interstate relations. Thus, the Parties undertook to take measures to prevent the departure of third parties to persons whose exit was closed by the competent authorities of the Parties, and also proclaimed the principle of application to their citizens who violated the provisions of the Agreement or the rules of stay on the territory of the states, legislation on the responsibility of the state, on the territory which committed a violation.

To date, the Republic of Moldova has concluded bilateral agreements in the field of mutual visa-free travel with such CIS member states as the Russian Federation, Kazakhstan, Ukraine, Uzbekistan, Azerbaijan, Turkmenistan, Armenia, Belarus (Agreement between the Government of the Republic of Belarus and the Government of the Republic of Moldova on mutual visa-free travel of citizens signed in Minsk on December 24, 2004 and entered into force on June 30, 2017).

According to the Agreement between the Government of the Republic of Belarus and the Cabinet of Ministers of Ukraine on visa-free travel of citizens dated June 12, 2009, citizens of the state of one Party enter, depart, follow transit and are in the territory of the state of the other Party without visas on the basis of valid documents indicated in the Appendix to this Agreement (entry regime according to foreign passports). Citizens of the state of one Party have the right to stay in the territory of the state of the other Party for up to 90 days within 180 days from the date of first entry. (p.1) [9].

The experience of implementing bilateral agreements between the CIS countries demonstrates that the Commonwealth is not in a position to solve various kinds of

problematic issues, including the movement of citizens between all countries at once. Often, the conflicting interests of states lead to different rates of cooperation processes, their fragmentation and different levels. In this situation, certain CIS countries, oriented to a higher level of interaction, formed other intergovernmental associations: the Union State, the Customs Union, the Eurasian Economic Community / Eurasian Economic Union, GUAM, etc.

Currently, the Union State of Belarus and Russia exists more on paper, providing a ritual function of commitment to the ideas of integration of two neighboring states.

In accordance with the Education Agreement of the Community of Belarus and Russia (April 2, 1996), it was decided to create a politically and economically integrated community in order to unite the material and intellectual potential of the two states. On April 2, 1997, the presidents of Russia and Belarus signed the Treaty on the Union of the two countries [10], and on May 23, 1997 - the Charter of the Union, which reflected in detail the mechanism of integration processes of the two states [11].

At this stage, the free regime of movement between Belarus and Russia is guaranteed by the Agreement on ensuring equal rights of citizens of the Russian Federation and the Republic of Belarus to freedom of movement, choice of place of residence and residence in the territories of the Union State member states (St. Petersburg, January 24, 2006) [12].

Citizens of one Party who legally reside in the territory of the other Party are guaranteed equal rights with citizens of that other Party to freedom of movement, choice of place of residence and residence (Article 1). Citizens of one Party, regardless of their place of residence (residence), have the right to freely enter, leave, stay, follow transit, move and choose a place of residence on the territory of the other side according to valid documents, without a migration card (Article 2).

In essence, the Agreement contains the same rules that can be found in agreements with third countries on visa-free travel. Compared with the regime of such treaties, special privileges for "citizens of the Union State" with regard to freedom of movement are not provided. The rights of citizens of one Party to freedom of movement, the choice of a place of residence and residence on the territory of the other Party may be limited in the manner prescribed by the legislation of that other Party, in the interests of ensuring national security, protecting public order, protecting morality, public health, rights and freedoms of citizens (Section 5). The standard clause on restrictions allows both Belarus and Russia to apply the same coercive measures to foreigners from contracting countries that apply to any foreigners, including expulsion or deportation.

**Customs Union.** The economic union of Belarus, Kazakhstan and Russia began to form on January 6, 1995 with the signing of the Agreement on the Customs Union between the Russian Federation and the Republic of Belarus, as well as the Agreement on the Customs Union between the Russian Federation, the Republic of Belarus and the Republic of Kazakhstan dated January 20, 1995. March 29 1996 The Kyrgyz Republic acceded to these agreements. At the same time, the Republic of Belarus, the Republic

of Kazakhstan, the Kyrgyz Republic and the Russian Federation signed an Agreement on deepening integration in the economic and humanitarian fields<sup>3</sup>.

In April 1998, the heads of the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, and the Russian Federation signed a joint Statement “On Ten Simple Steps Towards Common People,” the purpose of which was to give the existing integration processes a qualitatively new, additional impetus [13]. The document emphasized that the measures contained in the Statement are aimed at creating mutually acceptable conditions for the unimpeded movement of goods, services, capital and labor, and also reflects the desire to create opportunities to improve the living conditions of the population of their countries and to use specific mechanisms to remove obstacles to work and recreation, travel of citizens within the contracting states. One of the measures listed was “providing citizens with a free and equal right to cross the borders of four states, border, customs and other types of control”.

Subsequently, the stated ideas were the basis for a number of agreements. In the Agreement of November 24, 1998 on ensuring free and equal rights for individuals to cross the borders of the member states of the Customs Union and unhindered their movement of goods and currency [14] affirmed the principles of freedom and equal rights of movement of citizens within the common customs border of the customs union. The Parties also established that the basis for the admission of individuals in a priority, simplified manner is the availability of valid documents confirming the fact of their permanent residence in the territory of one of the member states of the Customs Union agreements. The admission of individuals in a priority, simplified manner includes the implementation of border (passport) control (verification of documents), which is carried out in accordance with the national laws of the participating states (Article 3).

**Eurasian Economic Community (EurAsEC)** was created in 2000 by the five post-Soviet republics (Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan) in order to develop integration processes between them and deepen mutual cooperation in various fields<sup>4</sup>. The constituent document of this organization was the Treaty on the Establishment of the Eurasian Economic Community of 10.10.2000, which defines the system and competence of the bodies of this association, the conditions for the membership of states and other organizational and legal issues. In October 2014, it was decided that the EurAsEC ceases its activities on January 1, 2015 due to the signing of the Treaty on the Eurasian Economic Union (EAEU) of May 29, 2014.

Within the framework of the Eurasian Economic Community, on November 30, 2000, the EurAsEC member states signed an agreement on mutual visa-free travel for citizens [15].

The Agreement provided that citizens, regardless of their place of residence, have the right to enter, leave, follow transit and stay in the territories of five states without visas according to one of the valid documents specified in the five annexes to

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<sup>3</sup> On February 26, 1999, the Republic of Tajikistan joined the agreements on the Customs Union and the Treaty on Deepening Integration in the Economic and Humanitarian Areas.

<sup>4</sup> In 2006, the Republic of Uzbekistan joined the EurAsEC.

the Agreement. Citizens of the participating states enter and leave the territory of each of the participating states through checkpoints open for international communication, provided that there are valid documents on the right to cross the border and drawn up in accordance with the legislation of their state. At the same time, the Agreement did not limit the right of each of the Parties, if it deems it necessary, to transfer, in relation to one or several parties to the Agreement, to a specific regime for travel of citizens. In addition, it was stipulated that the governments of the participating States have the right to take special measures to protect their borders and territory in emergency situations, in particular, threatening their security. Moreover, such measures are temporary and may be presented in the form of appropriate restrictions on entry, exit, stay, movement, transit travel. A government that imposes such restrictions must notify them in 72 hours of the government of other states party to the Agreement.

**GUAM** is a regional organization created in October 1997 by the states of Georgia, Ukraine, Azerbaijan and Moldova (from 1999 to 2005, Uzbekistan was also part of the organization). No significant legal standards were developed within the organization. At the same time, at the political level, the participating states announced their intention to develop active cooperation in the GUAM space on the basis of the “four freedoms” principle. In this regard, special attention should be paid to consistent work in order to achieve complete freedom of movement of people throughout the European space. The GUAM member countries pledged to assist each other in the implementation of the relevant agreements with the EU on simplifying the visa regime with a view to its subsequent abolition (since 2014, Moldova received a visa-free regime with the EU; since 2017, Georgia and Ukraine received a visa-free regime with the EU).

Throughout the existence of the CIS, the parameters of interaction between the member states have always been determined by the degree of interest in its specific forms.

Multilateral cooperation at the initial stage of the existence of the CIS was the embodiment of weak centripetal flows and, at the same time, the inertia of the need to preserve the political, economic, social ties of the former superpower in the form of a new interstate entity. The multilateral agreements concluded during this period made it possible, against the backdrop of great geopolitical changes, to ensure the functioning of the social mechanisms necessary for the daily lives of people throughout the post-Soviet space. An example was the Bishkek and Moscow agreements of 1992, according to which a visa-free regime for the movement of citizens of member states was maintained on most of the CIS territory and the principle of mutual recognition by visitor states of visas issued by their competent authorities was proclaimed. This period of time can be considered as a conditionally distinguished first stage of legal regulation in this area of interstate cooperation.

Acting at first in parallel, and then, both for objective reasons and due to the manifestation of a well-defined political will, their bilateral “brothers”, which began to supplant multilateral agreements, marked a period in literature that is often called the end of the “civilized divorce” of the former union republics. In the sphere of regulation

of mutual trips of citizens, the second stage is distinguished, within the framework of which interstate communication in the post-Soviet space was increasingly included in the international legal framework of purely bilateral contacts. A number of agreements were concluded that maintained a visa-free regime for reciprocal travel of citizens of the states of the Parties. Moreover, as each subsequent agreement was concluded, two trends were identified. Firstly, there was an ever-increasing refinement of the legal regulation of mutual trips of citizens of the states of the Parties. Secondly, having in general a similar content, each agreement in its own way reflected the specifics of interstate relations.

Today it is obvious that the prospects for the evolution of the CIS into a full-fledged integration association are very, very controversial. In this regard, within the framework of the concept of multi-format and multi-speed integration, interstate associations were formed. "The legal regulation of the so-called third stage is carried out on a multilateral basis within the framework of interstate associations within the CIS.

The CIS region is the intersection of the competing interests of a number of world and regional powers. The efforts of many players in the international arena are aimed at maximizing the political and economic distance from the former Soviet republics from each other. Russia, on the contrary, is interested in strengthening regional integration - both from an economic and geopolitical point of view. In such conditions, a visa-free regime for crossing the borders of the countries of the CIS member states can be considered as a factor in the interconnectedness of the post-Soviet space.

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# PLACE AND MEANING OF THE VISA LIBERALIZATION PROCESS AND FURTHER EMIGRATION FROM THE WESTERN BALKANS

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*The European Union Stabilization and Association Process (SAP), the accession process, regional cooperation and visa-free travel to Schengen area are four instruments of the gradual process of integration of the Western Balkans (WB) countries into the EU. The European Union put in the perspective the visa liberalization of the short term visa for the citizens of all Western Balkan countries at the EU-Western Balkans Summit held in Thessaloniki in 2003, and has confirmed it for several times since then by the Council's conclusions. Although the process of Eurointegration had a positive impact on some of the economic indicators of the Western Balkan countries, this did not stop the outflow of population. Visa-free travel may have to do with this, but it may not be. In general, the movement of the inhabitants of the Western Balkan countries towards the Western European countries is facilitated, as is their employment within the EU, and the new trend that is noticed is the increased emigration of the population with higher education.*

**Keywords:** Western Balkans, European Union, visa liberalization process, emigration

## ***Introduction: Emigration from the Balkan countries as a continuous process***

The population of 9 Balkan states and entity - Kosovo has been steadily declining over the last 25 years. From about 66.5 million in 1991, it was reduced to 60.7 in 2011. A similar trend continued after 2011. The real situation is probably much worse than the official statistics of Balkan countries show (compare Tables 1 and 2, for example data from the Macedonian Bureau of Statistics and Pew Research Center data). The problem of permanent emigration is not only related to the Western Balkans, but to the entire Balkan region.

Table 1: Population of Balkan countries and entity Kosovo 1991-2011 [20, pp. 36-37].

	<b>1991</b>	<b>2001</b>	<b>2011</b>	<b>2011-1991</b>
Albania	3.225.417	3.069.225	2.831.741	- 393.676 (-12.2%)
Bosnia - Herzegovina	4.376.403	3.798.953	3.531.189 (2013)	-1.205.214 (-27.5%)



Bulgaria	8.487.317	7.932.984	7.364.570	-1.122.747 (-13.3%)
Greece	10.259.900	10.964.020	10.816.286	+556.386 (+5.4%)
North Macedonia	2.033.964	2.022.547 (2002)	2.062.294 (2012)	+28.330 (+1.4%)
Romania	22.810.035 (1992)	21.680.974 (2002)	20.121.641	-2.688.394 (-11.8%)
Serbia	8.010.906	7.498.001 (2002)	7.186.862	-824.044 (-10.3%)
Croatia	4.784.265	4.492.049	4.456.069	-328.196 (-6.9%)
Montenegro	615.035	620.145 (2003)	620.029	+4.994 (+0.8%)
Kosovo/UN	1.956.196	1.850.000 (~)	1.739.825	-216.371 (-11.1%)
Total	66.559.438	63.928.898	60.730.506	-5.828.932 (-8.8%)

„For most South-Eastern and Eastern European countries, emigration rather than immigration has been the key feature over recent years and decades, with fairly low levels of immigration compared with other subregions of Europe. Due to this and other factors, several countries in the region are projected to experience very significant population decline by 2050 (including Bosnia and Herzegovina, Bulgaria, Romania, the Republic of Moldova and Ukraine)” [15, p.73]. All Balkan countries have traditionally been states of emigration, primarily to the Western Europe – Austria, Germany, France, Italy and Scandinavia.

„Depopulation is evident on the whole territory of West Balkan, especially in the last decade. Trend of population number differ in every single country. There is no one uniform explanation. The following facts are common for all countries. Different institutions are focused on the different population phenomenon. They have collected different data. Hence, data are not comparable, nor compatible. There has occurred a discrepancy from the planned concept of interpretation of the work results due to limitations because there was no census of the population in Kosovo. In addition, censuses of all Western Balkan countries have not been carried out at the same time; there is no data for Albania on age structure, so the index of aging could not have been calculated, or the age contingents of the 1991. Different migration data, in various literature sources were performed by different methodologies which certainly prolonged the comparison. There are two factors which affect on the depopulation: negative natural increase, which is consequence of bad age structure, as well as migrations. Migrations were provoked by civil conflict, which was accompanied by increase in mortality rates and decrease in fertility. Countries in the Western Balkans have traditionally been source of labor migrations to destination in Europe and overseas” [14, p.18].

Some indicators even rank the Balkan countries at the very top of the various lists being created. According to a survey by the Pew Research Center, Bosnia and Herzegovina and Albania occupy the first two places in terms of the percentage of emigrants in the total population, while North Macedonia is in eighth place.

Table 2: Percent of emigrants in total population [19].

country	% of emigrants	Number of emigrants
Bosnia-Herzegovina	30	1.650.000
Albania	28	1.120.000
Jamaica	28	1.070.000
Armenia	25	940.000
Kazakhstan	22	4.080.000
Syria	22	5.010.000
Trinidad and Tobago	22	360.000
North Macedonia	21	520.000
Portugal	20	2.310.000
Worldwide	3	243.700.000

The outflow of highly educated population is a particular problem for the Western Balkan countries [17, p.4] (Table 3). „On 27 December 2017, the Skopje-based Institute for Strategic Research and Education published a study showing that 69 percent of lecturers, assistants, and researchers working in Macedonia’s higher education system would consider leaving the country to seek new employment opportunities, and that 20 percent of them had already applied for a job abroad. A study conducted in Macedonia in 2010 estimated that, during 1995-2000, the number of scientists and researchers in the Western Balkans decreased by 70 percent. However, it is not only professors and teachers who have stated their willingness to leave the countries of the region; a high proportion of doctors and other medical workers are also willing to move abroad. In Bosnia and Herzegovina, the national medical workers’ association reported that around 300 highly qualified doctors left Bosnia and Herzegovina in 2016. The number of doctors who emigrate may be even higher, given the fact that some of them leave the country immediately after completing their medical education – and so never register in official workplace statistics” [21].

Table 3: Tertiary educated in total emigration [22, pp.2-3]

<i>country</i>	<i>total emigration</i>	<i>primary educated</i>	<i>tertiary educated</i>	<i>emigration % in population</i>	<i>primary educated</i>	<i>secondary educated</i>	<i>tertiary educated</i>
Albania	528.1	53.9	8.8	20.0	39.1	10.6	26.8
Bosnia-Herzegovina	1413.7	44.4	10.9	31.6	...	...	...
Croatia	870.2	42.5	13.0	18.9	19.6	17.3	20.1

North Macedonia	260.0	50.0	11.2	14.2	13.9	11.7	15.5
Serbia & Montenegro	1161.1	50.4	11.4	11.9	12.7	9.2	11.9

The trend of increased emigration of the highly educated population has been noticeable in the last decade and a half. While the lower - educated population was generally leaving Balkan countries in the 1970s and 1980s, this changed in the first decade of the 21st century. Alida Vracic also notes this: „according to the available data, the EU profits from this emigration a great deal. Germany, the wealthiest country in the EU, stopped accepting asylum applications from citizens of Western Balkans states in 2015. Since then, it has extensively relaxed its immigration laws for skilled workers from the region. Collectively, German companies have a record 780,000 job vacancies, or around 13 percent of their total capacity. In 2016, Germany welcomed only 40,000 new qualified workers, partly due to the language barrier and bureaucratic hurdles many immigrants face. The increasing number of vacancies in some key professions – such as engineering, software design, and healthcare – has prompted European countries to admit many people from the Western Balkans. Considering the current economic growth in Germany, it may result in even stronger emigration. As Germany’s population ages, these problems will grow in many industries. For example, German hospitals and care homes will need more medical staff. Migration has long enhanced the healthcare sector in OECD countries: in 2000, 11 percent of nurses and 18 percent of doctors they employed had been born abroad, allowing them to benefit from diversity and knowledge transfers” [21]. The question arises: is it also related to the visa-free regime, which facilitated the migration of the inhabitants of the Western Balkan countries to Western Europe?

### ***Place and meaning of the visa liberalization process in the Western Balkans***

The European Union Stabilization and Association Process (SAP), the accession process, regional cooperation and visa-free travel to Schengen area are four instruments of the gradual process of integration of the Western Balkans (WB) countries into the EU [10]. The SAP was launched in 1999 and is based on bilateral agreements (Stabilization and Association Agreement - SAA), financial assistance for the Western Balkans countries, political dialogue, trade relations and regional cooperation [10]. At this moment in the Western Balkans region Croatia is the member of the EU and all the other Western Balkans countries/entities are candidates (Serbia, Albania, North Macedonia and Montenegro) or potential candidates (Bosnia and Herzegovina and Kosovo\*) and have their SAAs in force.

Some candidate countries started the accession negotiations by Intergovernmental Conferences and opening of the first negotiation chapters (they have the so called negotiations status). Montenegro opened first negotiation chapters in 2012 and Serbia in 2014 while others like Albania and North Macedonia are still waiting to do so and are

only officially recognized as candidates (North Macedonia in 2005 and Albania in 2014), although the European Commission recommended for several times in its reports to the Council to open the process of negotiations with these countries. Bosnia and Herzegovina submitted its application to join the EU at the beginning of 2016, but is yet to receive the status of candidate due to the slow process of answering the European Commission additional questions, failure to implement parliamentary dimension of SAA, need to adopt and implement a new set of socio-economic reform measures at all levels in the country, improve the process of solving disputes and ensure legal certainty regarding the distribution of competences between the state and the entities in order to effectively adopt and implement the EU *acquis*, adopt new Constitution, etc. Because of this the conclusion of the European Commission on its last Opinion from May 2019 was that “Bosnia and Herzegovina does not yet sufficiently fulfill the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities [7]. Also, good neighborly relations and solution of border disputes are some of the criteria set for the improvement of Bosnia and Herzegovina integration process.

Regarding regional cooperation, because of the conflicts in the region of the Western Balkans one of the first aims of the EU was stabilization of this area which needed to include one of the most demanding processes after internal reforms of the countries – process of regional cooperation. Various regional initiatives and organizations were developed and not small amount of financial support was dedicated to the projects and programs of regional and cross-border cooperation. The special emphasize was recently given to the so called connectivity agenda which was developed under the Berlin process, launched in 2014 by Germany in order to keep the interest and process of the EU integration at the top of the EU and those countries agendas, in the context of the EU internal reforms and the so called enlargement fatigue. Connectivity agenda promotes projects and cooperation between the Western Balkans countries through building infrastructure connections as well as cooperation in ecology, economy, tourism and security. It also promotes better connectivity of youth, business and civil society in this region.

Finally, in the case of visa liberalization, the whole process of integration of the Western Balkans countries into the EU is usually seen as the process of Europeanization, but some authors claim that the visa liberalization process is actually the process of internationalization whereas the EU acts as “norm promoter” or “norm-transmitter” cooperating with the Western Balkans and Eastern European countries in promotion and adoption of already existing norms approved at the international, multilateral level [4, pp.201-202]. Also, some thinks of the EU as the “norm-taker”, but not from the multilateral but from the bilateral perspective, namely when EU internalizes US border security norms [2, p.117].

Inside the European policy architecture, visa-free travel i.e. visa liberalization is part of the EU visa policy which is part of the EU migration and home affairs and internal security of the EU and its member states (so called Area of Freedom, Security and Justice) and the EU internal market. Visa liberalization links the EU external relations

with its internal security whereas external relations act as instrument for attaining the EU's internal security objectives [23, p.12].

EU visa policy is based on reciprocity with the non-EU countries and visa liberalization starts with visa facilitation agreements which are connected to the readmission agreements. Readmission agreements were necessary in the process of visa liberalization in order to fight illegal migrations and determine obligations and procedures for identification and effective return of illegal migrants from countries under this process or the EU. Regulation (EC) No 539/2001 contains the list of third countries whose nationals must be in possession of visas when crossing the external borders of Member States (Annex I or "negative" or "black" Schengen list) and the list of those whose nationals are exempt from that requirement (Annex II or "positive" or "white" Schengen list) and has been amended for several times since its adoption – the lists can be changed due to the regular case-by-case assessment of a variety of criteria needed for visa-free status. For the first time the "negative list" was determined in 1995 (EC Regulation 2317/95) and four countries of the WB region were listed there – Albania, FYR Macedonia and FR Yugoslavia (Serbia and Montenegro). Regarding Bosnia and Herzegovina, it was not included in the list but left to the Member States individually to decide on the visa requirement. Still, all Member States but one imposed a visa obligation for this country [5, p.2]. On the other side, Croatia was not included in the "black list" neither in the above mentioned EC Regulation from 1995, neither in the Regulation 539/2001 from 2001 and there was no need for special process of visa liberalization with this country. Also, the Regulation 539/2001 had no reference on Kosovo in 2001, but was amended in 2009 putting it on the "negative list" under the name "Kosovo under UNSC Resolution 1244/99". The detailed road of the WB countries to the visa liberalization will be considered in next chapter.

### ***Visa liberalization process in the Western Balkans***

The European Union put in the perspective the visa liberalization of the short term visa for the citizens of all Western Balkan countries at the EU-Western Balkans Summit held in Thessaloniki in 2003, and has confirmed it for several times since then by the Council's conclusions. It is seen as part of the overall reforms need to be done in the WB states on the course of the EU integration. In discovering the motivation of the EU lying behind the visa liberalization for WB countries authors consider several things: political commitment taken by the EU, reasons of illegal migration, economy and security.<sup>5</sup> On the one hand it is possible that the West no longer saw that region

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<sup>5</sup> Schimmelfennig explains the visa liberalization for the WB countries with the path dependency theory or "sociological institutionalism", because it cannot be explained with rationalist cost benefit theories, whereas the EU took political commitment on visa liberalization and entered the "rhetorical trap"; Guild made the point that visa liberalization in the WB countries was not necessarily result of the fulfilment of the set (technical) criteria but of the subjective change of viewpoint that these countries were no longer socio-political and economic burden; similarly Buzan view visa policy as part of societal security and product of subjective perspective of the countries whereas the visa liberalization of the WB states was product of overall desecuritization and regionalization, took in order to overcome the Cold War way of thinking. This points of view were summarized from [18].

as refugee-producing or, on the other, the EU could thought that by offering a country visa-free travel, its citizens would no longer be entitled to claim asylum in the EU member states.<sup>6</sup>

Also it enabled the EU to sign readmission agreements, very desirable tool for the EU to solve the problem of illegal migrations from the WB countries. It is also related to the economy and greater commercial activities of both the EU and WB countries as well as fight against organized crime and maintaining public order, which is important for the stability of the whole region and the EU. Overall the visa liberalization should be the great incentive for the WB countries/entities to conduct necessary reforms, be stable (avoid future wars and conduct regional cooperation) and stay geo-politically and geo-economically connected to the EU. For the WB countries, on the other side, it meant the end of the period of isolation, sanctions and perception of them as trouble-makers.

Visa liberalization dialog with the Western Balkans countries took place in the framework of SAP. Also, visa liberalization related issues are part of the negotiating chapter on justice, freedom and security. The Council of the EU on January 2008 accepted the intention of the European Commission to start a visa dialogue with all Western Balkan countries. Dialogues started at the first half of 2008. The aim was to determine detailed conditions, each specifically developed for the country, for visa liberalization through the Visa Liberalization Roadmaps with clear benchmarks to be fulfilled by the countries of the region. The progress and reforms of these countries were constantly monitored by the European Commission, Council and Parliament, with regular annual reporting on the matter. Generally the conditions set in the Visa Liberalization Roadmaps refer to the effective implementation of agreements, document security (Passports / travel documents, ID cards and breeder documents), illegal immigration including readmission (Border management, Carriers' responsibility, Asylum policy, Migration management), public order and security (Preventing and fighting organized crime, terrorism and corruption, Judicial co-operation in criminal matters, Law enforcement co-operation, Data protection), as well as external relations and fundamental rights (Freedom of movement of countries nationals, Conditions and procedures for the issue of identity documents, Citizens' rights including protection of minorities).

Serbia, Montenegro and North Macedonia were granted visa free status in December 2009 (visa facilitation and readmission agreements with these countries entered into force at the beginning of 2008) and to Albania (readmission agreement entered into force in 2006 and visa facilitation agreement in 2008) and Bosnia and Herzegovina (visa facilitation and readmission agreements entered into force in 2008)

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<sup>6</sup> *Because only individuals coming from countries that are on the "black list" can apply for asylum status. People from the WB countries could no longer claim refugee status [18, p.9].*

it was granted in December 2010.<sup>7</sup> For Serbia it came in period when the Interim agreement and ratification of the SAA were blocked (especially due to the position of Netherlands and Belgium) because of the lack of Serbian cooperation with the International Criminal Tribunal for Yugoslavia (ICTY), which was special criteria for some WB countries to continue integration process with the EU. Because of the unresolved status issues (since five Member States of the EU did not recognize the unilateral declaration of independence of Kosovo from 2008) and security reasons, especially fear of the illegal migration stemming from and transiting through Kosovo, “Kosovo under United Nations Security Council Resolution (UNSCR) 1244/99” was excluded from the visa-free regime in 2009. It was added to the “black list” of the Council Resolution 539/2001 under the category „entities and territorial authorities that are not recognized as states by at least one member state“ where the Palestinian Authority and Taiwan are already listed [5, p.2].

Also, the Serbian passports issued by the Coordination Directorate at the Interior Ministry of Serbia to Kosovo residents were excluded from visa-free regime with Serbia. Before getting the visa-free regime Serbia had to establish direct police cooperation with the European Union Rule of Law Mission (EULEX). The protocol on cooperation between Serbia and EULEX was signed in September 2009 and Integrated Border Management agreement was reached in December 2011. This opened the large political debate in Serbia regarding the Kosovo status and the Government was accused that it established the border between Serbia and Kosovo, divided the Serbs, contributed to their ethnic cleansing, recognized the Kosovo independence and sold it for the “White Schengen list” [12]. On the other side, some opposition parties in Kosovo at that period accused their Government for accepting the agreement with the term “crossing points” and not “border” and for signing the agreement with “state” that does not recognize Kosovo borders [24].

Visa liberalization dialogue with Kosovo, conducted without prejudice to Member States’ position on status, started in 2012. Since then, the European Commission recommended twice (in 2016 and 2018) to the European Parliament and Council to lift the visa obligations for Kosovo citizens, but it is still to receive the visa-free status. Germany, France, Netherlands and Belgium are the main countries blocking the start of visa-free regime due to the illegal migration problems from and through Kosovo to these countries.

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<sup>7</sup> In the decision-making procedure (consultation procedure) in 2009 European Parliament gave the opinion to the Commission report that all the WB countries should be added to the “white list” at once and that visa liberalization dialogue should immediately start with Kosovo, but this two suggestions were disregarded by the Council. The position of Commission from the start was similar to the overall integration process - that each country will be assessed individually. It is interesting that the EP, which was in the same composition, did not put any amendment, especially about immediate start of visa liberalization dialogue with Kosovo, to the 2010 Commission proposal to put other two WB states on the “white list” although it was now deciding in the co-decision procedure (under the Lisbon Treaty). Some EP members said that this was because they wanted visa liberalization with Albania and Bosnia-Herzegovina to be implemented immediately and not to make them ‘victims’ of unresolved Kosovo status.



As we mentioned, all five states of the Western Balkans got the Visa Liberalization Roadmaps in the first half of 2008 with similar conditions (or benchmarks) to fulfill - Requirements related to the effective implementation of the Community Visa Facilitation and Readmission Agreements and Requirements on Document Security, Illegal Migration, Public Order and Security and External Relations [11].

After receiving these Roadmaps WB states had to provide "readiness reports" by September 2008 in which they stated the situation in power regarding each of the requirements. WB states had to conclude the 'implementing protocols' with Member States, create proper infrastructure / administration to deal with readmission applications, respect the various deadlines set by the Community Readmission agreement and refuse the readmission applications only on the grounds provided by the Community Readmission Agreement, accept the 'EU standard travel document for expulsion purposes' and the readmission applications for third country nationals / stateless persons. Regarding the Visa facilitation agreement they had to cooperate with the European Commission on implementation of the agreement and monitoring of all institutions, authorities and bodies involved with the implementation of the agreement. On document security WB states had to issue biometric travel documents, establish measures to fight corruption in the public authorities that deal with visas and passports, report to Interpol / LASP data base on lost and stolen passports and provide high level of security for these documents and strict procedure for their issuance.

In the field of border management they had to adopt and implement new legislation on movement of persons at the external borders and organization of border authorities in accordance with National Integrated Border Management Strategies and Action Plans with clearly defined responsibilities of border management, provide effective technical means at the borders for border control, fight corruption of the border management officials through establishment of training programs and adoption of ethical codes on anti-corruption and to conclude a working arrangement with FRONTEX.

On asylum policy they had to adopt and implement new laws in line with international and EU standards and legislation and strengthen infrastructure for asylum seekers and bodies and procedures dealing with them. On migration management WB states had to set up and start to apply a mechanism for monitoring of migration flows, adopt and implement a National Returnee Reintegration Strategy, including sustainable financial and social support, develop measures to fight organized illegal migrations, adopt and implement a law on the admission and stay of third country nationals, and ensure effective expulsion of illegally residing third country nationals from its territory which is why they had to conclude bilateral readmission agreements with other countries.

On public order and security WB states had to adopt and implement strategies to fight organized crime, combat trafficking in human beings, strategies and laws that regulate fight against terrorism and legislation on confiscation of assets of criminals, on fighting drugs, corruption (and establishing national anti-corruption authorities or if they have already had them then to improve their functioning), and relevant UN and Council of Europe legislation in this domain. Regarding Judicial co-operation in criminal matters

WB states had to implement international conventions concerning judicial cooperation in criminal matters, improve the judicial cooperation in criminal matters with the EU Member States and neighboring states and develop working relations with Eurojust.

Law enforcement co-operation included obligations to ensure efficiency of law enforcement co-operation among relevant national agencies and improve exchange of information between them, reinforce regional law enforcement co-operation as well as with the EU Member States and conclude an operational cooperation agreement with Europol. Data protection requirements related to the adoption of necessary legislation on the protection of personal data and setting up of new state bodies to deal with personal data protection (or improvement of their work if they have been already established), signing, ratification and implementation of relevant international conventions. On External Relations and fundamental rights WB states had to ensure that freedom of movement of their citizens is not subject to unjustified restrictions, full and effective access to travel and identity documents for all citizens, full and effective access to identity documents for IDPs and refugees, adopt and enforce legislation to ensure effective protection against discrimination, specify conditions and circumstances for acquisition of their citizenship, ensure investigation of ethnically motivated incidents by law enforcement officers, that constitutional provisions on protection of minorities are observed and implement relevant policies regarding minorities, including Roma.

Also, due to the special position of Kosovo its Roadmap is a little bit different and more detailed than in the previous cases, but contains the same groups of requirements. For example, the EULEX have an important role in monitoring and advising Kosovo institutions and authorities on adopting and implementing the reforms and fulfilling the requirements set out in its Roadmap. Also, because it is not in position to conclude treaties with the EU, there is not Community Readmission Agreement between the EU and Kosovo, but Kosovo is obliged to implement domestic and existing legislation on readmission that cover all the EU Member States and, where appropriate, to conclude new readmission agreements bilaterally or with the group of states (for example one Readmission Agreement was signed with Benelux countries). On Border/boundary management Kosovo institutions should also cooperate with KFOR, beside EULEX. One of the requirements regarding border/boundary management for Kosovo was that it should “endeavor to complete, in a coordinated manner with the other party, the delineation of the border/boundary with Montenegro” [25, p.8].

Only after the ratification of the Delineation Agreement with Montenegro in March 2018 (and significant improvement in fight against organized crime and corruption) the European Commission stated that now all conditions set in the Roadmap were met and reconfirmed its recommendation to the Parliament and Council to adopt visa liberalization for Kosovo. The European Parliament voted twice (2018 and 2019) in favor of visa liberalization with Kosovo, but Council is still to discuss it and take the position, status and security reasons being the main obstacle in the decision making process.<sup>8</sup> In the press

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<sup>8</sup> First time the EP voted (September, 2018) 420 MPs were in favor and 186 were against visa liberalization with Kosovo, but the second time (March, 2019), only six months later, 331 MPs voted in favor of the visa liberalization with Kosovo and 126 were against.

release of the EP it was clearly stated that “visa waiver would allow the citizens of Kosovo to travel to the EU... for business, tourism or family purposes, but not for work” [26].

It was important for the EP to stress this because one of the researches conducted on the motivations of Kosovo citizen for traveling into the EU showed that the main reasons for the people of Kosovo to travel to the EU were to study (35%) and to work (24%), both of which are not actually covered by the visa-free regime [3, p.259]. It is a direct consequence of the lack of information about the rules and procedures of visa liberalization, poverty in Kosovo and high unemployment rate, especially among the young people [3, pp.258-259].

It is interesting that although the EU considers the visa liberalization process with Kosovo to be without prejudices on the status, European Commission expressed attitude that only Kosovo biometric passports issued by Kosovo authorities would be reliable for visa-free regime and not those issued by the Serbia’s Ministry of Interior Coordination Directorate, although Serbia asked these passports to be included in the visa-free regime too.<sup>9</sup>

This means that those residents of Kosovo holding Serbian passports would have to recognize Kosovo state and take dual citizenships. On the other hand, Serbian position was that “The visa liberalization should not apply to a type of document, but to all citizens of the territory that it was granted to” [27].

### ***Post visa-free status process - monitoring and evaluation***

Soon after WB countries got visa-free regime the Commission set up a post-visa-liberalization monitoring mechanism complemented by an alert mechanism to prevent abuses. Monitoring mechanism was invented to assess the fulfillment of requirements set in Roadmaps and several Commission monitoring reports were presented to the European Parliament and the Council. That means that once granted visa-free travel status is not permanent or unconditional but can be suspended “for citizens of non-EU countries when there is an emergency situation caused by the abuse of the visa-free regime by nationals of countries exempted from the visa obligation” [8; 28].

Visa Suspension Mechanism was first adopted in 2013 (entering the force in January 2014) and further strengthen in 2017 in order for the EU to react more quickly and flexible if faced by strong migratory pressures or if some Member State is faced with internal insecurity as consequence of the visa-free regime. Under this new mechanism the European Commission is obligated to monitor and report on the fulfillment of requirements set in the Roadmaps or Actions Plans that stem from the visa liberalization dialogues with WB countries and Eastern Partnership. It does not cover the whole spectrum of justice and home affairs since they are covered through membership negotiations and chapters, but is focused on specific areas identified for each country in each of the annual reports. Under the new mechanism visa liberalization can be

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<sup>9</sup> *The EU Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos, on a one-day visit to Pristina to present the EU Commission proposal to local officials in 2016 said: “Let me be clear on that. Only Kosovo’s passports are recognized. So, it is very, very clear” [27]*

suspended under the following conditions: “a substantial increase (more than 50%) of irregular migration, including people found to be staying irregularly, and persons refused entry at the border; a substantial increase (more than 50%) of asylum applications with low recognition rate (around 3-4%); a decrease of cooperation on readmission, notably in case of an increasing refusal rate for readmission applications; an increased risk to the security of Member States, in particular serious criminal offences” [9].

The Commission can also trigger the mechanism in case certain requirements of the visa liberalization are no longer met by third countries that have gone through a visa liberalization dialogue. Also, when country enters the EU it has to apply common EU visa policy including visa regulations toward the third countries whose nationals must have visas when crossing external borders and those whose nationals are exempt from that requirement which can cause some negative consequences for some countries like Serbia or those depending largely on tourism from nationals of third countries (ex. China or Russia).

Concerns of the EU's Member States regarding visa liberalization in the WB countries/entities are related to the abuse of this regime in at least three ways 1) entering the EU for the longer periods of time than foreseen by the visa-free regime (90 days in 180 days period), 2) for activities or reasons not foreseen by the program (for ex. working or studying) 3) applying for international protection (asylum seekers – usually Roma population) [6, pp.41-42].

Having in mind previously mentioned research conducted in Kosovo on motivations of Kosovo residents for traveling into the EU, these concerns are not ungrounded. If these concerns are not met properly by the Western Balkans countries / entities the EU can threat with or implement the Visa Suspension Mechanism and reintroduce the visa regime to those countries. Under the strengthen Visa Suspension Mechanism the European Commission is obligated to report on the state and fulfillment of conditions of visa liberalization. Until now the Commission has issued two such reports – one in December 2017 and one in December 2018 [8].

In the Second Report it was stated that Albania has taken measures to tackle illegal migration, implemented the action plan against irregular migrations, continued to increase the operational cooperation with Member States most affected by irregular migration, conducted awareness raising campaigns on the rights and obligations of the visa-free regime, improved effectiveness of law enforcement, combating organized crime, adopted the anti-cannabis action plan, took further steps in fight against drugs and institutionalized cooperation with the EU authorities in the field of justice and home affairs. Result of this is the decrease in the number of refusals of entry, for illegal stay and asylum applications (asylum recognition rate of 2017 was 5.19%), with readmission and return functioning well. In the field of public order and security it was stated that Albanian-speaking organized crime groups are active in trafficking heroin and that several key locations in Albania have been a source of radicalization and recruitment of foreign terrorist fighters, although in decreased number. Because of the organized crime and illegal migration Netherlands recently proposed the abolition

of the visa liberalization for Albania. Regarding North Macedonia there was increase in the number of refusals of entry, no increase in illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 1.45%), with readmission and return functioning well. This country strengthened its border controls and document checks as well as the implementation of action plans to improve the assistance to vulnerable populations, it organized trainings for border police as regards the respect of human rights and took institutional measures and further international cooperation in order to fight organized crime. Still, organized crime groups from North Macedonia are also active in the drug trafficking and distribution and this country is recognized as source of trafficking of archaeological objects, religious items and cultural goods to the EU. Regarding Bosnia and Herzegovina there was an increase in the number of refusals of entry, no increase in illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 5.66%), with readmission and return functioning well. It was stated that Bosnia and Herzegovina's "decision to grant visa-free travel to Chinese nationals (decision effective as of May 2018) needs to be monitored closely" [8, p.5].

According to the Report this country implemented Strategy and Action Plan on migration and asylum (2016-2020), conducted information campaigns on the rights and obligations of the visa-free regime, adopted an Action Plan for Emergency Measures, adopted a new Strategy on fighting organized crime and increased the capacity of the law enforcement in fighting it, implementing 2016-2019 Action Plan on fighting trafficking in human beings, action plan on anti-money laundering and financing of terrorism and still has to take some measures in order to have arranged cooperation with EU bodies in this field. Still, organized crime groups from Bosnia and Herzegovina are active in the fields of human beings, illicit drugs and firearms trafficking, organized property crimes and this country stands as a destination country for vehicles stolen in Member States. Regarding Montenegro there was an increase in the number of refusals of entry and illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 2.10%), with readmission and return functioning well. Montenegro adopted new Action Plan in order to improve the reintegration of readmitted nationals, adopted the new laws on foreigners and their protections, established good police cooperation with EU bodies in the field, as well as with Member States, improved the legislation on money-laundering and restrictive measures as well as bilateral cooperation in fighting trafficking in human beings. Investor citizenship scheme that was adopted in November 2018 is to be closely monitored because it could pose "migratory and security risks" [8, p.6].

Regarding Serbia there was an increase in the number of refusals of entry and for illegal stay and decrease in asylum applications (asylum recognition rate of 2017 was 3.23%), with readmission and return functioning well. The visa liberalization for Serbia was recently endangered because of the visa-free arrangement that Serbia had with Iran. Because of the abuse of the visa-free travel regime by some Iranian nationals, and in the context of the EU integration, requests from the European Council to respect the

EU visa policies and absence of bilateral readmission agreement with Iran, Serbia had to cancel visa-free entry for Iranian citizens more than a year after it abolished visa regime (from August 2017 to October 2018) [29]. The Second Report also states that from "2 September 2017 to 16 October 2018, 46,493 Iranian nationals were recorded on entry, 33,568 were recorded on exit" [8, p.7].

Serbia continued cooperation with EU bodies in the field, abolished visa-free regime with Iran, adopted new legislation on fighting organized crime, terrorism and corruption, strengthened its administrative capacity for the prevention of money laundering and the financing of terrorism. Still, concern remains regarding abuse of Serbia's visa-free policy, which is not in line with the EU visa policy regarding third countries, especially from India's nationals for which it is observed that may pose migratory and security risk for the EU. It is interesting that, differently than in the case of Bosnia and Herzegovina, in its Second Report the Commission didn't express concern regarding visa-free regime Serbia agreed with China in 2016, although all countries with which Serbia has visa-free regime but are on the EU "black list" are listed in the EU progress report for Chapters 23 and 24 [30, p.16]. At that moment Serbia was the only country in the region to have such an agreement with China, and Bosnia followed. Also, it is stated that Serbian organized crime groups are active in the fields of organized property crimes in the EU, trafficking of heroin and firearms.

The next, third report of the European Commission under the Visa Suspension Mechanism is to be issued in December 2019.

### ***Continuation of the process: visa-free regime and the future of emigration***

"For several years in a row, Western Balkan labor market conditions have been improving. Unemployment rates are declining, reaching historic lows in most countries; employment rates are rising; and the gap with EU countries is gradually shrinking. The last year was no different: Although job creation slowed, the quality of newly created jobs improved, as found by the forthcoming Western Balkans Labor Market Trends 2019 report. But behind these positive trends, fundamental problems persist. The shares of those in vulnerable and informal employment remain elevated, indicating that the quality of employment is still a major concern" [1].

It is likely that in this conclusion M.Ardanarenko and S.Brodmann find the reason for intensifying emigration. The process of Euro - integration (EU accession) had a positive effect on individual economic indicators, but this did not stop the outflow of population. Visa-free regime may have to do with this, but it may not be. The movement of the inhabitants of the Western Balkan countries towards the Western European countries is facilitated, as is their employment within the EU. "The image of Europe is changing unstoppably. According to UN and Eurostat estimates, the population of individual countries will decline by 2050, leaving France with 55, the United Kingdom with 53 million, with the most pronounced declines in Germany (population to 63 million), Italy (around 37 million) and Spain (28 million). The relatively conciliatory observation of the



movement of millions inhabitants of Balkan states towards their countries is caused by the demographic decline in Western Europe. The Western European economy needs a working - age population in order to maintain the level of existing economic dynamics, and the advantage of the Balkan peoples is that (with the exception of some Albanians and some Bosnian Muslims under the influence of radical Islamic learning), they integrate easily and pose no security threat. Therefore, the observed trends can be expected to continue. Population will flow out of the Balkan states, the part that is the most vital in the reproductive sense and the most productive in the economically sense. This, in all likelihood, will have great consequences for the economy and development of the Balkan countries. Given the current and acute migrant crisis, the observed depopulation in the Balkans is also a first-class geopolitical challenge. Not just for the Balkan countries, but the whole of Europe“ [20, p.41].

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# VISA-FREE REGIME BETWEEN UKRAINE AND THE EU: ASSESSING THE DYNAMICS OF THE FIRST TWO YEARS THROUGH STATISTICS AND PUBLIC OPINION DATA

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*Based on the available statistics and public opinion data, this article analyzes the dynamics of the first two years of the visa-free regime between Ukraine and the EU. It is underlined that, in the context of implementation of the visa-free travel between the EU and the Eastern Partnership countries, Ukraine stands as a specific case: is the largest in terms of the length of external borders and it has two unresolved conflicts in its territory. However, despite the fears, since introduction of the visa-free regime in June 2017 a dramatic increase in migration activity from Ukraine to the EU did not occur. Although Ukraine is in the top three countries in terms of the total number of entries into the Schengen zone, the total passenger traffic remains rather stable and the level of recorded illegal crossings is decreasing. Introduction of the visa-free travel yielded a number of positive results for both Ukraine and the EU. Although there is no threat in the short term, Ukraine should focus on addressing the findings of the reports under the Visa Suspension Mechanism. Also, to ensure that visa free travel serves as a mutually beneficial solution, the EU countries should pay more attention to assessment of the advantages of a more complex cooperation with Ukraine.*

**Keywords:** visa-free regime, Ukraine, EU, dynamics of flows, migration attitudes.

According to the national public opinion polls, granting of the visa-free travel to Ukraine remains one of the country's tangible achievements in the period after the Euromaidan, the most significant political event of 2017 [9] and the main beneficial change of the last five years period [10]. If continued, it can serve as a powerful trigger for further reforms and be used as a firm background for successful development of Ukraine as one of the EU largest strategic partners in the East. Visa free travel is perceived by the partners as a mutually beneficial solution to facilitate people-to-people contacts and strengthen business, social and cultural ties between the EU and Ukraine [1, pp.1, 14, 15]. Has it succeeded as a win-win process so far? This paper uses the available statistical information, as well as the relevant data of the surveys, to examine the development of the visa liberalization process during the first two years (from June 2017 to June 2019) and analyses the challenges on the way.

### ***Ukraine's case in the context of implementation of the visa-free travel between the EU and the Eastern Partnership countries.***

Ukraine stands as a unique case of the visa liberalization process in the region for two main reasons. First, it is the largest of the Eastern Partnership countries in terms of population (42 mln)<sup>10</sup>, territory (557.5 sq. km)<sup>11</sup> and the length of external borders (6,993 sq. km) [12], including borders with the EU (Ukraine borders Hungary, Poland, Romania and Slovakia), with the European Partnership countries (Moldova and Belarus) and with Russia. Second, it is the only Eastern Partnership country with two unresolved conflicts in its territory: in the Crimea, annexed in the south by the Russian Federation, and in the parts of the Donetsk and Lugansk Regions, occupied by the Russian hybrid forces in the east. Difficult geopolitical conditions and volatile state of both domestic and foreign politics after the Ukraine's Presidential and Parliamentary elections of 2019 determine the challenges and risks associated with both border management and implementation of the reforms necessary to continue the visa-free travel. Nonetheless, having confirmed its path toward the EU and NATO in the Constitution in February 2019 [13; 14], Ukraine continues to seek sustainable solutions to ensure security and to carry out structural reforms in the priority areas which are pivotal for meeting the visa liberalization benchmarks now and in the future.

To remind the timeline of the Ukraine's track of visa liberalization, visa-free travel for Ukrainian citizens (which includes only travels with biometric passports for a short-term stay in Europe) came into effect on 11 June 2017 as a part of the EU plan to develop managed and safe mobility with the Eastern Partnership countries. Although visa-free regime is widely perceived by the public as a direct result of the year 2017, it took a long time to implement the plan, and it is worth looking through the different stages of that long-term process which is both typical and unique in each country-case.

The visa liberalization dialog between the EU and Ukraine was launched back in October 2008 (under Viktor Yushchenko's Presidency). It took two years to complete the Visa Liberalization Action Plan (VLAP) which was presented to Ukraine in November 2010 (when Viktor Yanukovych took office already). The VLAP, which was a common procedure for all Eastern Partnership countries, included four blocks of standards to be met by a partner country, including: 1) document security, including biometrics; 2) border management, migration, and asylum; 3) public order and security; and 4) external relations and fundamental rights. The benchmarks discussed in the plan were intended to guarantee effective and sustainable achievement of the target standards not only through political decisions, but also through development of the necessary legislative and institutional framework for their implementation. In the following turmoil period from 2011 to 2015 (which included EuroMaidan in Kyiv and other large cities as, initially, a mass reaction to Yanukovych's decision to pull out the EU deal under pressure of

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<sup>10</sup> Excluding the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol. Evaluation by the State Statistical Service of Ukraine as of 1 January 2018 [11].

<sup>11</sup> This refers to the controlled territory of Ukraine in 2017. In 1991, the controlled territory of Ukraine was 603.7 sq. km.

the Russian Federation; Yanukovych's escape; change of power in Kyiv, and the start of foreign aggression in the Crimea and Donbas), regardless of the difficulties, six VLAP Progress Reports were published, and Ukraine was finally included in the list of third countries whose nationals are exempt from visa requirements to visit the Schengen countries. Thus, in June 2017 Ukraine (then, under Petro Poroshenko's Presidency) became the third country after Moldova, which implemented the visa-free travel in April 2014, and Georgia, where the visa-free travel became effective in March 2017. In 2019, in the result of the democratic elections, Ukraine saw the rise of Volodymyr Zelenskii, a political freshman, as a President, and a newly-established "Servant of the People" as a single-party parliamentary majority. The first months of the new political season in Ukraine has shown a great deal of uncertainty: although the main strategic priorities of Ukraine regarding its Eurointegrational ambitions stay intact, it remains unclear if the Ukraine's new authorities will demonstrate the same degree of commitment to the EU-Ukraine strategic partnership as they did during the previous period.

For the countries undergoing transformations, visa-free travel is not a condition allowed once and for all. To ensure that the political situation does not pose a threat to further development and security of the partner country and to prevent abuses of the visa-free travel, the European Commission developed and published the First (in December 2017) and the Second (in December 2018) Reports under the Visa Suspension Mechanism which provided for a possibility of temporary return to visa requirements in case of non-compliance with the liberalization criteria. The Reports remarked that on the whole Ukraine continues meeting the visa liberalization benchmarks, however, a number of requirements need to be addressed [2, pp.12, 13; 3, pp.11, 12], in particular ensure further fulfilling of anti-corruption reforms, something which became the main sticking point of the Ukraine's transformation talks<sup>12</sup>. Among other problems, specific for Ukraine as a transit country, is involvement of the organized crime groups in excising fraud, particularly the production and smuggling of illicit tobacco products to the EU. Cybercriminals with Ukrainian nationality, notably Russian-speaking ones, are increasingly involved in highly sophisticated operations within the digital underground. Another matter of concern is different smuggling groups operated by Ukrainian nationals from Turkey and Greece via the Western Balkan route [3, p.12]. As all these problems need further attention both from Ukraine and from the EU. As part of the EU policy to strengthen border control by the end of 2021, a cross-checking through the ETIAS European Travel Information and Authorization System will be introduced to identify those who pose a security threat<sup>13</sup>.

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<sup>12</sup> In 2018 Transparency International Corruption Perception Index ranks the country 120<sup>th</sup> out of 180 countries (just to compare, Moldova is ranked 117<sup>th</sup>, Georgia is ranked 41<sup>st</sup>) [15].

<sup>13</sup> According to the adopted mechanism, nationals of the countries which enjoy the visa-free travel with the EU will need to complete an online application and pay an authorization fee (€7 for each application, except applicants younger than 18 and older than 70, who are exempt from the fee) every three years.

## ***Main observations of the first visa-free year in Ukraine: the dynamics of flows and migration attitudes***

As experts argue, analysis of the visa-free regime statistics during the first year indicated that the available sources are inconsistent due to the different approaches to monitoring the regular passenger flows [4, pp.3, 4]. The reported numbers seem underestimated for the two main reasons: 1) the Ukrainian border guards keep records of the visa-free entries only for those passengers who have newly issued biometric passports; 2) the available data of the State Border Service of Ukraine do not include transit border crossings (such as Belarus-Poland / Lithuania, Moldova-Romania / Bulgaria or Turkey-EU, which is a popular route due to the developed transportation links from Istanbul to other destination within the EU). In addition, the visa-free passenger traffic does not take into account entrances to the EU of the Ukraine nationals temporarily residing in third countries, as well as visa-free movement of Ukraine nationals using passports of third-countries<sup>14</sup>. Due to the badly coordinated monitoring system of regular passenger traffic, the real number of visa-free travels from Ukraine to the EU is likely to significantly exceed the current official estimates of the Ukrainian side.

Bearing in mind the possible inaccuracy of the data, let us refer to the available statistics which is still important for understanding the scope of movement and its dynamic. From January 2015, when mass biometrization was launched, to June 2018 (i.e. in one year since the visa-free regime was introduced) the State Migration Service of Ukraine has issued 9 million biometric passports, including 5 million since June 2017 [16]. The National Border Service of Ukraine reported on 20.3 mln. Ukraine-EU border crossing from June 11, 2017 to June 11, 2018, including 4.8 mln. of travelers with biometric passports (who might have different types of valid visa, travelling either to the EU-member states outside the Schengen Area or within the Schengen but as temporary workers, students and other groups of visitors) and 555.000 visa-free travelers [17] (meaning that only 2.7% of all border crossings to the EU were visa-free).

Based on the available data, the European Border Service and Coast Guard report (FRONTEX) concluded that, despite the fears circulating in the Ukrainian and European mass media on the eve of the introduction of a visa-free regime, a sharp increase in migration activity from Ukraine to the EU did not happen. Specifically, during the beginning of the first year (from July to September 2017 covered by the FRONTEX report, which is traditionally high season), the passenger traffic from Ukraine has increased by 15% over the same period in 2016, but the total passenger traffic from Ukraine in the reporting year decreased by 2.6% (from 14.6 to 14.3 mln. crossings) [5, pp.17, 52]. Although, on the whole, Ukraine remained among the top three countries by the total number of entries to the Schengen area<sup>15</sup>, the number of recorded illegal

<sup>14</sup> *Despite the fact that the Ukrainian legislation does not recognize dual citizenship, people who reside in the border regions massively obtain Hungarian and Romanian passports and use them when travelling.*

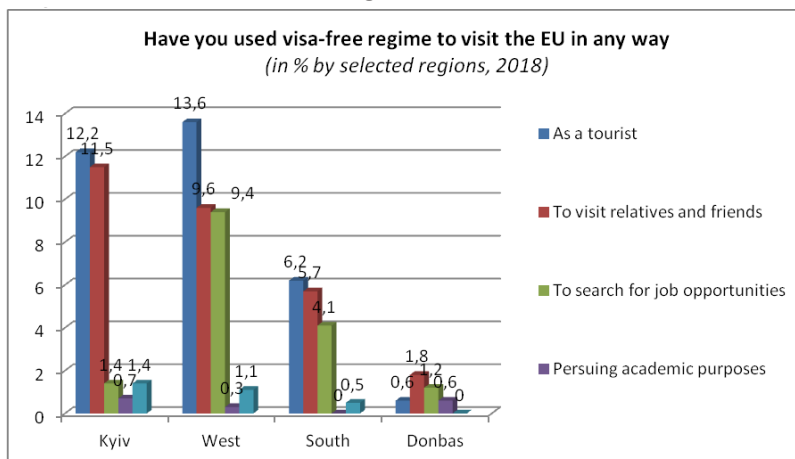
<sup>15</sup> *For comparison to the mentioned 14.6 mln. of entries from Ukraine, in 2017 there were 11.2 mln. entries from Morocco, 9.7 mln. from Russia, 1.9 mln. from Moldova, and all of the mentioned countries, in contrast to Ukraine, demonstrate a tendency to a rise in the annual passenger traffic.*

border crossings during 2017 has decreased by 24% and the number of crossings on forged documents, including fake visas, decreased by 34% [5, pp.48, 43, 49].

According to the State Border Guard Service of Ukraine, 36% of the visa-free travels during the first year were made through air border crossing points (i.e., most of the crossings are made through land border crossing points) [17], while the share of the air passenger traffic in the structure of all the movements across the EU borders in 2017 was 57% [5, p.52].

In the absence of the fully comprehensive statistics, some results of the first year of the visa-free regime can be traced through changes in the mobility attitudes [6, pp.343-349]. According to the Institute of Sociology survey held in autumn 2018 (i.e., nearly a year and a half since the introduction of a visa-free regime), 7.6% of respondents used visa-free regime to travel to the EU as tourists, 5.4% to visit friends and relatives, 4.7% traveled to the EU in the search of employment opportunities, 0.5% went to study, 1.1%—to attend professional events (conferences, exhibitions, etc.), however 81.9%—still did not take advantage of new opportunities for visa-free travel<sup>16</sup>. Apparently, respondents from the West of Ukraine are the most eager travelers to the EU as tourists, family visitors, and job seekers (just to mention, they are far more active than the Kyiv-based respondents, particularly, when looking for job opportunities). Among those whose travel to the EU is connected to professional activities (those who to attend the events), respondents from the Central Ukraine are the most active. Also, younger and more educated respondents are more likely to be active EU-travelers. It should be mentioned that, if one takes into account a regional distribution, the respondent from Donbas<sup>17</sup> remain the least mobile EU-visitors (compare, for example, 13,6% of those who travelled to the EU as tourists from the West of Ukraine to 0,6% who did from Donbas – see Figure 1).

Figure 1



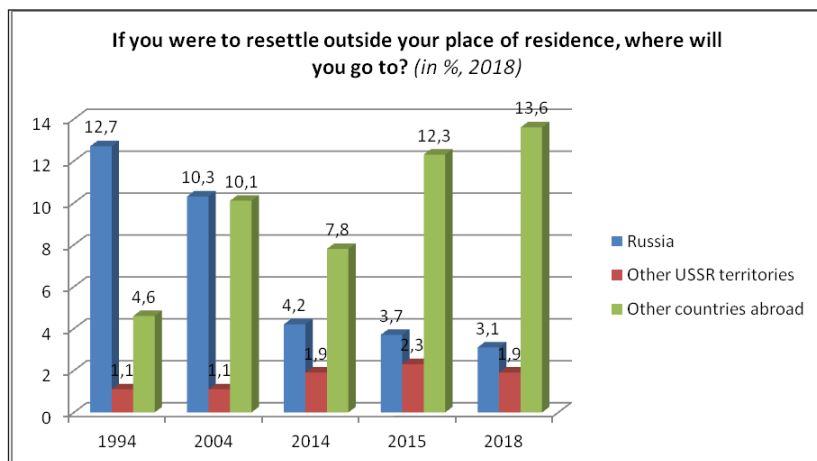
<sup>16</sup> According to the results of the Gorshenin Institute survey in June 2017, shortly before the launch of the visa-free regime, 57% of respondents have never been abroad, 72% did not plan to travel abroad at all (among those who did not plan to travel to the EU, 77% mentioned financial situation as the main reason for not travelling) [18].

<sup>17</sup> Areas of the Donetsk and Luhansk regions under control of Ukraine.



As the survey data show, in spite of the alarming expectations, the launch of the visa-free regime did not trigger out any splash of emigration aspirations: the number of those who think of moving out their place of residence and resettling abroad, specifically, outside the former USSR, has not grown up considerably since the pre-2017 period (see Figure 2), although some new distributions are observed across potential destinations. Notably, there is a trend towards a decline in the share of those who would plan to resettle in Russia and redistribution of aspirations in favor of new destination countries outside the USSR territories.

Figure 2



The obtained survey data indicate that labour mobility has gradually increased since 2013 from 7,2% to 14,3% in 2018. The visa-free regime is seen here as instrumental to discovering new employment opportunities rather than directly contributing to the labor force outflow<sup>18</sup>.

### ***Main tendencies, achievements and problems of the second visa-free year***

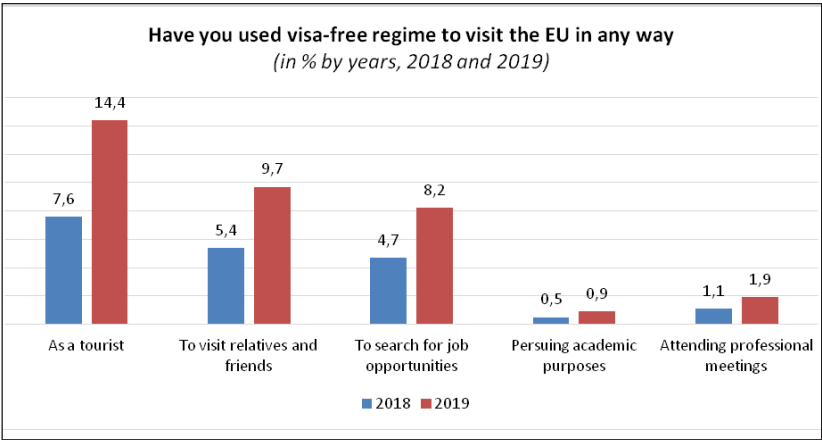
According to the National Border Service of Ukraine, the reported overall number of Ukraine-EU border crossing during the two years of the visa-free regime was 42.6 mln. [19]. Taking into account the mentioned number of travels during the first year (20.3 mln.), the intensity of flows can be characterized as rather stable. Now, comparing the number of visa-free crossing during the first (0.56 mln. from June 11, 2017 to June 11, 2018) and second years (2.35 mln. from June 11, 2018 to June 11, 2019) leads to the observation of 4.2 times increase of visa-free travels during the second year. This tendency can be explained not only by increasing popularity of visa-free travel among Ukrainian citizens but also by the fact that visas issued before June 11, 2017 could

<sup>18</sup> It is worth reminding here that visa-free travel to all EU member-states (except Ireland and the UK, plus Iceland, Liechtenstein, Norway and Switzerland) excludes work and implies they people travel as tourists, to visit family, and for occasional business purposes such as professional conferences and meetings only for up to 90 days in any 180-day period.

have expired now, and lots of Ukrainian were to reissue them (applying for biometric passports was the most practical solution then). Connected to this, having obtained biometric passports, travelers from Ukraine apply for short-term visas four times less often than they did during the previous year (compare 0.19 mln. applications in 2018 to 0.72 in 2017). Just to mention, back in 2016 Ukraine was ranked third by number of visa applications with 1.4 mln., now it is ranked 16<sup>th</sup>.

The comparative results of the Ukrainian Society survey data confirm the increase of all types of travel (see Figure 3). Meanwhile, the number of respondents who have not used visa-free regime to visit the EU has dropped from 81.9% in 2018 to 71.3% in 2019. Since June 2017, 31.8% have visited the EU once, 15.2% twice, 8% – three times, 4.9% – four times, 10.6% – five and more times.

Figure 3



More changes are observed in the type of transport used during the travel, specifically, more Ukraine’s citizens travel to the EU by air, train or bus (rather than by car). The number of border crossings by car on the busiest checkpoints, which are on the Ukrainian-Polish border, continues to decline (the observed drop is 27% during the second visa-free year as compared to the same period of 2018). Besides the promising development of alternative transportation routes, the main reasons of such changes are new rules for the import of goods and, specifically, used vehicle with EU license number to Ukraine [20].

What also looks promising now is a slow-down in the dynamics of entry refusals [7, p.46]. According to FRONTEX, in 2017 Ukraine lead the list of countries whose citizens most often were refused entry (with 34% increase as compared to 2016). In 2018 the observed increase was 55% as compared to 2017 (with a majority of refusals reported on the Ukrainian-Polish border). The three most common causes of EU entry refusals to Ukraine nationals included: lack of documentary evidence of the purpose of the trip, lack of a valid visa or residence permit, and lack of the necessary funds for the period of stay in the EU or for return and transit. However, an increase in refusals was an expected

problem, as 2018 was the first full calendar year of visa-free travel (consequently, a large number of new travelers were passing the Schengen filters for the first time). In 2019 no such sharp increase in refusals is expected, and this has been already proved by the statistics of the first quarter of 2019 [8].

According to Ukrainian and European experts, introduction of the visa-free travel yielded a number of positive and complex image-related, political, and economic results for both Ukraine and the EU.

First, visa liberalization evokes in-depth security reforms, providing new benefits not only for the individuals who travel visa-free, but also for those who do not leave Ukraine (e.g., expanded network of centers for rendering administrative services to the population, enhanced document security and personal data protection, improved control over border processes, in particular, the operation of the phytosanitary and customs services). At the same time, Ukraine has failed to raise public awareness about biometric identifiers (namely, alternatives, such as electronic signature, retina, facial oval resorted to where biometric identifiers cannot be used), therefore, part of the population have retained a biased opinion against biometrics and lack awareness of its benefits.

Second, the prestige of the Ukrainian passport and citizenship has increased (in the Quality of Nationality Index, Ukraine has risen from 99th position in 2016 to 80th in 2017; this is a general trend for the Eastern Partnership countries that have been granted visa-free travel with the EU). This promotes national integration and reduces interest in obtaining other countries' passports (something which evokes concern of the Ukrainian nationals living in the uncontrolled territories in the Crimea and Donbass). At the same time, the balance between freedom of movement and security should be given closer attention.

Third, the transport and tourist infrastructure of the routes between Ukraine and the EU has been developing, low-cost airlines enter the market (e.g., Ryanair entered Ukraine in September 2018, the launch of EasyJet and Eurowings is expected soon), thus travel becomes more affordable, flights are possible from a larger number of cities (apart from million-population cities, new points of communication appear on the flight maps, e.g., Kherson, where international traffic increased rapidly). At the same time, there are difficulties with the logistics of land movements: the number of border crossing points, in particular, on the border with Poland, is not sufficient (according to experts, in order to avoid the "bottleneck" effect at the land crossing points, their number should be increased several times).

Forth, removal of logistical barriers contributes to an increased number of tourist and business trips and a structural change in the traveler flow (there is a growing awareness that not only "labor migrants" travel to the EU from Ukraine), improved prospects for bilateral relations (trade, educational, scientific, cultural), expanded formal and informal horizontal relations, which, eventually, contributes to improving the image of Ukraine in the EU and popularizes the EU in Ukraine. At the same time, against the background of unstable economic situation of the population and a limited alternative of transport solutions in Ukraine, international travel does not yet take a

significant place in the leisure structure of the majority of Ukrainians. This suggests that the inclusive potential of the visa-free travel for the nationals of Ukraine has yet to be worked on.

### ***Concluding remarks: setting priorities***

As the data of the first two years since introduction of the visa-free travel confirm, despite the fears that circulated in the Ukrainian and European media before 2017, a dramatic increase in migration activity from Ukraine to the EU did not occur. Although Ukraine remains in the top three in terms of the total number of entries into the Schengen zone, the total passenger traffic from Ukraine has a tendency to drop, and the level of recorded illegal crossings and crossings on forged documents is decreasing.

To ensure that visa free travel serves fully as a mutually beneficial solution, the EU countries should pay more attention to an objective and progressive assessment of the economic and geopolitical advantages of more complex cooperation with Ukraine. Besides integrating the Ukrainian labor resources into their labor markets (which is in place already in some of the neighbouring EU states, particularly in Poland), this should also include investment and innovation cooperation projects.

As it stands now, among the most important systemic challenges to the visa-free travel in Ukraine, experts name the two key domains: 1) a possible rollback of reforms; 2) deterioration of the migration situation and drawbacks in border management. In this respect, the tendencies of the second year stand as an important marker of possible future developments. In the short term, there is no threat, but there are signals that are causing concern. If Ukraine does not focus on addressing the findings of the Second Report under the Visa Suspension Mechanism [3, pp.12, 13], a critical mass of violations can accumulate.

To conclude, despite the fact that the visa-free travel has been introduced in several countries, including five countries of the Western Balkans and three countries of the Eastern Partnership, it remains a pilot project in each new national visa-free case. In the case of Ukraine, the dynamics of the first two years proved to be rather successful. However, further positive developments require more consistency and integrated approach (both locally and in cooperation with the EU partners) to reach the goals set. As we suggest, security issues stand as the most alarming now. Despite the fact that the EU and its consultative missions do not have a mandate to assist Ukraine in the conflict zones in the Crimea and Donbas, the tasks of integrated management and border security in this problem areas require partners' urgent and close attention.

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# GEORGIA: THE PROBLEMS AND CHALLENGES OF THE FREE VISA REGIME WITH THE EU

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*The paper analyses various problems related to Georgia's visa liberalization with the EU on the basis of press materials. It discusses the issues of rise of the number of illegal migrants and asylum seekers from Georgia into the EU and their criminal activities conducted in various European countries. These problems might lead to the suspension of the visa free regime, therefore the government of Georgia undertakes some measures to minimize these negative incidents. The visa liberalization is considered as a serious step ahead on the way of rapprochement between Georgia and the EU. Besides, visa liberalization has important political dimension as well: it's possible suspension or total abolition will bring devastating blow to the pro-Western orientation of Georgia and will reinforce the pro-Russian forces in the country.*

**Keywords:** Georgia, EU, visa liberalization, migration.

## **Introduction**

The problem of possible suspension of the visa free regime with the EU is periodically becoming the issue of active discussion and political confrontation in the [political] public sphere. This topic is activated at a time when the EU or one of its members express dissatisfaction with the violation of the conditions of the visa free regime from the side of the citizens of Georgia. The last time this issue became re-activated in April-May, 2019 followed by disappearance from the issue widely discussed in mass-media. This paper analyzes the press materials and policy papers issued in this period.

The visa liberalization between the EU and Georgia came into force for the citizens of Georgia from March 28, 2017.<sup>19</sup> This not only made it easier for the citizens of Georgia to move freely in the Schengen Area, but had significant political overtones. For the citizens of Georgia this fact was a clear and tangible result of Georgia's rapprochement with the EU. It was also a significant blow to the pro-Russian forces, as Russia still maintains the visa regime with Georgia. The number of supporters of Georgia's EU membership significantly increased in Georgia, whereas representatives of the government termed the visa liberalization as an important step ahead on the way of country's European integration [1].

Since the visa liberalization came into force thousands of citizens travelled to the EU member countries. During a year, between March 2017 – March 2018, the borders of the Schengen Area was cross by 192.453 citizens of Georgia 258.663 times; 1.101

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<sup>19</sup> The short-term (up to 90 Days) visits under touristic, business and guest status, to the Schengen Area member countries.



citizens of Georgia were denied entering the Schengen Area, which comprises 0.6 per cent of the total number [2].

Most of the citizens of Georgia obeyed to the imposed rules of the free regime, but out of every 16 citizens crossing the Schengen zone border 1 citizen did not return back to Georgia; this figure includes those as well, who either obtained the residence permits to stay in the EU or have the dual citizenship; some of them managed to secure the right for a long stay in the Schengen countries (e.g. students, asylum seekers) or moved to the third countries (e.g. in Ukraine, Belarus) [3].

Although some serious problems also emerged as the visa free regime came into force. This came as no surprise: the number of asylum seekers, illegal workers and migrants, as well as the cases of criminal acts conducted by the citizens of Georgia have significantly increased. Various EU member countries expressed their disappointment with these results, questioning the maintenance of the visa-free regime with the EU / Schengen Area for the citizens of Georgia. More to the point, the EU will further severe its position towards the migrants and it will affect Georgian's as well [4, p.5]. From the side of some of the members of the EU, the issues of closed borders, consolidation and new self-determination is taken to the forefront of publica debates. Although at the current stage suspension of the visa-free regime is not actual, some necessary measures should be taken to eliminate this possible threat.

### ***The Rise of Asylum Seekers***

As the visa-free regime came into force, the number of asylum seekers from Georgia to the EU countries dramatically increased. In 2018, 17.980 citizens of Georgia applied to the EU member countries to get asylum [6, p.27; 5]. These figures significantly increased in France, Germany and Spain.

Table. The Rise of Asylum Seekers in the EU Member Countries from Georgia

Country	January, 2017	January, 2018	January, 2019
France	85	465	920
Germany	225	755	550
Spain	0	30	215
Total in EU Countries	720	1950	2210

Source: EUROSTAT

In February, 2019, Georgia was among 10 countries with high number of asylum seekers in Europe (along with Iraq, Nigeria, Pakistan, Venezuela, Albania, Columbia). Besides, Georgia, together with Moldova and North Macedonia, is listed among those countries, which have lowest percentage of citizens, granted the asylum status in the EU (3 percent) [5].

The main reason for denying asylum status for the citizens of Georgia is the fact that most of the EU countries consider Georgia to be the secure country. Although,

during application and processing process, the EU countries have to provide asylum seekers with accommodation, social provisions and medical care. In most cases, the latter is the main reason for most of the citizens of Georgia to depart for Europe – stay as long as they can and using the benefits of social welfare policies of the EU. This is a social burden for the AEU countries [6, p.27].

In those countries, where the time-span for consideration of asylum applications was shortened, the number of applications, without any reason, dropped significantly; whereas in France, where it takes around 6 months to process the applications at the first and second stage, the number of asylum seekers is considerably higher. The shortening of the time-span of procedural consideration will result into the drop of the number of applicants for the asylum [7].

Concrete measures are planned by the government of Georgia for the future implementation in order to assure the EU that the Georgian authorities are serious to solve this problem. These measures include:

- Information campaigns on the rules of the visa free regime service; in most cases the asylum seekers are not aware of the procedures. They make misjudgements according to the information provided by various mediators, promising assistance in crossing the borders of the EU countries, getting the job upon arrival, securing the asylum status, etc;
- Checking citizens of Georgia at the border check-point in Georgia before departure;
- Imposing fines on the citizens of Georgia who will stay in Europe more than 90 days and covering costs of the return trip and readmission [8].
- Toughening sanctions against the migration and introducing relevant changes into the criminal code of Georgia [9, p.1]. Misuse the rights of getting asylum or creating conditions for the stay in the European countries will become the crime. Those judicial and physical persons will be convicted who will support the citizens of Georgia to cross the state border illegally. The Ministry of Interior Affairs of Georgia increases the number of police attachés in the Schengen Area countries [2].

The asylum seekers from Georgia are not the victims of discrimination. They are forced to leave country due to the harsh socio-economic conditions. Therefore, the government of Georgia has to improve the socio-economic conditions, which is not an easy task. According to the representatives of the opposition parties, the number of asylum seekers will not decrease, if the socio-economic conditions are not improved in Georgia, which necessitates increase of employment and improvement of the social conditions [2].

There is a shortage of working places in Georgia, thus either forceful eviction of illegal migrants from the EU member countries or the government's call to them to return back to home will have a devastating outcomes for the country: they will not have a job and socio-economic conditions of those who were supported by them from abroad will be further devastated [10, p.2].

The migrants, departing Europe, most likely will fail to get jobs in Turkey, Russia and Ukraine. These countries already have a large number of migrants from Georgia and their authorities also have a negative attitude towards them [11, p.5]. Migrant also get advises from the government – to get back to Georgia and launch a business with their savings [11, p.5], which is not an easy task. As most of the asylum-seekers are the working migrants, they might solve their problem through obtaining legal jobs abroad. There are negotiations held with different countries of the EU to secure the right of legal employment for the citizens of Georgia. The opposition parties demand from the government of Georgia to make an agreement with international partners to secure the right of legal stay and work in the EU for the citizens of Georgia [1].

### ***The Fight Against Criminals***

In various countries of the EU (Germany, Austria, Spain, Italy) criminal offensive, conducted by the citizens of Georgia, increased significantly and this fact was referred by those countries of the EU which initiated the process of revisions of the visa-free regime with Georgia [13]. Thus, it is necessary to continue the process of cooperation with the European partners on this issue, including in the areas of a joint struggle against criminal.

According to the assessment of the former Foreign Minister of Georgia, Irakli Menagharashvili, in its entirety criminals do not pose a serious threat for the EU [6, p.27]. Although, this opinion is not shared in the EU. The EU Comissar Dimitris Avramopoulos, the issue of applying the mechanism of suspension the visa free regime with Georgia will be determined by the effectiveness of Georgia's struggle to the organized crime [12, p.1].

In 2015, 911.864 foreign citizens were arrested in Germany for all sorts of crime, the citizens of Georgia comprising 0.9 percent. This made Georgia the 24<sup>th</sup> in the list of foreign citizens convicted for a crime in Germany. Although, according to the assessment of the Criminal Service of the Federal Republic of Germany, the overall loss due to the robbing of private flats was estimated as EUR 500.000. The main argument in Germany during the discussion of the fate of visa free regime with Georgia was the above-mentioned statistics [13].

The Ministry of Justice of Georgia complicated the process of changing surname in the country. It turned out that citizens of Georgia conducted crime in one of the European countries and after returning back to Georgia was changing the surname and returned back to the Schengen Area, mostly in those countries he was deported from or was denied entry previously. In 2017, 9.339 persons changed their surnames, among them 59 changed their name twice, whereas in one case the surname was changed 4 times [2].

### ***The Political Aspects of Possible Suspension of the Visa-Free Regime***

During the last two years the European partners have voiced their concerns regarding the suspension of the visa-free regime with Georgia several times. In Georgia, there are high hopes that the EU will not evaluate the visa free regime only through technical aspects and will take its political aspects into consideration as well.

The governing “Georgian Dream” coalition is blamed by the opposition for the appearance of threats to the visa liberalization and condemns it in launching non-effective policy, thus sees the change of government as the sole solution to this problem. Before the issue of granting visa liberalization to Georgia became actual, the pro-Russian forces claimed that Georgia would not manage to secure it. Currently, the government of EU and Georgia are criticized by them for the problems posed to the migrants and in case of suspension of the visa free movement they will further reinforce the anti-Western campaign.

The visa-free regime is not the only tool the EU is supporting Georgia, but its suspension will be perceived as the abandonment of Georgia by the West in the face of a direct influence of Russia. The pro-Russian forces will create a fertile ground for propaganda that the EU has betrayed Georgia, thus the suspension of visa-liberalization will undermine Georgia’s European perspective and its prospective integration into the EU structures [6, p.27].

The EU structures are more or less tolerant towards Georgia due to geopolitical considerations. The EU does not want that Georgia, similar to other European Partnership’ members countries, turned into the subject of aggression and influence of Russia [4, p.5].

### ***Conclusion***

Mis use of the visa free regime from the side of the citizens of Georgia does not create the “alarming conditions” for the member countries of the EU so far, as it is defined by the mechanism of suspension. At this stage there is not a direct threat to the visa free regime as there is a high number and positive dynamic of re-admission / returning back and a strong cooperation in the fight against criminals. If Georgia undertakes various measures and decreases the number of asylum seekers, as well as will devise an effective strategy for the elimination of potential criminal offenses conducted by the citizens of Georgia in the EU member countries, Georgia will manage to maintain the visa-free regime.

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# MOLDOVA, GEORGIA, UKRAINE AND THE EU VISA-FREE REGIME

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*The goal of this article is Eastern Partnership countries (the Republic of Moldova, Georgia, and Ukraine). In accordance to this, the following structure is offered: in the first part of article, the questions on the essence of The EU visa-free regime and the nature of the mechanism for obtaining it by the Eastern Partnership countries are answered. In the second part it was characterized the main positive effects of the visa-free regime for the Eastern Partnership countries (The increase of human dignity and self-respect in the citizens of Eastern Partnership countries; Freedom of mobility into the EU – a reality for the common man; Increase of population mobility; the increasing value of these countries' national passports; development of international transport infrastructure, etc.). In the third part the negative effects of the EU visa-free regime are presented. Among them, noted are the increase in the number of citizens who are applying for asylum in the EU; the increase in the number of visa-free regime violators; the challenges and risks of the depopulation of the country of origin. In the fourth part the main consolidation measures for the visa-free regime are reviewed. In particular, it is proposed that financial responsibility for violating the visa-free regime be included, and that short term labour visas and other mechanisms be created under the conditions of the visa-free regime.*

**Keywords:** the EU visa-free regime, positive and negative effects, visa-free regime consolidation measures in the Eastern Partnership countries.

## ***The visa-free regime with the European Union: essence and mechanism for its obtaining by Georgia, Moldova, and Ukraine***

The visa-free regime is a complex two-way process that includes in itself both the free, visa-less entry into the country or residence, and the free, visa-less entry into the destination country.

The visa-free regime was included into the politico-practical dimension of the European Union's relationship with a number of post-soviet states (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) in the context of Eastern Partnership policy (2009). The main goals of Eastern Partnership are "to create the necessary conditions for political association, (...) to create deep and comprehensive free-trade areas, (...) and to take gradual steps towards full visa liberalization" [31].

Based on the experience and under the influence of the Balkan states<sup>20</sup>, Ukraine was the first to initiate and sign the Plan for the liberalization of the visa regime with the European Union. Later, in 2010-2011 the Republic of Moldova and Georgia followed.

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<sup>20</sup> Macedonia, Montenegro, and Serbia obtained visa-free regime with the EU in December, 2009; Albania, Bosnia and Herzegovina – at the end of 2010.

The achievement of visa-regime liberalization was influenced by the necessity of implementation of in-depth reforms in the field of justice, security and internal affairs, consolidation of legal institutions, respect for human rights, counteraction to corruption and irregular migration, the improvement of people's living standards and population mobility.

The plan of action for the post-soviet states, in general, was similar to the Plan for the liberalization of the visa regime for the west-Balkan states. However, there were differences. The plan for the Eastern Partnership countries was structured into National Plans of Action, which have two clearly fixed stages. In other words, from a bureaucratic point of view, the process of Plan realization is becoming more difficult and detailed. Between these stages there is an expected monitoring of the liberalized visa regime's influence on migration and security.

All technical laws were adopted quite fast, without opposition from the state bodies. The laws that were a potential threat to political stability and the government's image (laws on combating corruption and discrimination) were adopted with some difficulties, after prolonged periods of postponing and political reflection.

The European Union has become more demanding as to the assessment of reform implementation and practical policies. For example, Macedonia obtained the visa-free regime without adopting the Law for counteracting discrimination, whereas Ukraine was denied access to the second stage until it adopted the law. The Republic of Moldova and Georgia adopted the law in strict abidance with EU demands.

Moldova was the first to obtain the visa-free regime with the EU (April, 2014). Georgia obtained the visa-free regime in March, 2017, and Ukraine obtained it in June of the same year. This was because in the realization of the Plan of action on the liberalization of the visa-free regime Moldova (compared to the other Eastern Partnership countries) was a factual leader, and implemented all of the EU's [4, p.3] demands the most efficiently. The quantitative analysis of Polish experts (the Stefan Batory Foundation) has shown this quite clearly.

Table 1. The quantitative indexes of implementation of the EU's demands for the realization of the Plan of action for the liberalization of the visa regime with the EU by the Eastern Partnership countries (on a ten-point scale)

<b>Country</b>	<b>Block 1: Security of documents, including biometry</b>	<b>Block 2: Unregulated migration, including readmission</b>	<b>Block 3: Public safety and order</b>	<b>Block 4: Foreign relations and fundamental rights</b>
Armenia	7.5	6.5	4.3	4.5
Azerbaijan	4.0	4.0	3.2	2.3
Belarus	4.0	5.3	3.2	2.5
Georgia	7.5	6.5	4.8	6.0
Moldova	10.0	9.0	7.8	8.0
Ukraine	6.0	7.0	7.2	6.8



The obtaining of the visa-free regime by these Eastern Partnership countries was met with enthusiasm by both their populations and the representatives of governmental bodies. It is no secret that the visa-free regime turned out to be one of the true and tangible achievements on the way toward European integration that the population of these countries has experienced for itself.

## ***2. The positive effects of the EU visa-free regime***

The introduction of the visa-free regime by the European Union for Georgia, the Republic of Moldova and Ukraine was accompanied by a number of positive effects.

**The increase of human dignity and self-respect in the citizens of Eastern Partnership countries.** The visa-free regime helps citizens of post-soviet states feel free and worthy as people and as citizens when interacting with border police officials and the EU states' governmental bodies. Sadly, the visa regime, circulation through various consular bureaus, collection of various documents, and the denial of a visa (without being explained the motives) have not contributed to the forming and education of the sentiment of self-respect and freedom in the visa applicants.

Furthermore, we should note that the corruption often encountered by people at consular institutions, in legal and quasi-legal networks that do business through special relations with employees of the consular institutions, including those in EU countries, and the population's increased financial expenses<sup>21</sup> for acquiring a visa, likewise did not contribute to the fortification of the sentiment of human dignity of these countries' citizens. The rejection of this reality by the common people transformed into a consolidation of their visa-free regime expectations.

**The consolidation of the population's pro-European orientation.** The population, the political elites of these post-soviet countries are/ are finding themselves in the situation when they have to make a real geopolitical choice: a) orientation toward Europe, the European Union, European values; or b) orientation toward Russia, the Eurasian Union. This makes up the specific case of the post-soviet countries. This makes Moldova, Georgia and Ukraine significantly different from the countries of the Balkan region [1; 2; 3, p.191-199].

The best agitator in favor of this geopolitical and societal-political choice is the visual and factual acquaintance with the European Union, the life of populations of the EU member-states. The visa-free regime facilitates this acquaintance. Primarily this means young and middle-aged people, who manifest a high level of mobility and the ability to adapt.

For the political elites who made the geopolitical choice in favor of the EU, the visa-free regime is important from an electoral point of view. This is tied to the fact that an actually and specifically discerning person will for the most part, vote for those

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<sup>21</sup> For example, during the 2004-2007, the Italian consulate in Bucharest (Romania), where Moldovan citizens would go to get Italian visas, was forced to re-staff twice due to corruption. The factual price of expenses for the Schengen-visa, depending on the country of destination, could reach 4.500 Euros.

political formations that give him the capability to freely travel to Europe, compare the life in Europe with their current reality. And this is confirmed by the voting results of the Moldovan Diaspora from the EU, the USA, Canada, and Russia.

To a lesser degree this concerns people of older ages, who, due to their age or financial capabilities are not very mobile, and consider that back in the soviet days, life was better, calmer, more satisfying and secure, and provided more confidence in the future. This orientation on the past is reinforced by an emotional aspect, motivated by the fact that back in those days, they were young, full of strength and hopes. One should also take into consideration the soviet propaganda that convinced people that they were living in the world's best country. Likewise, the policy of state-paternalism, as the form of social interaction between people and the state is something that appeals to the vulnerable layers of society.

**Freedom of mobility into the EU – a reality for the common man.** The process of democratic societal transformations in post-soviet states is difficult and contradictory, reforms do not yield expected results. De-facto, the visa-free regime is one of the few real achievements of European integration that affect the lives of the common people, the citizens of Moldova, Georgia, and Ukraine.

The visa-free regime is the success that people see and can project upon themselves, can obtain certain profits from. Some do it in the form of visa-less tourism and migration, without having to stand in consular lines, collect documents, and pay for consular services, without the uncertainty and wasting time.

However, people's expectations in many cases tied the visa-free regime to the freedom of legal stay and employment in EU countries. This kind of combination (visa-free regime and legal employment in the EU) was the population's most common expectation of European integration [3, p.128]. This was characteristic of Moldova, Georgia, and Ukraine likewise. People want to freely travel, to earn money abroad, to solve their financial problems. The money they earn during migration is a positive and tangible result. It makes life easier for both the individual person and the country as a whole; gives the ability for financial maneuvering, payment of salaries to the state employees, pensioners, and students.

The authorities of the Eastern Partnership countries that obtained the EU visa-free regime can clearly see that this is a kind of situation when one has to choose between two evils. Departure and employment of people abroad is an important way to "let off the steam from the pot" of increasing social tension within the country, to distract people from the issues of national state management.

**Increase of population mobility.** The visa-free regime has widened the migration possibilities of these countries' populations. An increase of the migration flow between the EU and Moldova, Georgia and Ukraine is taking place. Thus, more than 500 thousand Moldovan citizens have travelled to the EU using biometric passports during the first year alone (April 2014 – April 2015). Likewise, during the four years of the visa-free regime's functioning, it was used by an enormous amount of people.

Table 2. Amount of Moldovan citizens entering the EU using biometric passports in 2014-2018 [14]

<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018 (before 23.04)</b>
303.511	811.162	1.239.284	1.535.937	449.479

It should be noted that due to the EU visa-free regime, changes are taking place in the structure of Moldovan labor migrants and in the destination of migration flows as well. In 2008, oriented for the CIS (Russia) and the European Union were, respectively, 66% and 34% of Moldovan labor migrants [5; 6]. By 2013, the share of long-term migrants in the CIS (Russia) was of 56% (EU – 44%). By 2015, their share had decreased to 44%. The EU's share conversely increased to 56%. These changes are best seen in the ratio of short-term migrants. Thus changed the ratio of short-term migrants in the EU in the total balance of such migrants. In 2015, the share of Moldovan short-term migrants in the EU increased from 10% to 22%. At the same time, in Russia, it decreased from 90% to 78% [11, p.4-5].

The mobility of Georgian citizens has increased in an analogous way. Thus, more than 160 thousand people, possessors of the biometric passport, have already made use of the visa-free regime during the first, incomplete year of its activity.

Table 3. Amount of Georgian citizens entering the EU using biometric passports in 2017 [20]

<b>½ April 2017</b>	<b>½ May 2017</b>	<b>½ July 2017</b>	<b>½ October 2017</b>	<b>½ January 2018</b>
7.000	...	55.000	161.885	165.059

The same picture is seen in Ukraine. During the first month of the visa-free regime's activity between Ukraine and the European Union, 1 million, 875 thousand, 647 Ukrainian citizens have traveled to EU countries. Of them, 434.074 people have crossed the border using biometric passports with visas. At the same time, 95.461 Ukrainians have traveled to the European Union using biometric passports without a visa [44]. In total, in 2017, the Ukrainian State Statistics Service registered about 10 million Ukrainian "entries" into Poland, 4.3 million into Russia, and 3.1 million into Hungary [33].

According to the Ukrainian border officials' data, during the visa-free years, Ukrainians (with a visa, and without) have usually traveled to neighbor countries – Poland (9.5 million crossings), Hungary (4.5 million) and Romania (1.5 million). The visa-less travelers most often traveled through Romania (135 thousand) into Poland (118 thousand) and Hungary (67 thousand) [40].

Herewith, as it was already mentioned above, the increase of mobility of the Ukrainian population was also caused by a real possibility of employment in Poland. Ukraine found itself in the specific situation when the visa-free regime and permitted short-term labor migration united, having become the two sides of the process of Ukrainian citizens' migration into the EU. Poland has officially permitted temporary

employment to Ukrainians who travel either within the visa-free regime or with a Schengen visa issued by another EU state.

**The increasing value of these countries' national passports.** Henley & Partners – Kochenov, the creators of the Quality of Nationality Index (QNI) have analyzed and ranked by different indicators the world's 209 citizenships during the period between 2013 and 2017.

Among the Eastern Partnership countries, the Republic of Moldova was in the lead, holding 73<sup>rd</sup> place. Ukraine took 80<sup>th</sup> place, and Georgia – 84<sup>th</sup> place. Georgia and Ukraine were the countries where the increased value of national citizenship over a year was the most significant. They ascended the rating by 20 and 19 positions accordingly. The main reason was them obtaining the visa-free regime with the Schengen-zone countries. The European Union's decision to grant visa-free regime acted as a kind of guarantee / recommendation for its granting of the visa-free regime to third (non-EU) countries.

The other, less active Eastern Partnership countries found themselves on lower positions: Belarus – 92<sup>nd</sup> place, Armenia – 103<sup>rd</sup> place, and Azerbaijan – 110<sup>th</sup> place. The activation of their efforts in obtaining the visa-free regime (which is already happening) will lead to changes in the situation, and to the improvement of their ratings [36].

The Ukrainian passport gives possibility to travel without a visa to 128 countries; the passport of the Republic of Moldova – to 121 countries; the passport of Georgia – to 112 countries. On this list, Russia holds third place (118 countries). The other, less active Eastern Partnership countries are positioned lower on the list: Belarus – 77 countries, Azerbaijan – 66 countries, and Armenia – 62 countries. Kazakhstan – 76 countries, Kyrgyzstan – 63 countries, Uzbekistan – 59 countries, Tajikistan – 58 countries, and Turkmenistan – 53 countries [19].

By granting visa-free regime, the EU influenced the increase of the significance of the national passports of the countries that obtained it, not only internationally, but within the countries' own borders as well. This got expressed through the fact that separatist regions' residents are striving to obtain the biometric passports of Moldova and Ukraine, in order to make use of the EU visa-free regime. This striving is supported by both the EU authorities, and the national governments. Thus, in Moldova, during the first year of the visa-free regime's activity, about 27 thousand residents of the self-proclaimed Transnistria have applied for Moldovan biometric passports. Of more than 200 thousand possessors of Moldovan biometric passports in Transnistria, 77.000 are now being used to travel to the EU and back without visas. The Georgian government considers that the ability to freely cross the Schengen zone countries' borders will be a motivating factor for the residents of Abkhazia and South Ossetia to obtain Georgian biometric passports [16].

A somewhat different situation happened in Ukraine. In the self-proclaimed "Lugansk People's Republic" and "Donetsk People's Republic" there is an increase in the number of firms that offer to make a Ukrainian biometric passport for 100 dollars with a trip into Ukraine-controlled territory. In the last two years, in Crimea, there has

been a noticeable hype around the Ukrainian biometric passport. According to the data of the Ukrainian state services, in 2015-2016, there have been issued 26.140 biometric passports and 5.304 biometric documents for children below the age of 16 [17].

Ukrainian authorities, fearing potential provocative actions coming from the Crimean authorities and the separatist Lugansk and Donetsk in regard to the visa-free regime, proposed to issue the residents of these regions with old type (non-biometric) passports. However, the European Commission rejected the approach that infringes the rights of Ukrainian citizens residing in these regions, and demanded that they be issued new type (biometric) passports [21].

Furthermore, the authorities of Moldova and Ukraine assume that the national biometric passports will decrease their citizens' interest in obtaining other states' passports. Thus, no less than 700.000 Moldovan citizens possess the Romanian passport, and about 70 thousand possess the Bulgarian passport [8, p.73]. A less pressing situation is in Ukraine: more than 100 thousand Ukrainians possess the Hungarian passport, and 100-150 thousand – Romanian passport [45].

According to experts' estimations, there is a perceived decrease in the number of Moldovans who obtain passports of other countries (Romania, Bulgaria, etc.) with the purpose of entering the EU; and an increase in the number of Moldovan citizens who obtain Moldovan biometric passports and travel to EU countries. 135 thousand have departed using the biometric passport, and 68 thousand have used it for the first time.

If in Moldova and Georgia there were no perceivable hype and lines to obtain biometric passports, then in Ukraine, this happened. There are several reasons for this. Firstly, in Moldova and Georgia, the process of issuing biometric passports began earlier, and there is a richer experience of population passportization. Secondly, these countries' populations are not as numerous as Ukraine's. And thirdly, the granting of the visa-free regime coincided with the period of summer vacation, in other words, the hype and lines to obtain biometric passports were tied to the combination of two factors – the hype of the visa-free regime, and the tourist hype. As noted by the Ukrainian Migration Service, the summer touring season yearly is the peaking period of passport registering [43].

Ukrainians continue to make biometric passports. But this year, compared to last year, there is no such hype. During the first year of the visa-free regime, more than 5 million biometric passports were issued. In the previous years, a total of 2.5 million biometric passports were issued in total. There are still lines at the registry offices, but the situation is calmer now. In total, since the introduction of biometric passports, a total of 8.5 million passports were issued. During the previous (visa-free) year, more than 5 million passports were issued. According to the border police, during the year, half a million Ukrainians traveled to EU countries using a biometric passport – 4% of the total number of all border crossings (20 million), or 1,2% of the country's population.

With the beginning of the 2018 summer, the flow increased. As noted by a representative of the border service – “there are two reasons for this. The first reason

– the beginning of the tourist season. And the second reason – the validity of the long-term Schengen visas in the citizens’ old passports is ending” [40].

**Development of migration transport infrastructure.** This most clearly manifested in Ukraine, which is a big country with a numerous population. However, this is also happening in Moldova and in Georgia. These countries are becoming interesting to EU low-cost air-companies. There is the growing interest in bus transportation coming from national and international automobile transport companies. The visa-free regime contributes to the increase of the number of international routes between Ukraine, Moldova, Georgia and the EU. Thus, during the course of one month, in the Kiev (Zhuliany) airport alone, there appeared 9 new routes to EU countries. Mobile communications companies have decreased the price for their services for travelers to EU countries, etc.[18; 13; 27; 35; 32].

### ***3. Negative effects***

The European Union introducing the visa-free regime with the Balkan countries, Moldova, Ukraine and Georgia has shown that the positive phenomenon of the visa-free regime that brings the populations of these countries new possibilities to realize their human right to freedom of mobility is accompanied by a number of negative consequences. Herewith, we should note from experience that the negative consequences are not immediately manifested once the visa-free regime is granted. By experts’ estimations, such tendencies begin to come into effect / to manifest with something of 5-6 month latency.

Among the negative consequences, we can note: an increase in the number of refugees and asylum seekers from these countries in the European Union; an increase in the number of citizens who are violating the EU visa-free regime in both the duration of their stay and in labor activity; immigration from other CIS and third countries who strive to get residence/ citizenship of Moldova, Georgia, and Ukraine in order to profit from the visa-free regime and move further into the EU.

**The increase in the number of citizens who are applying for asylum in the EU.** The practice of the visa-free regime for the citizens of west-Balkan states (Albania, Bosnia and Herzegovina), and the Eastern Partnership states has shown that the lifting of the visa-free regime leads to a noticeable increase of the number of citizens who are attempting to obtain refugee status or asylum in the European Union [7; 25-31]. Herewith, the majority of asylum seekers are aware of the unfoundedness of their applications. They are conscious of the fact that they will not receive asylum as Moldova, Georgia and Ukraine<sup>22</sup> are considered safe countries. Most asylum seekers in the EU strive to solve their everyday problems, and not to avoid life-threatening situations or persecution based on political, religious, racial, gender, or sexual preferences. They, as for example

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<sup>22</sup> Today, Ukraine is dealing with an armed conflict in its eastern regions; there are numerous refugees, mainly to Russia, Belarus and the European Union. The EU’s specific approach toward the refugees from Ukraine is that the only Ukrainians who are recognized as refugees are the ones who reside in the immediate conflict zone. Other regions, and the country as a whole are regarded as safe for human life and activity.

the interviewing of Moldovan asylum seekers in Germany has shown, aim to sit winter out in warmth without spending their finances, to get free medical aid from the EU member states' authorities, etc.

Among the main reasons for asylum seekers in the EU, we can list:

- Refugees from Ukraine's eastern regions, where war rages. Asylum is also given to those who claim "escape" from Crimea or the Donetsk and Lugansk regions. Experts note that in Ukraine, for a sum of 2.5 thousand Euros, a person can make all the necessary documents.

- Belonging to a sexual minority group. People are attempting to receive asylum based on declarations that they are representatives of sexual minorities ("oppression of LGBT-minorities" in Georgia, Ukraine and Moldova). This is the most popular "legend".

- Political opinions ("we are persecuted because of our political opinions").

- Belonging to the Ukrainian Communist Party, that is banned in Ukraine. This tactic is used primarily to emigrate to Spain and Italy [42].

- Racial or ethnic reasons (discrimination against people belonging to the gypsy / Roma group).

Refugees from Ukraine: The armed conflict in the eastern regions of Ukraine (Lugansk and Donetsk) has led to numerous refugees and internally displaced persons. According to the data of the UNHCR, in Ukraine there are more than 1 million internally displaced persons, and there are 300 thousand more Ukrainian refugees in the world. The majority of them stayed in Russia. A small part found asylum in Belarus, Moldova, and the EU countries.

In Russia and Belarus on the one hand, and in the Western countries on the other, the attitude toward Ukrainian citizens' requests for asylum is different. If in Russia and Belarus, more than 90% of all the Ukrainian requests are considered well-founded, than in Poland, the UK, France, Belgium and Finland, the percentage is less than 10%. In Canada, the USA, Germany, Italy and Czechia, this index is between 35% and 65%, but it is still lower than in Russia and Belarus. Applications from Ukrainian citizens have been given in a total of 67 countries; however the majority of them came to Russia – 94%. In Germany, there were 2.700 applications, in Poland and Italy – 2.100 each, in France – 1.400 [10].

The low index of positive decisions over the Ukrainian refugee applications is explained by the fact that their place of residence in Ukraine is taken into consideration. In regard to the residents of the eastern regions (Lugansk and Donetsk) where the armed conflict is taking place, the index of positive decisions is high. These people make up about ¼ of the total number of Ukrainian asylum seekers. The rest are residents of other Ukrainian regions that were not touched by war. Naturally, these people will not get a positive answer to their requests.

In the European Union countries the number of Moldovan citizens who are striving to obtain asylum is growing. Herewith, the main called reason for this is discrimination based on ethnicity or non-traditional sexual orientation. As statistics show, the overwhelming majority of people who are aiming to obtain refugee status are gypsies



(Roma people). Seeing as how Moldova is regarded as a safe country, asylum is only granted in singular cases. Those who are denied asylum must return home. Practice shows that Moldovan citizens are violating this demand. Thus, they are creating problems for the EU's law-enforcement bodies.

Table 4. Data of the Ministry of Internal Affairs of the Republic of Moldova in regard to Moldovan asylum seekers in EU and Schengen-zone countries

	<b>2016</b>					<b>2017 (9 months)</b>				
<b>Country</b>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
<b>Austria</b>	2	1	1	1		14	12	2	6	6
<b>France</b>				156	97				134	133
<b>Switzerland</b>	13	7	6	3	5	20	14	6	2	2
<b>Germany</b>	1158	920	238	187	269	682	605	77	1045	631
<b>Romania</b>	1		1	5	5	2	2		1	1
<b>Belgium</b>	7	7		2	2	9	9			
<b>Poland</b>	1	1		2	1	9	6	3	3	3
<b>Norway</b>	2	2				3	3			
<b>Hungary</b>				10	9				1	1
<b>Lithuania</b>	1	1			1					
<b>Sweden</b>	5	5				15	14	1	1	1
<b>Italy</b>	4	4		1	1	1	1		1	1
<b>Total</b>	<b>1194</b>	<b>948</b>	<b>246</b>	<b>367</b>	<b>390</b>	<b>755</b>	<b>666</b>	<b>89</b>	<b>1194</b>	<b>779</b>

*Note: 1 – Readmission applications submitted to the Moldova; 2 – Readmission applications accepted by the Moldova; 3 – Readmission applications refused by the Moldova; 4 – Information received on transfers (number of persons); 5 – Persons successfully transferred to the Moldova*

At the most part, Germany is the one that has to deal with Moldovan asylum seekers in the EU. This is because Germany is a country that has a favorable social benefits system and high living standards, which attract refugees from all over the world, including Moldova.

Practice shows that Moldovan Roma are beginning to orient toward other EU countries. A diversification of countries is taking place, and one should be expecting an increased negative attitude toward Moldova and the visa-free regime granted to its citizens coming from other countries. Thus, if in 2016, there were 34 rejection cases for Moldovan citizens in the Netherlands, then in 2017 (over a period of 9 months) the number of such cases increased to 86.

There is also an increase in the number of EU asylum-seekers from Georgia. Their motivation is similar to that of Ukrainian and Moldovan citizens.

**Visa-free regime violators.** The visa-free regime creates beneficial possibilities for the third country populations who received the EU visa-free regime to migrate into the European Union. At the same time, practice has shown that the visa-free regime contributes to the cheapening of trips (one doesn't need to pay for visas), removes

the selection during visa issuing. This leads to the inclusion into migration of society's marginal and poor layers, who are using any means necessary to remain in the EU, even illegally. These processes are characteristic of Albania, Bosnia and Herzegovina, and, as practice shows, of the Republic of Moldova, Georgia and Ukraine.

According to research, in Georgia, there was a rather high index of rejected applications for the Schengen-visa – more than 12% in 2016 – before the visa-free regime came into effect. Naturally, these people did not disappear; instead, they began to realize their goals through “debt migration” in the conditions of the visa-free regime.

Table 5. Amount of Georgian migrants who have violated the visa-free regime with the EU (based on the Georgian MIA data) [38]

<i>Country</i>	<i>½ April 2017</i>	<i>½ May 2017</i>	<i>½ July 2017</i>	<i>½ October 2017</i>	<i>½ January 2018</i>
Total migrants	7.000	...	55.000	161.885	165.059
Total violations	3	182	3.000	9.875	10.330

Practically, in the one year of the visa-free regime's activity, in Georgia there have been registered more than 10 thousand migrants. The share of regime-violators among the migrants that used the visa-free regime is of 6.25%. Experts are drawing the conclusion that their number is continuously growing.

By mid-October, 2017, the Treaty on the readmission of irregulars between the EU and Georgia affected 8148 Georgian citizens. Herewith, according to the data of the Georgian MIA, the readmission statistics continue growing. In 2011, readmission affected 548 Georgian citizens, in 2012 – 929 citizens, in 2013 – 1.080 citizens, in 2014 – 1.181 citizens, in 2015 – 1.265 citizens, in 2016 – 1.600 citizens, and in the first nine months of 2017 – 1545 citizens. Within the readmission framework, Georgian citizens who've been illegally residing in the EU have been returned from 23 EU countries. The majority – about 3 thousand people – were brought back from Germany [29].

Similar tendencies can be seen in Moldova as well. In the conditions of the visa-free regime, the number of Moldovan citizens that were detained for illegal stay, for exceeding the legal term of stay (90 days), or for illegal labor activity in the EU is increasing.

Table 6. Amount of Moldovan irregulars discovered in EU countries and deported to their homeland (people)

<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
400	1.800	3.000	5.000

According to the data of the border police of the Republic of Moldova, in the last four years since the introduction of the visa-free regime (28<sup>th</sup> of April, 2014), 1.469.917 people – possessors of Moldovan biometric passports – used the ability to travel to EU

countries. Of them, 1.168.079 people or 79.5% returned. Comparing this to the 2017 index (three years of the visa-free regime), we can see that the number of people who are violating the visa-free principles of the EU is increasing, and therefore, are putting the EU visa-free regime for Moldova at risk. In three years, the amount of returnees was higher, and made up 86.4% (departed were 982.764 Moldovan citizens, returned were 849.591) [15].

According to official FRONTEX data, since the moment of visa-regime liberalization with the EU (28<sup>th</sup> of April, 2014 and until 31<sup>st</sup> of December, 2017) entry into the EU was denied to about 14 thousand Moldovan citizens. The main reason – their inability to satisfy entry demands, lack of financial means, and previously exceeding the term to legal stay in EU member-states [14].

During the first year of the EU visa-free regime's activity, forbidden entry into the EU were 40 thousand Ukrainians. Among the reasons for the denial of entry were, in particular, the inconsistency of the applicant's financial support and exceeding the period of stay during previous visits.

During the first year of the EU's visa-free regime's activity 40 thousand Ukrainians were turned back / denied entry at the border. Among the reasons were, in particular, the mismatched purpose of the trip, inadequate finances, and exceeding the term of stay during previous trips [37].

The reasons for visa-free regime violations in Georgia's, in Moldova's, and Ukraine's cases are quite prosaic. People are aiming to use the visa-free regime not just, and not because they want to get acquainted with the life, culture, and population of the European Union, but to earn money, to engage in labor activity. Sociological research shows that a significant part of these countries' citizens are not aware that the EU visa-free regime does not grant the right to work in EU countries. Thus, in Moldova, polling (November, 2014) has shown that more than half of the respondents (54%) are aware that the visa-free regime does not grant legal possibility for employment. At the same time, every third respondent (34%) considers that it does [3, p.128].

The practice of the visa-free regime shows that there are different strategies to obtain income. On the one hand, there are many cases when people have used the visa-free regime to arrive to the EU but did not return home, and instead chose to illegal status of stay and labor activity. These are factual candidates for deportation should the EU countries' police discover them.

On the other hand, there are cases when people are striving to use the visa-free regime (trip to the EU) to find work and labor contracts. They return home, make all the necessary documents, and enter the EU as legal labor migrants.

At the same time, a new tendency has also revealed itself: the visa-free regime and illegal short term labor. The visa-free regime made changes to the forms of employment for the citizens of Eastern Partnership countries in the EU. The "shift method" is becoming more and more popular. Our research among Moldovan labor migrants in Germany, Italy, and Portugal, conducted in March-April, 2016 [8], has revealed that this is today's reality and is a relatively mass practice.

The “shift method” means that a person enters the EU legally using the visa-free regime, gets employed illegally, substitutes their relative / co-national who travels back to Moldova to rest, or to get treatment, and acts as a guarantee and advisor for the substitute’s professional and personal qualities. The new employee works for 2-3 months (without violating the “90 day term of stay” principle), receives their money, and leaves the EU. The original employee returns and continues working at their employer. They have managed to solve their problems back home, and to maintain their workplace in the EU. The employer got quality and continuous work from the labor migrants. However, the country does not receive its tax for the “shift workers”; there is the issue of illegal employment, and a violation of the labor legislation.

The Ukrainian situation is somewhat different from Moldovan or Georgian. Ukrainian migrants are aiming to use legal possibilities of employment that are provided by Poland [23], which strives to solve the issues on its own labor market that have appeared following the departure of its citizens for work in EU countries.

To obtain employment, Ukrainians do not need to register special permits – for up to six months per year, they can work via “declarations of intent to employ a foreigner” that are published by employers. In 2017, about 1.3 million such documents were published, of which 1.2 million concerned Ukrainian citizens. The declarations only grant temporary employment. In order to find a Ukrainian employee, the low and mid-level entrepreneurs publish 4-5 declarations per vacancy each [12]. In Poland, there are 1-1.5 million Ukrainian labor migrants. In 2017, they transferred to Ukraine, according to the data of the National Bank of Ukraine, a sum of 3.1 billion dollars (1/3 of all monetary transfers) [33].

In accordance to the new rules of seasonal employment of foreigners (1.01.2018), employers must inform the appropriate state bodies of all changes when hiring citizens of Ukraine, Belarus, Armenia, Georgia, Moldova, and Russia who are using the simplified procedure of access to the Polish labor market. The changes also provide that alongside the labor permits that are issued by the voievodes for a period of three years, there are also permits for seasonal employment that will be issued for a period of nine calendar months.

The new legislation also presumes the creation of a registry of foreigners’ labor that will include information on classic labor permits, on seasonal labor permits, on declarations of intent to employ foreigners, as well as information provided by local administrations on personnel problems at local labor markets. A fee of 7-8 Euros is also to be introduced for registration of an employer’s declaration of intent for foreigner employment [11].

Into Europe, Ukrainian citizens, as previously, travel for work. People usually find job as laborers, construction workers, and servants. The average salary is 700-800 dollars. However, new nuances appear. The official bodies of these countries noticed that the Ukrainians are cunning – they obtain labor permits in Poland, and afterward, travel further west, where they are paid twice or thrice more. According to the data of the Polish Register of foreigners’ occupation, each month Polish employers register

about 80 thousand applications for employment of foreign citizens, namely Ukrainians. But only a third of the foreigners are actually working. For employment, people are choosing richer countries. Thus, they travel to Sweden for seasonal employment, to gather berries. They work illegally, but the salary is 2-3 thousand Euros.

The Polish border officials began to watch the Ukrainians more attentively due to an inflow of fictitious labor visas. "Ukrainians pay Polish firms about 180\$ (660 zlotys) for the registration of fictitious visas. For this price, some companies agree to file to the Center, a declaration of intent to employ a foreigner. This scheme was discovered by the Polish authorities, and they now want to complicate the procedure of issuing labor visas» [40].

**Depopulation of the country of origin.** It is known that migration in poor countries is accompanied by depopulative consequences. In the conditions when a poor country transits from lack of freedom to freedom (the visa-free regime is the freedom of people's mobility) and legal employment in a more economically developed country, there is a high probability of a depopulation explosion. This is the situation that Ukraine finds itself in today. There is poverty and war, the visa-free regime with the EU and legal employment in Poland. There is also the geographic and cultural proximity between Ukraine and the consumer-countries of Ukrainian labor migrants in the EU. All these factors put together stimulate labor migration and the depopulation of Ukraine. The visa-free regime by itself does not contribute to depopulation.

Naturally, Ukraine does not want a depopulation explosion and would like to confine itself to the "soft" variant of the depopulation processes, with a prospect of minimizing them. Alone, it cannot solve this issue, and the European Union must help it, this especially concerns Poland who is the main consumer of Ukrainian labor migrants.

#### ***4. Consolidation measures for the visa-free regime***

The process of consolidation of the EU visa-free regime with Eastern Partnership countries is a two-way process that includes active actions on both ends.

The European demanded that the authorities of the Eastern Partnership countries that received the visa-free regime carry out activities of information and clarification among their citizens, to consolidate migration management within the countries in the conditions when separatist formations are present, to counteract illegal migration, and the use of documents of these countries for migration into the EU of citizens of other countries. On its end, the EU, its member-states strove to minimize the negative consequences, to help, and to provide an effective functionality of the visa-free regime.

To regulate the process of migration in the context of the EU visa-free regime with Ukraine, to decrease corruption and its influence on the process of population migration, the EU took specific measures. In particular, after Ukraine fulfilled the Plans for the liberalization of the visa-free regime in 2015, new demands concerning the counteraction of corruption in government institutions were introduced. Ukraine

was supposed to improve its tax return system (this was done by September, 2016). It was supposed to create two new agencies aimed at intensifying the combating of corruption in Ukraine. The EU allocated 16 million Euros for the implementation / support of this. An introduction of information formularies for the Ukrainian population participating in visa-free travel was planned. Based on the use of USA experience, a goal was established to create the European database of travels, information, and control. This would have created more favorable conditions for monitoring the migration of Ukraine's population. Furthermore, visa-free regime suspension was not ruled out as a mechanism in case of necessity.

By granting Georgia the visa-free regime, EU countries took steps to streamline the migration processes and to develop the capabilities of documented migration of Georgian citizens in EU-space [22]. Germany offered help within the "Reintegration and Emigration Programme for Asylum-Seekers in Germany; Government Assisted Repatriation Programme" project for returning home those Georgian citizens who came to Germany before the visa-free regime was introduced, but failed to obtain asylum there. Program participants can independently choose the date of their return home, during the trip they would not be accompanied by representatives of official agencies, and medical aid would be provided to them if necessary. Georgian citizens can make use of this program up until February 28<sup>th</sup>, 2018. They will be granted additional financial aid in the sum of 3000 Euros that they will be able to spend on the provision of housing conditions: paying for rent, construction or repair materials / services.

Greece has made changes to its Emigration Law (28<sup>th</sup> of March, 2017) that expand the possibilities for the legalization of citizens from "third countries"; the list of documents that would be required for persons illegally staying in Greece to obtain legal status has been supplemented (namely, marked were the "receipts for monetary transfers home during the last 7 years" and others). Georgia saw in this a positive aspect for the legalization of its citizens, illegal migrants, whose numbers in Greece, based on Georgian authorities' data, ranges between 150.000 and 220.000 people [26].

We should note that the Eastern Partnership countries conducted particular work with its citizens. The populations were informed via mass-media, primarily on national television, on the demands and principles of the EU visa-free regime. Border police representatives, upon citizens' entry into the EU would verify their motives and the presence of necessary documents and financial resources. Such activities proved to have certain positive influence on the behavior and motivation of citizens who were entering the EU. This is especially characteristic of the first months of the visa-free regime activity.

However, gradually, this process gained new features. Firstly, the government structures' activity of informing and verifying the population traveling in the visa-free regime framework has decreased. Activity decay is a standard practice, at least in post-soviet states.

Secondly, the activity of government structures coincided with the period when the visa-free regime comes to be used by two different migration flows – tourist and

labor. Herewith, the first (tourist) flow initially oriented at retuning home and respecting the visa-free regime's rules, dominates quantitatively, and experiences a sudden spike that is explained by the liberalization of the visa regime, the decrease of financial and temporary expenses, and of bureaucratic procedures necessary for the realization of tourist goals. The labor flow, on the other hand, oriented at illegal employment and the visa-free regime violation, grows slower, with a phase lag. Its growth happens in the conditions when border institutions are calming down.

Thirdly, the decrease of the origin-country's role happened, among other things, as result of the fact that its representatives and structures, who were active in the control process over the fulfillment of the visa-free regime's requirements, faced manifestations of visa-free regime violations by its citizens abroad; their deportation, and unpleasant EU information on irregular migrants and the increase of asylum seekers. They found themselves confused, at a loss of their professional identity; they could not see and did not know any real mechanisms to counteract these phenomena: – the violations happened outside of their countries' borders, in EU territory. How were they supposed to react?

The EU countries are toughening their approach to the activity of the visa-free regime. **The cancellation of the visa-free regime is tide not to the number (amount) of discovered irregulars or fake refugees, but to the percentage of their number compared to the previous year.**

The Moldovan authorities, upon realizing the reality of the Germany's warnings regarding the cancellation of the visa-free regime, took real steps towards solving the problem of returning irregular migrants and fake refugees. They are actively collaborating on the level of Internal Affairs institutions. On August 15<sup>th</sup>, 2017, the Moldovan side offered to decrease the identification period for Moldovan irregulars from 11 work days (the EU standard) to 3 work days. The majority of irregulars Germany presented to Moldova for identification have confirmed Moldovan citizenship (the error is of up to 20%). Deported Moldovan citizens are accepted back home without any problems or objections. In cases when non-Moldovans are sent from Germany to Moldova, the decision of their return to Germany is taken promptly. The mechanism began working quite effectively in the conditions when there's an open collaboration between the sides. However, this agreement, while works de-fact, did not receive de-jure registration.

This likewise concerns the visa-regime violators from other countries. The authorities of the North Rein-Westphalia and Baden-Wurttemberg, where there has been an increase in the number of readmissions and the criminogenic situation aggravated because of Georgian immigrants, have demanded that Georgia's visa-free regime be canceled. Deportation decisions are taken in an express fashion. Greek authorities do not grant entry to many Georgian citizens who are coming to Greece from Turkey by bus, and are sending them back right at the border [30; 24].

Concerned with the increase of the number of irregulars and asylum seekers in the EU, the European Parliament Committee on the Civil Liberties, Justice and Home Affairs supported the initiative in accordance to which the countries that have a visa-



free regime with the EU will have to go through a “pre-authorization”. Furthermore, this measure will come into effect in June 2020 [15].

The Georgian parliament is discussing a bill on the broadening of the reasons why citizens may be forbidden to cross the border. According to the bill, a Georgian citizen is in right to visit a European Union country if they have a biometric passport issued in the last ten years, if they have a return ticket, an active hotel booking, a passenger’s insurances, and money on their bank account. If it will be established at the customs checkpoint that the citizen is headed toward a European Union country, they will have to provide the aforementioned documents in order to depart [25].

**Eastern Partnership countries are harshening the procedures for foreigners to obtain citizenship or residence permits in countries that were granted EU visa-free regime.**

It is no secret that there exists the probability of foreigners obtaining Ukrainian citizenship en mass [34]. The reasons for this are that the Ukrainian Law “On citizenship” provides such a possibility. According to the law, foreigners may claim Ukrainian citizenship after continuous residence in the country over a period of five years (or two years if they are married to a Ukrainian citizen). Herewith, they are required to freely speak the national language and to have enough money to live in the country. In general, the procedure of obtaining citizenship takes up to a year. The accelerated procedure that lasts up to one month can only be used by those who have direct relatives in Ukraine. The Ukrainian legislation is quite liberal toward those who want to obtain Ukrainian citizenship if “one of the applicant’s parents or grandparents resided in Ukraine before the collapse of the Soviet Union”. In this case, the person does not need to prove even a minimal level of possession of the Ukrainian language. We should note that this has already been put into discussion, and it was proposed that the procedure be harshened. Undeniably, the EU has influenced this by demanding more control and order in the issue of citizenship granting.

Georgia is complicating the procedure for foreigners to obtain its citizenship. Currently, in order to become the citizen of the Republic, one must reside in the country for no less than five years. This term is proposed to be extended to seven years. Changes will also affect foreigners who marry Georgian citizens. If currently, the term to obtain Georgian citizenship by foreigner-spouses is of two years, than after the changes come into effect, the term may be extended to three years. Furthermore, the procedure of granting foreigners the certificate of temporary residence is also to be changed. In accordance to the current rules, in order to obtain the permit for permanent residence, a foreigner must reside in Georgia for a period of six years. This is planned to be extended to ten years. The term for issuing a temporary residence permit is to be extended to twelve years. Today, the longest term is of six years. If a foreign citizen does not have any reason to permanently stay in Georgia, after six years have passed, they will be issued a temporary residence permit, instead of a permanent one [28].

In the Republic of Moldova, foreign citizens who started enterprises were given residence permits. But 78% of them did not actually work, and were only present “on

paper". The reason for this can be found in the various blanks within the Moldovan legislation that allowed one to open a small enterprise if the enterprise's checking account had a sum of 200 Euros on it. Moldovan authorities began to introduce the Czech method, so that the results and income of the enterprise's activity could be seen and verified.

**A consolidation of migration control on the administrative borders with the self-proclaimed separatist state formations is taking place.** In this regard, the experience of Moldova and Ukraine is indicative. The consolidation of border control, the prevention/minimization of illegal (irregular) migration is implemented in various ways. Firstly, management is carried out through joint Moldovan-Ukrainian border control. On March 11<sup>th</sup>, 1997, the governments of the Republic of Moldova and Ukraine have signed a treaty on the organization of joint control on seven Moldovan-Ukrainian border-crossing checkpoints (the northern and southern regions). This treaty, however, did not include the eastern (Transnistrian) part of the border because the Ukrainian side did not allow the presence and activity in its territory of foreign border security agencies, namely of the Republic of Moldova. With the goal of overcoming this situation, the international EUBAM mission has been created, and it managed to solve these issues to a certain degree.

Today, in the context of the transpiring international and internal changes in Ukraine and Moldova, the situation has undergone a positive evolution. In the fall of 2017, a Moldovan-Ukrainian treaty on the creation of joint border checkpoints along the Transnistrian part of the border has been signed. For this, in Ukrainian territory, it was decided to create 6-8 common border checkpoints for control and accounting of migration mobility. On its side, the Republic of Moldova provided the representatives of Ukrainian border and customs services with the ability to operate on the joint checkpoints in Moldovan territory. This is already taking place on the northern part of the Moldovan-Ukrainian border (the "Criva" joint customs and border control checkpoint). Currently, it has been decided that a similar checkpoint should be opened on the southern part of the Moldovan-Ukrainian border ("Palanca").

Secondly, there's the organization of migration control within a country's own territory without implicating the border police officials. In 2005, the government of the Republic of Moldova decreed that within the country, there be created 14 customs checkpoints along the administrative border with Transnistria, in order to cut off the smuggling of goods and firearms from Transnistria [9]. In 2014, the Bureau for Migration and Asylum of the Ministry of Internal Affairs of the Republic of Moldova opened 6 migration control checkpoints along the administrative border with Transnistria. The creation of these checkpoints was motivated by the necessity to increase control and counteract illegal migration into Moldova in the conditions of the visa-free regime with the European Union, and to regulate the migration flow that goes through Transnistria. The checkpoints were opened on the main transport highways, where the main passenger flow from Transnistria is going through. These checkpoints were created next to the border control checkpoints. The Bureau representatives are informing public transport (bus and maxi-taxi) passengers of the necessity of migration control

and registration, in order to not be fined upon departure from the Republic of Moldova. Registration of foreign citizens is taking place strictly on a voluntary basis.

The introduction of this practice of migration control has led to the increase of registered foreigners coming in from Transnistria. If previously, their number was of about 8% (4-5 thousand people), than today, this number has been increased to more than 70% (83 thousand people). Accordingly, the number of foreign citizens who were fined for violating the principles of stay in the Republic of Moldova has decreased.

Ukraine is aiming to perfect control over migration flows into its territory, and to introduce the best of the world practices on this topic. Starting with January, 2018, Ukraine has made it so entry of all foreigners is based on biometric passports.

Foreign citizens must now all have their fingerprints taken while crossing the border into Ukraine. In mid-December, 2017, at the “Kiev” airport (Borispol), the system of registration of foreigners’ and stateless persons’ biometric data has been presented. During the presentation that starting with January 1st, 2018, the system is active on 157 of the main checkpoints on the Ukrainian border.

Furthermore, there are plans to improve the legislation on the order of registration of foreigners, to develop for them a mechanism of preventive informing upon their arrival to Ukraine, as well as to review the list of countries that pose migration risk, and include Russia in it [39].

An important step for the creation of the contemporary system of border control is the creation of visa-centres that will provide different information services to foreign citizens who desire to enter Ukraine. Between June 15th, and August 1st, 56 new visa centres will be opened in different countries around the world. These will provide foreigners with services of accepting visa registration applications to enter Ukraine, the message says. Eight such centres will be opened in Russia [41].

In Georgia amendments to the local laws are being prepared so that readmission expenses are paid for by the person who is being readmitted; the procedure of family-name change is being complicated; the collaboration between the Georgian MIA and the EU in the field of combating organized crime is becoming active, and the activity of police attaché’s in Georgian embassies abroad is intensifying. The Georgian Diaspora is beginning to take a more active part in the process of informing Georgian migrants, this is especially true in France.

We believe that **the cancellation of the EU visa-free regime** with a country that was previously granted it is too harsh a measure. The principle of collective responsibility is applied to the whole country because of individual perpetrators, which is unjust as thousands of law-abiding citizens that make no violations would suffer from it. The punishment must be just and pointed at those who are violating the rules of the visa-free regime. Responsibility must be individual, and – this is also important – not just administrative, but also financial. The punishment’s financial component will be the really functioning instrument of sifting out those people who want to obtain that which they do not deserve through dishonest means, or those who are violating the laws and procedures of the accepting (EU-) country.

Those people who've violated the principles and procedures of the visa-free regime are eligible for deportation for a particular term (the 5-year term can be maintained) and will have to pay for services (the cost of being kept under guard, and for being fed by the state institutions responsible for the deportation procedure; the ticket price, etc.). The aforementioned services would have to be paid in full, if the person wishes to re-enter EU territory after the term of their deportation expires. Without paying, the person should be denied entry into the EU even after the deportation term expires. Similar measures should be taken in regard to asylum-seekers who've failed to prove their refugee status.

This information on deportees and failed refugees and asylum seekers, on their financial debts for the services provided should be given to the origin-country's border police. In other words, the origin country's border police will be able to find its professional identity, including in exercising control, information, and prohibiting functions. Additionally, this will serve to the establishment of collaboration and to the increase of trust between the origin and destination countries' border police agencies.

Both the illegal migrant, and the fake refugee who are attempting to obtain economic gain from their actions, have to understand that they themselves have little to gain, primarily financially and economically, from their activity. Indeed, the effects of such measures for the EU countries will not be seen immediately, but it will definitely lead to the decrease of perpetrator flows into the EU.

It is assumed that one of the ways of minimizing the negative consequences of the visa-free regime could be **the EU's introduction of free short-term labor visas**. This mechanism should serve to increase both the civilization and regulation of short-term labor migration, and the level of trust between the EU and the Eastern Partnership countries. The introduction of such labor visas will allow the legalization of labor activity of those people who are violating this demand. These people will be included into the legal field, and will not act as perpetrators. And if they will be allowed into the legal field, they will play by its rules. The person whom society places outside the law will act accordingly – they will be violating the established rules and norms, they will behave asocially and provocatively. This is proven by the fact that the overwhelming majority of the citizens who are using the EU visa-free regime are striving to depart the EU after the 3-month term expires. This EU demand for them is not only a legal, but also a moral norm.

Furthermore, the circular character of migration contributes to integration and attempts to return in the destination country to a lesser degree. This will contribute to the visa-free labor migrants' return home. Furthermore, they come into contact with the diaspora on a less than regular basis.

In conclusion we can note that the EU visa-free regime with the Eastern Partnership countries works despite all the aforementioned problems. The implementation of measures for the consolidation of the visa-free regime will not cancel illegal migration out. However, it will be possible to minimize these flows, so that the numbers of visa-free regime violators are reduced as much as possible.

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## BELARUS AND THE EU VISA-FREE REGIME

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*The following article researches the specifics of Belarus' perception of the visa-free regime with the European Union. The European Union, starting with 2014 grants the visa-free regime to the post-Soviet states, its eastern neighbors, or to those that are in its immediate vicinity in the east. For the EU the visa-free regime is an important element of societal transformations on the way toward democratization and European integration in the framework of the geopolitical and modernization project. Belarus perceives the visa-free regime as an economic project that aids tourism of foreign citizens into Belarus. The authors are uncovering the main steps taken by Belarus on the way of facilitating the visa regime for EU citizens. These actions prompted Russia, as a member of the Union-state of "Russia-Belarus" to take measures of reactivating the Russian-Belarusian border. The final part of the article examines the possible consequences of granting Belarus with the EU visa-free regime, noting that the consequences will have both positive and negative effects. However, the Belarus specifics will also manifest in this under the influence of different factors of the demographic, socio-economic, political, and mentality type.*

**Keywords:** Eastern Partnership and the EU visa-free regime, the divergent approaches of the EU and Belarus to the visa-free regime, Belarus' steps toward the implementation of the visa-free regime, the effects of potentially granting Belarus the EU visa-free regime.

### ***1. The specifics of Belarus perception of the visa-free regime***

Belarus is a post-soviet state that, since 2004 is a direct neighbor of the European Union (has a common border with the EU member-states of Poland, Lithuania, and Latvia). In 2009, the EU proposed a program of multilateral collaboration called "Eastern Partnership" to the six post-soviet states that are either its direct neighbors (Belarus, Moldova, and Ukraine) or are located in its immediate vicinity (Azerbaijan, Armenia, and Georgia). Practice has shown that even though these countries had a common historical past of being part of the Russian Empire and the USSR, they chose different ways of social and external political development, and different speeds of integration into common European space [1-4; 6].

The specifics of Belarus are manifested in a number of aspects:

**Firstly**, Moldova, Ukraine, and Georgia, following a difficult search, chose EU integration as their geopolitical landmark.

Armenia demonstrated its dual position and inconsistency, striving to gain profit from a policy of equidistance that consisted of the desire to, at once, “be in two boats”. In 2014, when the geopolitical confrontation between the EU and Russia reached the point of “either - or”, under Russia’s pressure, it made a sharp turn, and joined the Eurasian Union. Today, Armenia is trying to return to the “both” policy, to find the “golden mean” and to reconcile the EU and Russia for its gain, and to obtain profits from both sides.

Azerbaijan initially chose, and continues to maintain a geopolitical policy of distancing itself from both the European Union, and from Russia and its Eurasian Union.

Belarus, on the other hand, went the farthest in its pro-Russian geopolitical choice. It established a singular union state with Russia, and became a member of the Eurasian Union.

**Secondly**, the external factor continues to affect, to one degree or another, these countries’ geopolitical orientations even today. In Belarus’ case, Russia’s role increases as result of the activity of the Russian economic factor, of its use (Belarus - the “assembly shop” of the USSR / the integration of its economy, transport and energy-fuel systems with Russia’s), whereas in Armenia’s case - the influence of the political-military factor (the Nagorno-Karabakh problem and the conflict with Azerbaijan and Turkey; Russia’s supply of armaments and military equipment; external political support, etc.).

**Thirdly**, if Moldova, Georgia, and Ukraine, upon experiencing different types of Russian pressure (open support / use of separatism, territorial annexation, economic pressure, blocking of import-export relations, introduction of a visa regime), openly declared their European integration choice, achieved a degree of success in their collaboration with the EU, and obtained the visa-free regime, then Belarus’ choice is less clear and consistent.

The Belarus authorities are forced to cope with Russia’s position, they are striving to maneuver, to prevent material, financial, territorial, or other losses that could result from Russia’s discontent over their independent policy.

**Fourthly**, they are managing to do so in no small part thanks to the specifics of their actions and rhetoric that materialize in the personality and behavior of the Belarus leader Alexander Lukashenko, who has been in power for almost 25 years now, and created his image of the nation’s father-leader (“bats’ka”).

This concerns the attitude toward the visa-free regime and the process of EU integration as well. Belarus does not declare and does not follow the goal of European integration. It does not have any real programs or plans in this regard. It is an equivocal supporter of Russia and the Eurasian Union. At the same time, it becomes upset with the Baltic States who are trying to build a wall along their common borders and to

distance themselves from Belarus. The Baltic countries, while building the wall, are justifying it by saying that the wall is not built against people / migrants, but is «against wild boars that migrate over the border and may be carrying the African flu».

***Fifthly***, Belarus is for the visa-free regime with the EU [7]. This is what makes it closer to the more active Eastern Partnership countries (Moldova, Ukraine, and Georgia). But what makes it different is that it does not participate in the Eastern Partnership summits, does not take obligations upon itself, and does not enact the decisions taken at the summits. It's on its own. Belarus sees the visa-free regime ***differently***. **For it, the visa-free regime is not tied to European integration. The visa-free regime in the Belarus understanding is less a political and more an economic project that is tied to the development of tourism and the increase of income from tourism.** In order to obtain economic profit / income from international tourism, Belarus introduces the visa-free regime with the EU and with other countries.

Russia has to tolerate this because it has an **economic**, but lacks a **direct / visible geopolitical component** that scares it, and causes it to go looking for an enemy hand, and the desire of its "post-soviet baby-sister" to close the doors to the "older brother" (Russia), and to leave the older brother for a different chaperon.

Russia can allow this, as Lukashenko - whom the Russian authorities consider to be one of their own fellows, who possesses a special kind of intelligence and logic, but who also doesn't always understand the grand geopolitical matters - does a most sincere job to convince it of this. He sees the international processes in another way, through the prism of his own "village hut", peasant logic, and traditionalism.

Russia does not draw rash organizational conclusions in his regard, and accordingly, in regard of Belarus. This concerns the increase of oil / gas prices and their transportation; the official recognition of Crimea; re-exporting of foodstuffs from EU countries that Russia counter-sanctions; border control and the visa-free regime with the EU, etc.

## ***2. The Belarus practice of toward the visa-free regime with the EU***

Belarus, its president, perceives the visa-free regime as an expansion of possibilities for increasing the tourist flow, and accordingly, the flow of monetary intake from foreign citizens into Belarus. With this purpose, it takes measures ***for the liberalization of the visa regime for foreign citizens*** who are traveling to Belarus and are leaving their money in the country [18].

In 2015, Belarus allowed visa-less foreigners to visit the Belovezhskaya Pushcha, in 2016 - to the Augustow Canal, to Grodno and the Grodnenskiy Rayon. According to the statistics of the Belarus Statistics Service, in 2015, Belarus was visited by 276.260 organized tourists, in 2016, by 217.398 tourists. Herewith, in 2016, the most guests came from Russia (171.100), Poland (7.992), and Lithuania (5.846). Foreigners who arrived by themselves were not registered by the statisticians [15].

In December, 2016, the Belarus president A. Lukashenko signed an order on a five-day visa-less entry in the Augustow zone of the Grodnenskiy oblast. In February, 2017, it was supplemented by a decree that grants tourists a Belarus five-day visa under the condition that they are traveling through the Minsk airport. During the period since the beginning of the introduction of the visa-free regime, and until January 19th, 2018, a number of 588.339 foreigners have traveled to the country. During the same period in the year preceding the introduction of the “visa-free entry”, there have been 495.434 foreigners. In total, 81.820 foreigners have arrived to Belarus using the visa-less entry. The top-five countries from whence visa-less foreigners arrive are Germany, Poland, Italy, the UK, and the USA. Depending of country, the quota of visa-less arrivals ranges between 50% and 80%. Arrived from Germany were 34.314 people (without a visa - 13.115), from Poland – 10.652 people (without a visa - 7.825). After a year of the visa-free regime, Minsk’s income from tourism increased by 35%.

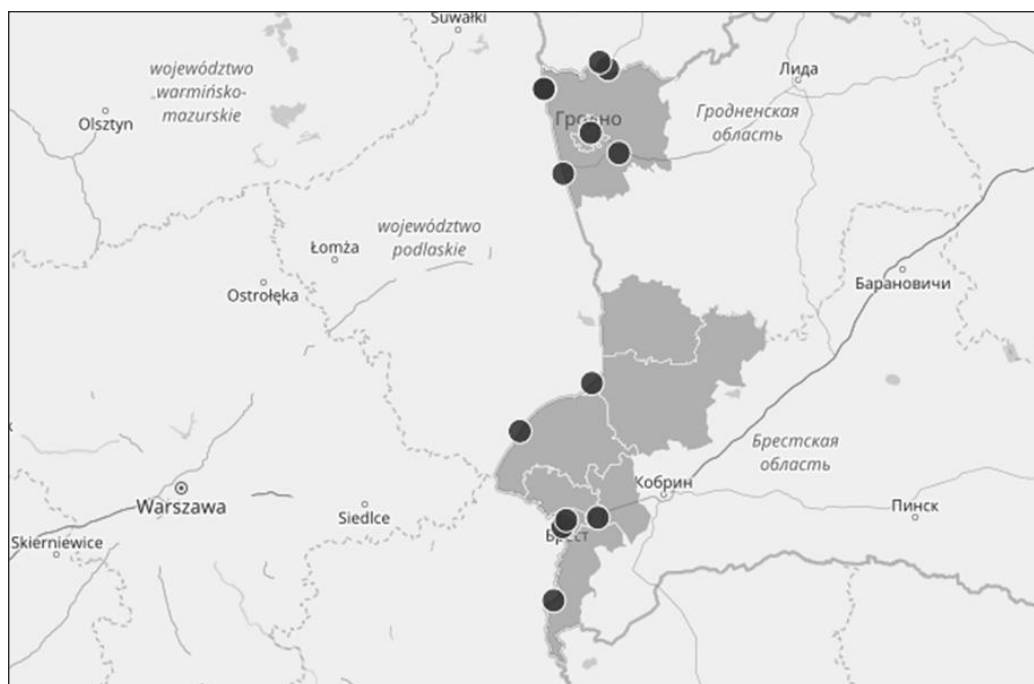
Belarus likewise continues to improve its contacts with its neighbor countries for the development of tourism. In 2018, the Ukrainian and Belarus tourist agencies are preparing a joint tourist package through Lvov (Ukraine) and Grodno (Belarus). The Polish air company LOT is looking into the possibility of launching low-cost flights to the Grodno airport, which recently became open for visa-less entry.

But it’s difficult to say if the visa-free regime had any input into the Belarus economy. According to the report of the World Tourism & Travel Council, tourism in Belarus makes up only 1.9% of the country’s BBП, which is 0.1% more than in 2016 (when there was still no visa-free regime in place). The World Tourism & Travel Council placed Belarus on the 139th place out of 185 on the share of income from tourism in the GDP [8].

Belarus continues to expand its agreements with many countries for the introduction of a visa-free regime. Today, Belarus can establish visa-less relations with 70 countries [10; 11; 17; 19]. Namely, Belarus is gradually liberalizing its visa policy due to the European Games - a sporting event that Belarus will be hosting in 2019.

What concerns the liberalization of the visa-regime, the concern of certain governmental institutions prevents the installation of the 30-day visa-less regime. The Ministry of Foreign Affairs, the Ministry of Sports, and the Belarus Customs all voted in favor of a 30-day visa-less entry for tourists. On the other hand, the Ministry of Internal Affairs and the Belarus KGB are still hesitant to agree with this proposal. The Russian mass-media have expressed their concern over security due to the absence of a strict border control between Belarus and Russia.

On December, 26th, 2017, the president of Belarus, Alexander Lukashenko signed the decree on a 10-day visa-less entry regime for foreigners. The new visa-less rules are in effect since 2018, and allow the citizens of 77 countries [19] to spend 10 days without a visa in the Grodno and Brest oblasts [14]. For those who arrive without a visa to the Minsk airport, no changes have been made; they can stay in Belarus for a period of only five days, but can travel anywhere in the country.



In 2017, in order to enter Belarus, it was necessary to cross the border by bus, or by car at the land border, or to arrive by plane to the Minsk airport. Today, visa-less travelers can arrive to the Grodno and Brest oblasts either by car or by train. In the city of Grodno, the services of the local airport are available. Starting with 2018, visa-less territory spreads over the entire visa-less region, instead of just the individual tourist landmarks, as it was in 2017.

However, in 2018, the visa-less visit to Grodno and Brest will become more bureaucratic, compared to 2017. Visa-less travelers will have to present a permit form at the customs that confirms their purchase of services from a Belarus travel company. In practice this means that foreigners must purchase a tour, stay, or activity at the official travel agency. Foreigners will still have to register at the local registering bureau - or at the Ministry of Internal Affairs, the travel bureau near the landmark, or at the hotel - following 5 days after their arrival [8].

At the same time, we should note that at state level, the issue of a visa-free regime for Belarus citizens in the EU is not being discussed. On the one hand, this is the concern of European bodies, and not of Belarus, but on the other hand, the European bodies expect to see not just the expansion of tourism, but Belarus' factual democratic integration, its abundance with European standards and norms.

In this regard, the European bodies have a well-developed and tested experience of collaboration with the Balkan region countries, and the Eastern Partnership countries that proposes **a complex and gradual approach, the implementation of diverse and factual social, and not just of the development of possibilities for tourism.** The goal is just tourism or its financial and other benefits. For the European Union, the visa-free

regime is an important step on the way toward democratization and transformation, in our case, of post-soviet societies, of lifting them up to EU standards.

This is why the EU is in no hurry to grant a visa-free regime to Belarus and its citizens. But it does give a positive evaluation of Belarus' steps to simplify the visa regime for EU citizens, the country's increasing openness, the collaboration on state institutions' level, etc.

In the conditions of an authoritarian administration, weak political opposition, the dominance of a pro-Russian and paternalistic public opinion that is afraid of radical social changes, an non-mobile and aged population (there is a high quota of senior citizens), the question of **the visa-free regime for the citizens of Belarus** is mainly being asked by the representatives of the Belarus business (travel agencies) [12].

Yet, they are playing by the government's rules, and are not tying the visa-free regime with European integration. They base their motivation and desire for the development of tourism, and the increase of their income, **not just on foreign tourists, but on the Belarusian citizens as well**, on those who will be able to travel with more freedom and frequency to the EU, and to other countries, in the conditions of a visa-free regime. Issues such as European integration, European standards, human rights, and labor migration are not part of their professional or financial interest.

### ***The state of negotiations between the EU and Belarus on visa-regime simplification***

When it comes to the topic of visa-regime simplification, the situation is not as simple as the Belarusians might have liked. The negotiations are ongoing since 2014. In the recent years, representatives of both sides are constantly convincing each other that there is need to make final adjustments to the documents before they can be signed. However, technical difficulties are constantly arising.

According to the declaration of V.Makey, the head of the Belarusian MIA, all issues with the simplification of the visa regime have been resolved, and that Poland's wish to increase the number of its consulate employees in Belarus was the final obstacle. However, the main issue that continuously accompanied the negotiations remains unresolved: the readmission agreement. Belarus is still not ready to sign it [20].

The Belarusian expert explains that it would seem the Belarusian authorities expected the migrants deported from the European Union that have entered it through Belarusian territory from Russia, to be sent directly to Russia, with which the EU has a separate readmission agreement that has been active for the past ten years. Yet, Belarus failed to properly resolve this issue with Russia.

### ***The visa-free regime of Belarus and the issue of border control on the Belarus-Russian border***

Russia is expressing its concerns over such Belarus' actions, assuming that this creates threats to its national security, seeing as how within the Union-state (Russia



- Belarus) there is no proper border between the two countries. It begins to fortify its part of the Belarus-Russian border. "Starting with February 2016, the Belarus-Russian border obtained the unofficial status of, as it's called on the internet and everywhere else, "the strangest border in Europe". Since recently, the Russian side, without any notification, began to exercise full passport control over the people who travel by automobile transport, and later by air, and railway transport as well. The Russian side claims that it acts out of security concerns. But what kind of security concerns can they be talking about when we have common lists of foreigners who are forbidden entry into the Union-state? Nobody who is on these lists can enter. Those who are not on the lists can enter, until they are included into the lists. Therefore, all those excuses and references that we're supposedly not doing things right, which prompts them to introduce the border, are unfounded", - said A.Lukashenko [9].

Starting with January, 2018, the Russian customs began to verify the documents of all passengers arriving to Moscow airports from Minsk.

Furthermore, along the entire Russian-Belarus border (since February 7<sup>th</sup>, 2018) there has been introduced a border zone regime. In the near-border territories of the Briansk, Smolensk, and Pskov oblasts there will be established checkpoints and the time at which people and vehicles will be allowed to cross into the near-border zone (in A.Bortnikov's – the head of the Russian FSB – orders, the limits / size of this zone are clearly defined). Warning signs have also been placed. All this is explained by the creation of necessary conditions for the protection of the Russian state border [16].

Such actions on Russia's side have caused protest with the Belarus authorities who saw in them a violation of the existing agreements. Minsk criticized this decision, calling it politicized. Belarus does not have permanently stationed border service units at its border with Russia. In case of necessity, the border officials can make their way toward the border. On the Russian side, on the other hand, today there are full-time units of the Russian FSB border service that factually guard the border in that direction [13].

### ***3. The possible consequences of introducing the EU visa-free regime for Belarus***

As the visa-free experience of the west-Balkan and the Eastern Partnership countries (Moldova, Georgia, and Ukraine) shows, in Belarus (should the visa-free regime be introduced) one should expect the aforementioned positive effects of visa regime liberalization [5; 6]. These are: the increased mobility of the Belarusian population and the increasing volumes of labor migration into the European Union; the increase of authority of the Belarus passport in the world; the consolidation of the pro-European public opinion; the development of the transport infrastructure of Belarus migration into the EU; and others. Among the negative consequences of the visa-free regime that will happen in Belarus, there will be the increase of the number of visa-free regime violations, the increase of the number of asylum seekers, the country's increasing depopulation. Herewith, the Belarusian specific will be tied to the increasing number of persons applying for asylum in EU countries based on political motives.

The policy in the field of the visa-free regime and the measures taken, both in rhetoric and in practice will not happen in the context of European integration. They will be implemented under the pretext of counteracting illegal migration and support of international tourism. This, as it's already been pointed out, is done in order to not provoke Russia on the one hand, and to avoid conducting radical social reforms that could lead to a political and socio-economic instability and risks for the authoritarian authority of Lukashenko or some other leader, on the other.

We should note that the effects of the EU visa-free regime for the citizens of Belarus will possess another kind of specific:

**Firstly**, among the main directions for labor migration there will be Poland, Germany, Lithuania, Latvia, the UK, Sweden, and Norway, and to some degree – Italy and Spain.

These countries will be chosen as the main directions for labor migration because the presence of social networks formed either by their co-nationals (Belarusian citizens) or by relatives, or representatives of other diasporas (Belarusians and Poles – citizens of Poland, Belarusians and Poles – citizens of Lithuania, Belarusians and Russians – citizens of Latvia, Belarusians and Ukrainians – citizens of Ukraine) will be the determining factor for the Belarusians' labor migration.

Today, there are few Belarusian labor migrant communities in the EU, and they are not very numerous. Poland is the only exception. Therefore, ***main*** mechanism of attraction of Belarusian labor migrants will be the labor communities of other countries' citizens (Poland, Lithuania, Latvia, and Ukraine), where the relatives of Belarusian citizens have already established themselves. As our research has shown, this is a factually working mechanism in post-soviet space (the labor migrants from Moldova, Ukraine, and Georgia).

**Secondly**, Belarus is a country with a dominance of aged and aging population. In this regard, it is in the lead among the Eastern Partnership countries. Therefore, the EU visa-free regime and labor migration that will develop in the conditions of the visa-free regime, could lead to the increase of depopulation processes in Belarus even in cases of evolutionary, non-explosive development of migration.

**Thirdly**, in the conditions of the visa-free regime, the mobility of the Belarusian population will continuously increase. However, this increase will not be explosive, which is explained by both the presence of a significant number of people of the third generation, and the traditionalist mentality and behavior of the Belarusians, the strong paternalist tradition, faith in the state's and the president's ("bats'ka's") abilities and aid. The Belarusians, unlike the Moldovans and the west-Ukrainians were not very active in the migration processes during the post-soviet period, and thus have no rich and mass experience of international migration; their mentality did not yet form in the in the "migration – is another way to improve our material situation" plane, it's reliance on and faith in themselves.

**Fourthly**, the consolidation of the pro-European orientation of the Belarusian population will take place rather slowly and incoherently. This is determined by the

demographic structure of the Belarusian population, the people's rooted pro-Russian orientation, the character of Belarusian authorities, and the fear of changes in society that, during the initial period, as demonstrated by the post-soviet experience, cause instability, and a significant decrease of living standards, of people's income, and a mass labor migration. All these things, the Belarusians have not yet faced much.

***Fifthly***, the amount of visa-free regime violations committed by the Belarusian citizens can be significantly lower (proportionally) than in Moldova's, Ukraine's, and Georgia's case. The reason is not that the Belarusians are more law-abiding citizens. I think that by the time Belarus will be granted the visa-free regime, the European Union will allow short-term labor activity for the citizens of third countries that have a visa-free regime with the EU. And the reasons will not be the EU's kindness or weakness. The reason will be in the actual policies of individual EU countries (Poland and others) on the use of the visa-free regime with the purpose of short-term employment of migrants from third countries. This is on the one hand.

On the other hand, Belarus, as a state that demonstrates authoritarian methods of administration and regulation of public life, including of migration and labor migration, will be dealing with visa-free regime violators promptly and effectively.

***Sixthly***, one should not expect the increase of illegal migration from Belarus into the EU by third country citizens. As the practice of authoritarian states shows, the inviolability of the state border is something that they can in fact provide. Especially since in Belarus, there is a quite effective system of combating illegal migration, and the law enforcement bodies' role to provide the immigrants' (legal and illegal) rights is practically absent thanks to the existing legislation and law enforcement practice. This is a working system of counteracting illegal migration.

***Seventhly***, the recently initiated process of consolidation of the Russian-Belarusian border, its transformation from an administrative into a factual border, will continue. Basically, it is happening, and activity in this issue is demonstrated by Russia. Thus, the factual path of illegal migrants' access into Belarus from the Russian Federation will be blocked. Today, this is the main channel of illegal migration into Belarus.

## ***Conclusions***

1. Belarus has a different interpretation of the visa-free regime than the EU and the Eastern Partnership countries (Moldova, Georgia, and Ukraine). For it, the visa-free regime is an economical project, not a geopolitical or modernization one. This kind of interpretation is tied to both the fear of Russian sanctions, and the Belarusian authorities' attempts to maintain their power and the existing authoritarian methods of administration.

2. Belarus is moving toward the visa-free regime with the EU. However, it is understood twice unilaterally: only as a visa-free regime for foreign tourists. It is not seen as something that is for Belarusian citizens.

3. Economic agents (travel agencies), by accepting the Belarusian authorities' concept of the visa-free regime, and being guided by financial interests, are striving

to expand it upon the Belarusian citizens. The public opinion's voice in this process is practically mute.

4. The introduction of the EU visa-free regime for Belarus will reveal the same effects and problems that were revealed in the west-Balkan countries, as well as in Moldova, Georgia, and Ukraine, who already have the visa-free regime with the EU.

5. The influence of positive and negative effects of the EU visa-free regime in Belarus will have its own specific, caused by the activity of many factors of demographic, socio-economic, political, and mental character.

6. The European Union providing Belarus with the visa-free regime will not lead to the exacerbation of migration problems within the EU, but will contribute to the change of the geopolitical situation in Eastern Europe.

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## 2. VISA REGIME WITH THE EU: CASE STUDY – THE REPUBLIC OF MOLDOVA

### LIBERALIZATION OF THE VISA REGIME BETWEEN THE REPUBLIC OF MOLDOVA WITH THE EU – ACHIEVEMENTS AND PROSPECTS

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*The EU is conducting visa liberalization dialogues with some non-EU countries to achieve the long-term goal of visa-free travel, provided that there is safe and well-managed mobility. The origins of the EU visa policy are to be found in the Schengen acquis. The EU has exclusive competence in the issuance of Schengen short-stay visas – those for a period up to 90 days within half a year. The visa liberalization process follows a pattern of conditionality whereby neighboring countries should fulfill a set of benchmarks before the abolition of the regime. In this regard, the Stockholm Programme establishes that “visa policy must also be part of a broader vision that takes account of relevant internal and external policy concerns. The dialogue between the European Union and the Republic of Moldova on the abolition of visas for Moldovan citizens traveling to the EU was launched in June 2010 and in January 2011, Action Plan on was approved by the EU member states. The plan was focus on key areas such as: travel document security, including the introduction of biometric passports; illegal migration, including readmission; public order and security, personal data protection, external relations and fundamental rights.*

**Keywords:** EU visa policy instruments, visa liberalization regime, migration, EaP countries etc.

#### ***Introduction***

Dialogues on visa liberalization have been successfully organized between the EU and five Western Balkan countries Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, as well as three Eastern Partnership countries Ukraine, Moldova and Georgia. These led to the establishment of a liberalized visa regime for the citizens of these states; for Montenegro, Serbia and the former Yugoslav Republic of Macedonia in December 2009, for Albania and Bosnia and Herzegovina at the end of 2010, for Moldova in April 2014, for Georgia in March 2017 and for Ukraine in June 2017.

These dialogues were based on the *Visa Liberalization Road Map for the Western Balkan countries and the Visa Liberalization Action Plans (VLAPs) for the Eastern Partnership countries*. These Road Maps and Action Plans included four sets of requirements, called “benchmarks”, which countries had to meet. These were related

to the degree of security of documents, including biometrics; border management, migration and asylum; public order and security; and external relations and fundamental rights. The reference requirements focused on the policy and institutional frameworks (legislative and planning) and on the effective and sustainable implementation of this framework.

Since the implementation of the visa liberalization regime with the EU, it has been 5 years. Visa liberalization should have for Republic of Moldova a huge transformative potential on political system across justice, liberty and security policies of the country. Free regime visa should bring benefits for the most category of Moldovan society. This study analyses the current state of play of the implementation of the EU visa policy instruments and assesses the positive impact of visa-free travel on trans-border mobility according to current visa application statistics. Another purpose of the paper is to highlight the impact of visa liberalization process on migration process from Moldova to EU countries and pointing on problematic nature of migration process in a demographic, social, economic, political sense.

During the visa liberalization dialogues, the Commission closely monitored the implementation of the Road Phases and Action Plans through regular reports on their progress. Negotiations have been divided into two stages: the harmonization of our legislation with EU standards and standards and, subsequently, the effective implementation of the measures. In order to follow the course of our country, the European Commission has submitted to Parliament and the European Council regular reports on the implementation of the plan. On 28 April 2014, the liberalization process reached its final point by amending the EU Regulation no. 539/2001 of 15 March 2001 on the abolition of the visa requirement for Moldovan citizens holding a biometric passport and travelling in the Schengen area [6].

The EU has conducted 'Visa Liberalisation Dialogues' with three Eastern Partnership countries, namely Ukraine, Moldova and Georgia. Through these dialogues, the EU has taken gradual steps towards the long-term goal of visa-free travel on a case-by-case basis, provided that conditions for well-managed and secure mobility are in place. These dialogues, led by DG Migration and Home Affairs, were built upon 'Visa Liberalisation Action Plans' (VLAP), which include four blocks of benchmarks related to:

- document security, including biometrics;
- border management, migration and asylum;
- public order and security;
- and external relations and fundamental rights.

The benchmarks concerned both the policy and institutional framework (legislation and planning) and the effective and sustainable implementation of this framework. The implementation of the Action Plans has been closely monitored by the Commission through regular progress reports, transmitted to the European Parliament and the Council, and which are publicly accessible. In addition, progress has been monitored through regular meetings of senior ranking officials from the European Commission and the partner countries [8].



Table 1. Benchmarks to be fulfilled in the roadmaps and action plans on visa liberalisation

<b>Block of reforms</b>	<b>Western Balkans roadmaps</b>	<b>Ukraine and Moldova action plans</b>
<b>1 - Document security</b>	- ICAO - EU standards	- ICAO
<b>2 - Irregular migration – readmission</b>	- Readmission agreement - Signature FRONTEX Working Arrangement - Asylum : Geneva Convention / EU regulations	- <b>Readmission agreement</b> - <b>Deepening FRONTEX Working Arrangement</b> - <b>Asylum: Geneva Convention / EU standards/ subsidiary protection</b>
<b>3 - Public order and security</b>	- Council of Europe: organized crime, fight against corruption, data protection)	- <b>Council of Europe: organized crime, fight against corruption, data protection</b> - <b>FATF standards on fight against money laundering</b>
<b>4 - External relations – fundamental rights</b>	- <b>Antidiscrimination : protection of minorities)</b> - OSCE	- <b>Antidiscrimination: protection of minorities</b> - OSCE - <b>Combating hate crimes.</b> - <b>Ensuring freedom of religion</b>

Source: [19, p.9]

### ***Visa Liberalization Proceeds for Republic of Moldova.***

Europe's neighbourhood is central in achieving the European Union's key objectives to promote peace, its values and the well-being of its peoples. visa regimes have a great potential in fostering civil society exchange and cooperation, mobility and people-to-people contacts in half of the Eastern Partnership countries. Pursuant to the countries' positive track record in the area of fundamental rights, and adherence to common values and precise conditions defined in visa liberalisation action plans, the EU should open visa dialogue with Armenia; encourage the implementation of Visa Facilitation and Readmission Agreements (VFA/RA) by Azerbaijan with a prospect of opening a visa dialogue in the future; and conclude negotiations on VFA / RA with Belarus that would foster individual citizens' mobility [10].

Ahead of the 2017 Eastern Partnership Summit in Brussels, the European Movement International takes the opportunity to renew its position on the European Neighborhood Policy, to assess the implementation of the ENP review, and to highlight the key elements for the EU's relation with its Eastern and Southern partners. In this exercise, the debate on the Future of the European Union takes centre stage. Europe's Eastern and Southern partners need to be taken into account when discussing Europe's future, especially in terms of geopolitics, (energy) security and climate change.

First of all, because the visa liberalization is not free-entry ticket, the benefiting countries should comply with the commitments of the Visa Liberalization Action Plans, which remain mandatory to this day.

Under the conditions of the new mechanism for visa suspension, established as a consequence of 2015 migration crises, the Commission performs annual assessments. Two reports of 2017 and 2018 assessing all visa-free regime-benefiting parties have already addressed the visa-free regime deviations in five Western Balkan states and the three Eastern Partnership states - Moldova, Ukraine and Georgia [10].

The Eastern Partnership officially launched by the EU in May 2009 extended the ENP political limits, and this has enabled the EU to meet the Moldovan authorities' wishes visas and the mobility of persons. Thus, the Eastern Partnership has come to the fore the need for the EU to implement a structured visa policy which will start a step-by-step process of visa liberalization with partner countries in Eastern Europe [4, p.2].

The Republic of Moldova has become the first of the currently semi-forgotten CIS states to obtain a visa-free regime with the countries of the European Union. The Baltic states were the first three post-Soviet countries to integrate into Europe, which happened quite a while ago. And now Moldova has become the fourth "visa-free" country from the former post-Soviet area. Among the Eastern Partnership countries, Moldova is the frontrunner in the visa liberalization process.

Commissioner of Home Affairs, C.Malmström, announced in December 2013 that the Commission had assessed positively the implementation of the action plan in Moldova and that it proposed that the Parliament and the Council allow visa-free travel and therefore amend Regulation 539/2001 to allow for the establishment of a visa-free regime. The decision is significant because it sets a precedent in the visa liberalization process in the Eastern Partnership and it shows that the technical approach of the Commission based on the fulfillment of benchmarks is credible. The Government of the Republic of Moldova adopted a "pre-emptive approach" whereby most of the provisions of the Action Plan were planned beforehand in order to speed up the process. The Action Plan to Moldova was delivered by Commissioner C.Malmström to Prime Minister Filat during a conference held in Chişinău at the end of January 2011 [19]. The implementation of the 2008 EU-Moldova Mobility Partnership and the cooperation on readmission and return (in the framework of the readmission agreement) are giving positive results [19].

Public order and security, anti-corruption and migration irregularities dominate EU's concerns in case of EaP country group. According to the latest 2018 report, Georgia appears to be the least problematic country at the level of policies conducted by the state. Ukraine and Moldova received a bigger portion of criticism. Besides the need to strengthen anti-corruption policies, EU objects to Ukraine's controversial asset declaration scheme imposed on civil society. The major discontent with Moldova consists of the continuously failing investigation of USD 1 billion banking fraud that drained 15% of country's GDP between 2012-2016. Even if these issues are negative, they contain a less direct danger to the visa-free regime, contrary to what some opposition politicians claim. However, these pending shortcomings are damaging EU's confidence in how these countries implement the strategic commitments within the Association Agreements [2].

The process of strengthening the visa regime requires complex, stimulatory and restrictive actions that are carried out by both parties. The Republic of Moldova, as a beneficiary state, had to strengthen the migration control inside and outside the country under the conditions of an uncontrolled territory on the left bank of the Dniester.

At the same time, the EU has provided support for a visa-free regime and the prevention of possible risks. The experience of the Republic of Moldova in strengthening the migration control at the administrative border with the Transnistrian region by minimizing and not admitting illegal migration is a positive one. This control is carried out jointly with the Moldovan-Ukrainian border authorities. In order to overcome the problems related to the border control in the eastern part (the Transnistrian side), the EUBAM mission has been created, which in large part solves these difficulties.

At present there are about 14 border checkpoints with the Transnistrian region created since 2005 and 6 opened in 2014 at the initiative of the Migration and Asylum Bureau of the Ministry of Internal Affairs of the Republic of Moldova [21].

Table 2. Visa facilitation agreements and visa liberalization processes in enlargement countries and the Eastern Partnership and Russia

<i>Third country</i>	<i>Visa facilitation agreement</i>	<i>Visa liberalisation process</i>
<b>Enlargement</b>		
<b>Albania</b>	In force since January 2008	<b>Visa-free regime in January 2011</b>
<b>Bosnia-Herzegovina</b>	In force since January 2008	<b>Visa-free regime in January 2011</b>
<b>Former Yugoslav Republic of Macedonia (FYROM)</b>	In force since January 2008	<b>Visa-free regime in November 2009</b>
<b>Kosovo</b>	-	<b>Road map launched in June 2012</b>
<b>Montenegro</b>	In force since January 2008	<b>Visa-free regime in November 2009</b>
<b>Serbia</b>	In force since January 2008	<b>Visa-free regime in November 2009</b>
<b>Turkey</b>	-	<b>Road map launched in December 2013</b>
<b>Eastern Partnership</b>		
<b>Armenia</b>	In force since January 2014	-
<b>Azerbaijan</b>	Signed in November 2013	-
<b>Belarus</b>	Start of negotiations in January 2013	-
<b>Georgia</b>	In force since March 2011	<b>Action plan launched in June 2012</b>
<b>Republic of Moldova</b>	In force since January 2008 / amended in July 2013	<b>Commission proposes to allow visa-free travel in December 2013</b>
<b>Ukraine</b>	In force since January 2008/ amended in July 2013	<b>Action Plan launched in November 2010</b>
<b>Russia</b>	<b>In force since June 2007</b>	<b>Common Steps agreed in December 2011</b>

Source: [19, p.9].

### ***Migration of population of Republic of Moldova: main destinations***

In order to cope with various situations on the ground the countries have established specific migration policies that include cooperation with their two biggest neighbors: the European Union and the Russian Federation.

Moldova have had a more EU-focused agenda in migration terms, being among the first wave to sign and implement the bilateral and EU readmission agreements and visa facilitation agreements. Border management, the fight against irregular migration, trafficking in human beings as well as asylum policies have been at the top of the agenda, while considerations on migration and development and diaspora policies have emerged as a political priority only in Moldova. Moldova is the only Eastern European country that signed the EU Mobility Partnership and, in fact, Moldova has developed a rich policy portfolio of initiatives in the domain of migration and development. It is also the only country with a specialized legal framework on integration [20].

The EU and Russia are key countries of destination for Moldovan migrants. However, in contrast to the trade area, Moldova also has tight interdependencies with a third external actor, namely Ukraine. Over 60 % of Moldovan migrants are working in Russia. These are mostly men from Moldovan rural areas, who, once in Russia, work in the construction sector (74% of male migrants work in this sector, MMVD / South-East Europe 2014).

The relatively low expenses for travel, visa-free entry into the Russian territory and knowledge of the Russian language are the key factors behind Russia's predominance as a receiving country. On average, migrants stay 1.8 years in Russia; however, Moldovan labour migration is characterized by a marked seasonal, with a large number of migrants working in Russia returning to Moldova during the winter when demand for labour in the construction sector shrinks (Ibid). Thus, Russia is the primary destination country for seasonal migration. In 2012-14, up to two-thirds of Moldovan total remittances came from migrants working in Russia [1, p.17].

The EU is also a key destination for Moldovan labour migrants, who work primarily in Italy (about 25 %), France, Portugal, the United Kingdom, Greece and Romania (around 1-3 % each of the total number of migrants). This is despite the fact that access to the EU is more difficult due to the labour visa requirements. Compared to migrants in Russia, those in the EU are older and have a higher education level; on average, they also stay longer in the EU than in Russia. Given the strong gender split in patterns of labour migration, migrants to the EU are mostly women working in services to private households, e.g. housekeeping or elderly care. 31 % of Moldovan female migrants work in Italy, where the share of women among the total Moldovan migrants is over 70 % [1].

Currently, at least 10 Moldovan ministries and institutions deal with various international migration issues. In addition most of the local delegations of international institutions, numerous NGOs and several foreign embassies are involved in programs which involve international migration [13].

Tabel 3. Main indicators in assessment of the functioning of the visa-free regimes with the EU

Refusals of entry to the Schengen Area (cases)					
Moldova	1,845	2,725	4,660	7,270	<b>2 cases</b>
Ukraine	15,585	23,795	22,495	33,105	<b>0.7 cases</b>
Georgia	3,185	1,330	810	2,655	<b>0.7 cases</b>
Illegal stay (cases)					
Moldova	2,245	4,050	7,660	8,785	<b>2.5 cases</b>
Ukraine	16,520	23,480	29,565	33,485	<b>0.7 cases</b>
Georgia	6,550	5,405	5,240	5,860	<b>1.5 cases</b>
Readmitted /returned (% of cases)					
Moldova	62% of 1,700	67% of 1,810	48% of 5,035	83% of 4,600	-
Ukraine	74% of 12,220	76% of 19,200	82% of 26,865	79% of 32,135	-
Georgia	54% of 6,260	45% of 6,415	55% of 5,635	63% of 7,275	-
Asylum applications (cases)					
Moldova	475	1,850	3,675	1,610	<b>0.4 cases</b>
Ukraine	14,090	22,100	12,460	10,075	<b>0.2 cases</b>
Georgia	<b>8,570</b>	<b>8,110</b>	<b>8,700</b>	<b>11,755</b>	<b>3.1 cases</b>

Source: [3].

### ***Implementation of the visa free regime in Republic of Moldova – influences for citizens***

The impact of the implementation of the liberalized movement regime in the EU countries will be analyzed also from the perspective of the Moldovan citizens' representations regarding certain particularities of functioning, expectations, problems, needs and requirements towards the liberalized visa regime. That is why we will achieve our goals basing on a complex methodology that focuses on analysis of statistics on migration and demographic circuit combined with quantitative sociological research. The target group of the study is represented by citizens of the Republic of Moldova, both in the country and abroad. All data were obtained as a result of using the questionnaire survey method, with closed questions, which were then stacked and filled with information gleaned from research, reports, and reference publications on that subject. The questionnaire was attended by 273 respondents. The selection of respondents was random, using the snowball method.

Table 4. Analysis of the results of the questionnaire on the impact of the visa-free regime after 5 years of implementation (here is presented only a selected part of the study data)<sup>23</sup>

Q1 Do you have a biometric passport?								
Answers=A		Yes		No		-		
%		85.7		14.3				
Q2 Did you make trips abroad until 2014?								
Answers		Yes		No		-		
%		71.8%		27.8				
Q3 Did you travel abroad after 2014?								
Answers		Yes		No				
%		84.6		15.4				
Q4 If you have traveled abroad after 2014, how?								
Answers		1. - with a visa;		2. - on a visa-free regime		3. - with the passport of another country		
%		14.9		62.3		22.8		
Do you think that after 2014, have your travels abroad become more frequent or staying at the same level?								
Answers		1. - I traveled more;		2. - No, the trips remained almost at the same level;		3. - Hard to say		
%		41.4		34.4		8.1		
Q6 If you have traveled abroad after 2014, in which countries? (multiple responses)								
Answers		1. - in EU countries and Schengen areas;		2. - in the CIS countries (Russia, Ukraine, Belarus);		3. - in other countries		
%		84.2		58.3		7.0		
Q7 What purpose did you go abroad after 2014? (multiple responses possible)								
1. - to work; 2. - looking for a job; 3. - for study; 4. - seek refugee status; 5. - shift of service; 6. - at the contest; 7. - for treatment; 8. - for rest, tourism; 9. - other purposes								
A	1	2	3	4	5	6	7	8
%	32.6	8.1	10.0	5	14.5	6.8	4.5	80.1

<sup>23</sup> The survey was conducted by the research team of the Scientific Political Sociology Laboratory, the State University of Moldova. Extract from the intermediate survey results are presented in the Table "Analysis of the results of the questionnaire on the impact of the visa-free regime after 5 years of implementation" (see Table 4)

**Q8 What are, in your opinion, the advantages of a visa-free regime as compared to the visa regime? (multiple responses possible)**

*1. - saving of financial resources (savings on the cost of a visa); 2. Reduce bureaucratic costs (there is no need to stay in line, present many embassy documents, etc.); 3. - the possibility of planning a service abroad in time; 4. - Increases respect for oneself, human dignity; 5. - contributes to the integration of migrants in the host country; 6. - facilitates more frequent visits of relatives living in the Republic of Moldova, of relatives living abroad; 7. - is an opportunity to look for a job, then to obtain a work visa; 8. - there is an opportunity to attend short-term refresher courses during the stay; 9. - reduce the flow of illegal migration; 10. - facilitates participation in cultural, scientific, business, sports and other events; 11. Other benefits*

A	1	2	3	4	5	6	7	8	9	10
%	63.2	53.3	17.6	30.5	15.4	57.4	41.9	26.8	32.4	38.6

**Q9 What are the main channels for getting information on the visa-free regime? (multiple responses possible)**

*1. - media; 2. - TV; 3. - Internet; 4. - relatives; 5. - colleagues; 6. - known; 7. - others*

A	1	2	3	4	5	6
%	43.2	36.8	76.2	29.7	13.0	26.0

**Q10 Did you try to find a job or hire yourself in EU countries?**

A	1. - yes;	2. - not;	3. - Hard to say
%	27.8	65.6	5.8

**Q11 Have you ever violated the rules of the visa-free regime in the EU?**

A	1. - yes;	2. - not;	3. - Hard to say
%	6.3	89.0	3.9

**Q12 What were your violations of the visa-free regime with the EU? (multiple responses possible)**

*1. - entering the EU on the basis of foreign or false documents; 2. illegal work; 3. - Illegal stay in the EU for more than 90 days; 4. - violation of public order in the EU;*

A	1	2	3	4
%	-	65.0	35.0	-

The introduction by the EU of the visa free regime for the Republic of Moldova has generated several positive effects. One of the major achievements of this process is **the achievement of the freedom of movement for the citizens of the Republic of Moldova in the EU countries and increases the population mobility.**

Freedom of movement has become a reality accessible to the ordinary citizen, so European integration, getting closer to Europe has become simpler. Until April 2014, citizens of the Republic of Moldova could travel visa-free, especially in the CIS countries, travels in the EU area, including in the neighboring country, being rather difficult because they involved getting a visa, a difficult, bureaucratic and expensive process.

The possession of a biometric passport is a precondition for visa-free travel to the EU. Available public data confirms that the visa-free regime led to a large rise



in applications for biometric passports shortly before and right after the decision. Since 2011, Moldova has only issued biometric passports. As a result, slightly over 750,000 citizens were in possession of the document as of April 2014, when visas to the EU were lifted. Immediately after the visa liberalization move, the number of applications for biometric passports grew by 78%. Till 2017 year over an 1.8 million people have biometric passports in Moldova, accounting for 46% of the population. Moreover, 125,000 citizens living in the breakaway region of Transnistria also possess Moldovan biometric passports. In 2015, Moldova's government discontinued the practice of issuing passports free of charge to people residing in Transnistria. By that point, 80,000 had already received biometric documents. However, the decision of the authorities in Chisinau has not diminished the demand for Moldovan passports in the breakaway region, confirming at least an indirect interest in travelling to the EU [20, p.2].

In the five years, more than 6 million crossings of Moldovan citizens were recorded at the exit from the country through the border crossing points with Romania and Chisinau International Airport. At the same time, according to data presented by the state secretary at the Ministry of Foreign Affairs and European Integration, more than 2 million citizens of the Republic of Moldova benefited from the liberalized visa regime during this period. At the same time, according to the data of the European Agency for Border Police and Coast Guard about 0.3% of cases of entry refusal and 0.5% of illegal residence cases were registered. The main reason that led to the non-passage of the EU border is the lack of confirmation of the travel destination, the lack of financial means and the exceeding of the legal residence term in the Member States [17].

Table 5. Dynamics of the mobility of Moldovan citizens, to the EU states based on the biometric passport during 2014-2018

2014	2015	2016	2017	2018 (until 23th April)
303.511	811.162	1.239.284	1.535.937	449.479

Source: [15, p.111].

Analyzing the data on the number of citizens who circulated to the EU Member States on the basis of the biometric passport after 2014, we note that their numbers are constantly increasing each year. If in 2014 this opportunity benefited about 303 511 citizens, then by 2018, the number of trips has increased fivefold.

The survey data from the spring of 2019, some of the results of which are analyzed in this paper, show that 62% of respondents traveled to EU states under a visa-free regime after 2014 and 23% of them traveled on the passport of another state, the citizenship of which they hold.

Of those questioned, 84.2% traveled to CIS countries after 2014, and 58.3% traveled to the CIS member states. As we observe, EU countries have become the main

destination for Moldovan citizens' travel, far ahead of the CIS states, which was the main destination by 2014. As we well know the citizens of the Republic of Moldova, but also those of Ukraine and Georgia are faced with the geopolitical dilemma: West or East.

**Strengthening the pro-European orientation of the population** can also be achieved through real interaction with EU countries. The visa-free regime facilitates this process and strengthens the pro-European orientation of the Republic of Moldova. This is best observed in electoral campaigns by analyzing the narratives of pro-European political leaders, as well as the geopolitical dimension of vote that is expressed in the diaspora. The purpose of the trips made by the respondents is mainly for tourists - 80.1% and service interest - 32.6%.

Concerning the risks that were specified in the negotiation phase on the increase in the number of working migrants following the introduction of the visa-free regime, we find that only 8.1% of the interviewees went to the EU to look for a job. Certainly, the expectations of many citizens in the process of implementing the liberalized visa regime for Moldova were also subject to the possibility of obtaining the right to work in the EU countries, but in fact many migrant workers from the Republic of Moldova have a status legalized by a permit residence, state of residence, citizenship of the state of destination, and a large part of them also possess the citizenship of Romania or Bulgaria. The National Authority for Citizenship of Romania announced that, from 2002 until March 30, 2018, a total of 521,025 citizens from the Republic of Moldova regained the citizenship of the Romanian state [22]. Besides the practical benefits, it helps creating **a sense of acceptance and inclusion**, important in order to maintain a high level of public support for the objective of EU accession.

**Increasing human dignity and self-esteem for the citizens** of the Eastern Partnership states is another welcome and positive effect of this process.

Obtaining freedom of movement in EU countries, states with a high level of economic development, with a democratic political system, with non-discriminatory cultural values for people who were limited in this right during the Soviet period under a closed political system, as well as the younger generations who could circulate freely anyway in the same post-Soviet post-CIS station is a reason for pride. At the same time, according to the *Quality of Nationality Index*, both Moldova, Ukraine and Georgia after the introduction of the visa-free regime have seen positive dynamics in the value of national passport and citizenship. 30.5% of the survey participants said that the visa-free regime contributes to increasing respect for oneself and for human dignity.

Illegal migration as a risk of visa liberalization is a minor process in the case of the Republic of Moldova. The small percentage of illegal stays by Moldovans strongly refutes gloomy predictions that a visa-free regime would serve as a conduit for massive illegal migration from EaP countries to the EU [20].

### ***Assessment of implementation tools for liberalized visa regime***

The revision of the visa-free regime for Moldova has become part of the last resolution of the European Parliament, even if visa liberalization is only tangential to the Association Agreement (Article 15, p. The agreement entered into force later than Moldovans began traveling without visas to the EU. Visa liberalization is managed in a specific and separate policy framework where Moldova is evaluated together with 5 Western Balkan countries and two other Eastern Partnership countries - Ukraine and Georgia. The European Commission still recognized in December 2017 that Moldova continues to implement the criteria for receiving the visa-free regime. However, illegal migration, anti-corruption policies and combating money laundering have been reported as problems in which Moldovan authorities have to show progress [9]. This raises at least two questions.

Firstly, the European Parliament includes the visa liberalization conditionality in a resolution on the implementation of the Association Agreement. This can be explained by the intention to incite public debates in Moldova by reaching a sensitive issue for citizens who still do not have Romanian passports. The topic of the visa-free regime could be specified in the European Parliament's resolution of 5 July 2018 on the political crisis in Moldova (European Parliament, 5 July 2018) triggered by the invalidation of elections in Chisinau. But this was overlooked in June-July and appeared in the resolution of 14 November (European Parliament, 14 November 2018).

Second, the question of isolated insights into the worries about the functioning of the visa-free regime is required. However, the European Commission has highlighted both the inefficiency of combating large-scale corruption and money laundering as well as the phenomenon of illegal migration. It is true that under the new visa-free regime introduced in 2018, the European Commission can come up with such a decision if the sectoral provisions of the EU visa dialogue with the EU are no longer respected. However, the possible reintroduction of visas for Moldova depends to a large extent on the situation of the technical parameters, which are in a negative trend [2].

The most recent annual report on the functioning of the liberalized visa regime released by the European Commission at the end of 2018, however, invokes several negative trends, including combating corruption, crime, money laundering and correct migration management. In the same report, the European Commission criticized the fiscal reform that Moldova adopted in 2018 with the three components, namely the capital amnesty, the fiscal one, and the decriminalization of economic crimes, a reform which, as the report says, **„Raised concerns about the political will to fight corruption”**. In another synthesis report circulated at the beginning of the year, the European Commission criticized Chisinau for introducing the Moldovan passport to aliens for investment, saying that the visa-free regime should not be used to attract individual investments, and the implementation of these programs will be taken in calculation when assessing the visa-free regime with those countries [16].

The visa-free regimes offset the slow pace of reforms in the Eastern neighborhoods by intensifying links and drawing partner states closer to the EU. It also fuels competition in the transportation market, preserves the links between central government and citizens living in the breakaway regions, and improves the tourism sector; overall making citizens the big winners of this process. The decision incentivised governments in other EaP countries to push for a visa-free regime, too. Visa liberalisation also underpins the EaP in few other important ways. First, the EU delivered on promise and reinforced its credibility in a region where commitments are often overlooked for the sake of political expediency. Second, much of the anti-EU discourse (whether internally or externally driven) in the eastern neighborhood is centred on the narrative that the Union does not really care about the region [20].

### ***Conclusions***

The Republic of Moldova was the first country of the Association of States called the Eastern Partnership to which the visa liberalization regime was accepted in 2014 after fulfilling a list of conditions demanded by the EU, formulated rather in a technical manner.

The range of these conditions targeted various precautions - from fighting organized crime and corruption, promoting democratic reforms and adopting anti-discrimination legislation. Respectively, many of the benefits of this process have been achieved through the negotiation process through the implementation of the government's roadmap. Even though the Republic of Moldova has been able to ensure a qualitative process of migration management and border security, there are many arrears or reductions from the process of democratic transformation and the fight against corruption.

At the same time, it is important to note that regardless of the processes and deficiencies of the process, the visa-free regime between the Republic of Moldova and the EU is functional. Recent reports by the Council of Europe on this topic reveal general problems related to the political process in the Republic of Moldova and some missed progress or actions of Moldovan political actors that are not supported by EU officials and less technical issues or deficiencies of the actual implementation of the visa-free regime.

Undoubtedly, obtaining the visa-free regime with the EU is one of the most important achievements, the benefits of which were visible in the short or even immediate way for the citizens of the country. However, the mistakes made by the pro-European governments have made the belief in the European ideal and the European integration to be affected by the representations of the citizens of the Republic of Moldova. It is important to further cooperate with the EU government and to achieve bilateral commitments under the bilateral and multilateral partnerships between Moldova and UE.

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# BENEFITS AND COSTS OF THE VISA LIBERALIZED REGIME FROM THE PERSPECTIVE OF THE DYNAMICS OF THE EUROPEAN INTEGRATION OF THE REPUBLIC OF MOLDOVA

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*This article examines the risks and the benefits of liberalized visa regime for Republic of Moldova. In this context, Moldova needs to undertake a series of reforms in the social, economic and justice to benefit of this free regime visa. At the same time there are some risks to the process of migration and the labor market in the Republic of Moldova. The most important for European integration in Moldova is political and economic stability.*

**Keywords:** *European integration, visa regime, human mobility, employment rights, migration processes.*

Throughout social history, most countries have developed management practices and policies for their migration processes. The development of migration management policies has several rationalities, some being historical and denoting the development of migration processes, others of ideological nature, starting from assuming the idea of consolidating and protecting migrants, but also from an economic point of view, depending on the development. the social-economic structure of the given company, etc. This article addresses an analytical topical theme for the Moldovan government and society, in particular the new transformations of the migration process in the Republic of Moldova in a new phase: the implementation of the visa liberalized regime. In this sense, there is a need to develop development policies aimed at human mobility, as well as the practical implementation of these policies by mobile migrants. Some authors consider that the development of migration topics is usually the case. it reflects the interests of the state and, as a result, some authors positioned migrants in a subordinate situation [5, p.191]. Thus, in this article we aim to develop another perspective of Moldovan migration through the visa liberalization regime, in order to analyze the social reality of our emigrants from the Republic of Moldova. In this regard, we will use the concept of mobility, which allows us to observe the perceptions of Moldovan emigrants related to the component of free movement, the advantages and costs of visa liberalization.

For the empirical analysis, the reference material is used for the questionnaires made within the institutional project ***“The policies of the Republic of Moldova in the field of diaspora in the context of the Association Agreement with the European Union: strengthening the role of the diaspora in the development of the home state”*** (15.817.06.21F) with Moldovan mobile immigrants from the EU.



The liberalization of the visa regime is an important element of the dialogue between the European Union (EU) and the Republic of Moldova, and remains a subject of debate and analysis in the Moldovan society. Moldova started negotiations with the European Union on the issue of visa suspension in 2008 and took six years to reach its target. The Republic of Moldova was the first country in the composition of the State Partnership within the Eastern Partnership to which the visa liberalized regime was accepted in April 2014, after fulfilling a list of conditions demanded by the EU, formulated, rather in a technical manner. The framing of these conditions concerned various precautionary measures: from combating organized crime and corruption, promoting democratic reforms to adopting anti-discrimination legislation.

Given that human rights and combating discrimination are one of the basic requirements of the EU, this has given a stronger impetus to the agreement on liberalizing the visa regime between Moldova and the EU. In addition, these two preconditions formed the basis of integration, in the perspective of maximum social benefits for the field of justice and human rights, as well as for migration policies.

Many observers then said that the road to Moldova would have been even longer if Ukraine's decision not to suspend the signing of the Association Agreement had intervened. The EU decided then that a quick and concrete reward is needed, in order to encourage Moldova to persevere on the path of European integration and not to back down, like Ukraine, proceeding to the liking of Moscow. On the occasion of April 28, five years after the visa regime was liberalized, the Ministry of Foreign Affairs of Chisinau released a statement saying that the authorities continued to meet the criteria that allowed visa liberalization and made new reforms.

At present, migration is the main factor, both positive and negative for Moldova's internal development. Increased labor migration, coupled with further poverty growth, could undermine the country's growth potential and disrupt the social structure. However, visa liberalization continues to have a more positive impact on Moldova, in particular on intensifying contacts between people, as well as on establishing social and economic relations between companies, between those who work abroad and those who have stayed at home.

Studies, as well as international data, suggest that the perceived impact on visa liberalization and migration is overestimated. For over a decade, labor migration from Moldova seems to have reached a maximum level, although the liberalized visa regime does not provide for additional employment rights, thus creating minimum or zero incentives for labor migration to Europe.

However, the visa-free regime is beneficial both for the business relations on both sides of the border between Moldova and the EU, as well as for promoting the research of culture, social systems, education and science, and generally contributes to the increase of the demand for tourism and tourism services. Transport. The liberalization of the visa regime can lead to important changes in social relations and can contribute to the Europeanization of political elites and citizens, to cultivating European values and standards, to intensifying interpersonal contacts, promoting Moldovan culture in

Europe and promoting the eradication of social inequalities caused by illegal emigration from the last decade.

The entry into force of the liberalized visa regime depended on the progress made in achieving and ensuring the protection of human rights. As shown in the fifth chapter of the Human Development Report, the Republic of Moldova has made significant progress in the field of human rights in recent years [4]. In addition, the Republic of Moldova continues to implement reforms to ensure that each person achieves his personal goals through the effective application of his rights and freedoms.

Thus, the adoption of a policy oriented towards freedom of movement is closely linked to the availability and capacity of public authorities to get involved in removing barriers to human freedom. This eradication will only be possible when access to free movement and border management is in line with best practices in the field of human security.

In this regard, European integration offers an adequate environment that allows the Republic of Moldova to reach higher standards in the field of human rights protection and the creation of a reliable and effective justice. The judicial system has a direct influence on the development of the society, taking into account the role of legal institutions in ensuring respect for human rights and legal security in the country. In addition, the quality of justice remains a priority for Moldova's successful integration into the EU and for its future activities.

An independent and efficient justice system will contribute to improving the institutional capacity of Moldova to constitute a democratic state and, finally, to achieve the European plenary integration of the country. An efficient and reliable justice is important and vital for meeting the needs of the Moldovan economy, which is becoming more specialized and integrated as the level of European integration increases.

Given the role of the development of migration policies and their importance for the country through a harmonious adaptation to the new economic and social standards of European integration, this article aims to provide an analysis of a set of concrete and detailed benefits and potential social risks. economic results from the implementation of the liberalized visa regime for Moldova based on the questioning of mobile migrants.

In addition to the fact that the Republic of Moldova is already under the influence of European processes and in the immediate vicinity of the EU, the liberalization of the visa regime for Moldovan citizens continues to bring important benefits in the economic, cultural and social field. At the same time, they could have a small impact on migration. It is clear that in order to fully exploit the potential of the Association Agreement with the EU, Moldova will need to implement a series of internal reforms, which may ultimately lead to an increase in human standards and freedoms in the short term and environment. However, European integration and the liberalized visa regime entail both costs and benefits, which are not always immediate or guaranteed.

Trade in visa regime liberalization can make a significant contribution to the settlement of the Transnistrian conflict if national and regional leaders are able to

maintain dialogue and strengthen mutual trust. Finally, a regime of trade liberalization and free movement creates new economic opportunities, as well as ensuring the freedom of movement of Moldovan citizens. Regardless of the final status of the Republic of Moldova regarding EU integration, it is obvious that the liberalized visa regime has brought to Moldova significant positive changes in the personal and collective relations in the society [4, p.81-90].

In this respect, in order for the Government of the Republic of Moldova to properly transmit social messages regarding European integration, it must be regarded as a partner model that is pro-actively involved in promoting European norms and values in Moldovan society. The government should adopt a more effective communication strategy, explaining to the public the balance between risks and opportunities, costs and benefits, the process of European integration. The message itself should be more realistic with the actual content of reforms in relation to the EU, especially with regard to the dialogue on labor migration. The government must finalize a list of reforms that have been delayed for years; reforms that may require significant financial and political spending, but which are needed to unlock the country’s development potential.

Their implementation will create new economic opportunities for the private sector in the Republic of Moldova and will create new opportunities for investments in human development. Economic and administrative reform, justice reforms, public administration reform, decentralization reforms, social security system reform, pension system reform; education reform are just a few of the reforms that look more like “endless stories” than “success stories”. Maybe it’s time for Moldova to move from “success story” to “real success.”

The implementation of the liberalized visa regime can also be interpreted according to the sources of information about it and its use by the population of the Republic of Moldova. From the answers of the interviewees it follows that the Internet and the media are the main channels of information on the visa-free regime compared to the information provided by the family, or those close to them. This moment can be interpreted as a responsibility of mobile migrants to benefit from the right to move freely within the EU, through a more secure and transparent information on the liberalized visa regime. The fact that they have the information they need for travel in the EU, reduces and marginalizes the processes of illegal emigration for our fellow citizens.

Table 1

What are the main channels through which you can obtain visa information?	
mass-media;	19,0%
TV;	16,4%
Internet;	33,9%
relatives; colleagues; known;	30,6%

**Source:** based on survey data from the Sociology of Politics lab, 2019<sup>24</sup>

<sup>24</sup> The survey was conducted by the research team of the Scientific Political Sociology Laboratory, the State University of Moldova. Extract from the intermediate survey results

The ability to move without barriers is a powerful tool that, in addition to economic aspects, can change people's political attitudes and geopolitical preferences.

The intensification of migration has often been identified as one of the main consequences of the liberalization of the visa regime between Moldova and the EU. There is also the opinion that this will help increase the number of Moldovans who will work abroad, even if visa-free travel to the EU does not provide jobs for Moldovan migrants.

Thus, on April 28, 2019, the Republic of Moldova has marked five years since it has liberalized visa regime with the European Union. The cancellation of visas is enjoyed by Moldovan citizens, holders of biometric passports for short-term travel in the Member States of the European Union, as well as in the non-member states, which are part of the Schengen area. In the five years, 2.019.499 Moldovan citizens were registered at the exit of the country through the border crossing points with Romania and Chisinau International Airport.

According to statistical data, young people between the ages of 26-35 years were among the people who chose to leave the European Union, with a number of 502,609 young people. A large number of crossings were recorded by Moldovans aged 46+ (462,558 people), being followed in the top by citizens aged 36-46 years (364,032 persons) and minor children 0-17 years (362.960 persons). According to the European Border Police and Coast Guard Agency (FRONTEX), about 0.3% cases of refusals of entry and 0.5% cases of irregular stay were registered. Respectively, Moldovan citizens demonstrate a responsible attitude towards freedom of movement in the European space [10].

In the survey conducted between April and May 2019, migrants interviewed considered that the liberalized visa regime represents a positive process, a success of the migration policies achieved by our government.

Table 2

<b><i>How do you consider granting in 2014 the liberalized visa regime for residents (residents) of the Republic of Moldova?</i></b>		
positive	negative	doesn't matter
<b>86,0%</b>	<b>1,8%</b>	<b>11,4%</b>

**Source:** based on survey data from the Sociology of Politics lab, 2019

However, there was a perception fueled by the strong tendency to emigrate, of the citizens of the Republic of Moldova, which could be evident after the visa regime was liberalized. Indirectly, this was analyzed in the studies conducted in 2011, under the conditions of then, the probability of labor migration in the EU was very high from 12% of the respondents, with an increase rate up to 27% in case of visa regime liberalization [2].

As a result, it seems that for Moldovan citizens visa liberalization is equivalent to a visa-free regime and should include a wide and unlimited opening of borders to all EU Member States, with travel and work opportunities. But it is not yet the case of

Moldova. In fact, the analysis and trends of migration in recent years, as well as the provisions of the visa-free regime with the EU, shows that its impact on migration is overestimated. In order to understand this, some features of administrative procedures for traveling without visas need to be taken into account.

Thus, from the perspective of the question **what is the visa-free regime of the Republic of Moldova with the EU countries?** For **16.5%** of the respondents it represents the free departure from the Republic of Moldova, the free entry into an EU country, the free movement in the EU, the free stay in an EU country, the free employment in an EU country, the free return to Moldova ; but for the majority of respondents **83.5%**, it is explained by the free stay in an EU country for up to 90 days within six months, the lack of the right to work in an EU country, the free return to Moldova;

For 16.5% of the respondents it represents the free departure from the Republic of Moldova, the free entry into an EU country, the free movement in the EU, the free stay in an EU country, the free employment in an EU country, the free return to Moldova; but for the majority of respondents 83.5%, it is explained by the free stay in an EU country for up to 90 days within six months, the lack of the right to work in an EU country, the free return to Moldova.

Regarding the impact of visa regime liberalization on illegal immigration, this is likely to be moderated due to two important factors. First, the expansion of the “white lists” of non-Schengen visa countries has contributed to an adequate improvement of the border control system between the EU and Moldova and counteracting illegal migration and possible abuses of the liberalized visa regime. Moreover, even if the population from the Transnistrian region is considered the main source of illegal migration, the visa regime liberalization could not be implemented without the introduction of reforms by the authorities of the Republic of Moldova, which aimed:

- ensuring better border control between Moldova and Ukraine over the Transnistrian portion,
- ensuring control over the issuance of civil status documents issued by the Transnistrian authorities.

Secondly, the liberalization of the visa regime did not allow the practice of illegal immigration to reproduce, as in the last years in the Republic of Moldova there has been a decrease in the number of potential illegal migrants. Many of them have already legalized their documents in European countries (especially Italy, Portugal and Spain) or they have become citizens of Romania, Bulgaria (Republic of Moldova allows by dual citizenship law) and other European countries and, consequently, they have obtained the right of legal residence in the host countries. Respondents’ perception of **who benefited most from the visa liberalization regime: the Republic of Moldova or the countries that granted the visa-free regime?**

The response from the respondents’ perspective indicates that Moldova is the main beneficiary with **59.2%**, this being interpreted, on the one hand, as an opportunity in the migration process, and regarding the countries that granted the visa-free regime the benefits for the EU are appreciated by about **30%**.

Speaking about the economic security of the Republic of Moldova, the impact of the visa-free regime contributes to the development of business relations, cultural and tourist links between Moldova and EU Member States, thus developing cross-border trade and extending cooperation between different economic actors. Based on international experience, the significant positive economic effects of the visa liberalized regime consisted of:

- Strengthening the business relations between Moldova and the EU;
- Expanding business relations and promoting cross-border exchanges by stimulating the export of know-how to the Republic of Moldova;
- reducing the costs for business migration;
- Increased demand for freight and passenger services.

The main economic costs of the visa liberalized regime can be considered insignificant compared to the economic benefits. Frequently, these are related to a potential large-scale increase in migration flows, which could lead to a brain drain. On the other hand, these economic costs will be offset by the benefits that will result mainly from the intensification of contacts between people, companies, the high demand for transport and tourism services, which will reduce the intensification of long-term migration and increase the mobility of people [4, pp.75-76].

The social impact on the security of the Republic of Moldova, from the point of view of visa regime liberalization, shows the increase of mobility flows. The mobility of Moldovan migrants will continue, both with benefits and with costs. Thus, the increase of migration flows (taking into account the slow pace) and the increase of money transfers contribute to the stimulation of the economic growth. This increases the income available to migrant families, who can afford consumer goods, quality healthcare, education and so on.

However, as the experience of Moldova has shown in the last decade, these social benefits are dominant in the short and medium term. In the long run, the costs of migration outweigh the benefits. The long-term absence of people in their country of origin has had a negative impact, especially on family relationships.

A beneficial consequence of visa liberalization is increased mobility. This is very important for a small country like Moldova. Thus, including Moldova on the “white list” of countries that do not need a visa for the EU removes the existing barrier for people wishing to visit their friends and families abroad, as well as to travel to the EU for other purposes. Greater mobility can significantly improve the attitude and understanding of European values that will facilitate the integration of Moldovan society. This is particularly important today, when skepticism is on the rise, and the population and political elites have been equally divided between the strategic options for joining the European Union or the Customs Union of Russia, Belarus and Kazakhstan. According to the last Barometer of public opinion for the period April-May 2018, 46% of the respondents would support the accession to the EU and 34% - the accession to the Customs Union [3].

Due to the possibility of free movement in EU countries, the liberalization of the visa regime has helped to strengthen the relations of migrant families, children or their

relatives, who can visit family members who have already migrated to EU countries. Thus, the liberalized visa regime reduces long-term social costs, thus retaining the short- and medium-term benefits.

However, we must bear in mind that, in the event of increased migration, the benefits mentioned above will be marginal for several reasons. First, according to the data obtained from the respondents' answers, the majority considers the lack of the right to work, the limited financial resources remain some of the main obstacles and disadvantages for Moldovan citizens benefiting from the visa-free regime.

Table 3.

<b>What do you think are the disadvantages of a visa-free regime?</b>	
visa-free travel does not mean free access to the country of visit;	<b>30,7%</b>
does not grant the right to work;	<b>47,0%</b>
you must have large amounts of money;	<b>22,3%</b>

*Source: based on survey data from the Sociology of Politics lab, 2019*

Secondly, in addition to removing the barriers to obtaining visas, the possibility of temporarily returning to the country of Moldovan emigrants depends on the vacation offered by the employer. Together, it creates the impression that the benefits of visa regime liberalization are for the benefit of certain social groups, for which a strict visa regime has been one of the main administrative barriers to free movement in the EU, without facing other administrative or economic barriers.

In general, the lack of labor force is recognized as a serious problem for the economic security of the Republic of Moldova, because initially the policy in the field of labor migration management was not on the official agenda of the politicians. In addition, the current legal framework regulating the employment of migrants is very limited, requires time and continues to be discriminatory towards foreigners, reducing incentives for local businesses to look for foreign labor. If not resolved properly, these problems will continue to accumulate as the growing workforce deficit, while migration from visa liberalization will accelerate.

Although efforts are being made to correct these issues and challenges in managing national migration. This is stipulated, especially by Law no. 274 regarding the integration of foreigners, which entered into force in July 2012, and partially adjusted to EU legislation on non-discrimination of foreigners in the economic, social and cultural fields. In addition, administrative procedures are being elaborated to simplify the procedures for obtaining resident status for foreign investors. However, much remains to be done to fully adapt national legislation to best practices in this area.

A special aspect is the fact that Moldova has two laws that regulate this issue: the Law on labor migration and the Law on foreigners. This situation complicates the integration process itself and it is hoped that these two documents will be combined in a unique and comprehensive legal framework in the field of immigration, in line with EU standards.



The most recent annual report on the functioning of the visa-free regime, released by the European Commission at the end of 2018, however, invokes several negative trends related to combating corruption, crime, money laundering and the proper management of migration. In the same report, the European Commission criticized the fiscal reform that Moldova adopted in 2018 with the three components, namely the capital amnesty, the fiscal amnesty, and the decriminalization of economic crimes, a reform that, as the report states, “has raised concerns about the political will to fight corruption”. In another summary report released earlier this year, the European Commission criticized Chisinau for introducing the scheme for granting Moldovan passports to foreigners, saying that the visa-free regime should not be used to attract individual investments, and implementation of these programs will be taken in calculation when evaluating the visa-free regime with the respective countries.

Data presented by the press show that since the launch of the citizenship granting program in November 2018, only one citizenship has been offered at the beginning of April to a businessman whose name has not been released. Moldovan authorities present this program of granting citizenship as a “unique chance” of attracting 1.3 billion euros, while anti-corruption experts and opponents of government argue that offering citizenship to foreign investors poses major risks to state security and could affect the visa liberalization regime with the EU [11].

Finally, the consequences of visa-free travel seem difficult to assess both positively and negatively. Following the elimination of visas, a number of administrative and economic factors will limit the growth of emigration. Therefore, the elimination of the visa regime for Moldova has a positive effect from the point of view of the state security and, consequently, will have a minimal impact on the social-economic security of the Republic of Moldova. For Moldova, the elimination of the visa regime has intensified relations between individuals, legal entities, increased demand for transport and travel services, reduced incentives for illegal immigration and strengthened social ties between migrants and their families.

During the meeting of senior officials of the EU-Moldova on visa liberalization, both parties took into account the latest developments in the Republic of Moldova. In the dialogue between the Republic of Moldova and the EU on visa liberalization, reference was made to the main recommendations of the third report of the European Commission on the implementation of the action plan on visa liberalization. The European delegation presented its assessment on a number of issues related to EU migration and security in the case of visa liberalization for Moldovan citizens. Starting in February 2013, the EU sent the first missions to evaluate the implementation of the second phase of the Visa Liberalization Action Plan [7].

Thus, from the prerequisites for the EU to adopt a “pass permit” to liberalize the visa regime, the following reforms and amendments have been fulfilled and implemented:

- biometric passports;
- establishing a framework for state migration policies;
- adoption of legislation on the protection of personal data;

- implementation of an electronic questionnaire for accounting of all transport documents and personal documents.

In this regard, we note that in the column biometric passports the Republic of Moldova began issuing them from February 1, 2008. From February 1, 2008 to March 1, 2010, such passports were issued in 1347, and from January 1, 2011, the Republic of Moldova has only issued biometric passports, the old passports being withdrawn without problems from circulation. These passports comply with the safety requirements and EU standards of ICAO (International Civil Aviation Organization). For example, the microprocessor contains the following biometric information: (1) a photograph of the owner's face, (2) the digital image of the fingerprints. In addition, the information is confirmed by the digital signature of the owner [1].

Noting the role of the EU in seeking solutions to the Transnistrian conflict, many authors emphasize two vectors of this contribution: (1) increasing the attractiveness of the Republic of Moldova, both nationally and internationally, and (2) reducing the de facto Russian influence independence of Transnistria. The first component reflects the partnership of the Republic of Moldova-EU, through joint cooperation instruments within the Eastern Partnership, the Partnership for financial and technical assistance for the implementation of the reforms.

The second vector is the EUBAM (European Union Border Assistance Mission to Moldova and Ukraine) mission, as well as the European lobby in Ukraine to respect the trade regime on the Transnistria segment at the Moldovan-Ukrainian border. From the point of view of European policy, for a real resolution of the conflict, the Republic of Moldova should become attractive to the population from the Transnistrian region, but without the support of the EU, the Moldovan authorities still cannot achieve this [8, p.61-71].

In conclusion, this wish should be the main objective of the national strategy for European integration of the country, in this regard it proposes the following recommendations:

- ensuring political stability as guarantor of multilateral assistance from the European Union;
- development of a national strategy and action plan for the final settlement of the Transnistrian conflict;
- the implementation of all the commitments, adopted by the EU and the OSCE regarding the settlement of the Transnistrian conflict, regarding the integrity, sovereignty and independence of the Republic of Moldova;
- supporting civil society through its participation in joint European projects and together with the development partners, to be pro-active in promoting the results of these projects targeting European values, attracting European funds, etc .;
- Engaging EUBAM in the constant and regular monitoring of the borders, as well as ensuring the conditions for investigating the crimes on the Transnistrian segment of the Moldovan-Ukrainian border, with the prior information of the customs authorities;

- continue to support the implementation of the Action Plan on the Association Agreement with the EU and the appropriate allocation of budgetary resources, as well as the closer cooperation with European partners and EU Member States.
- the continuation of the dialogue with the Parliament of the Republic of Moldova, taking into account the fact that the implementation of the Association Agreement with the EU (effective implementation) includes the inclusion and legislative changes to ensure a complete and effective dialogue on the visa liberalization regime;

The quality of the implementation of the European integration agenda depends to a large extent on the quality of policy coordination and reforms already being implemented in priority areas such as justice, anti-corruption policies and the fight against money laundering. It is necessary to ensure and strengthen the direct and continuous interaction between the Government and the civil society through a communication strategy for the implementation of the European integration process, to be financed from the budgetary funds of the Republic of Moldova.

The analysis focused on the perceptions of Moldovan emigrants, starting from their discourses on mobility, free movement, diaspora, the role of social institutions and organizations, as well as migration. One of the fundamental contributions of the analysis based on the concept of migration is that it allows to highlight the diversity of approach of the migrants on different dimensions, which refers to the cultural promotion in the host societies. Beyond nationality, common elements are found directly, in terms of perceptions about inclusion, the role of networks, social organizations.

We live today in a globalized world, in a constant change and at the same time with the integration in the Western society it is absolutely necessary that the Moldovans preserve and promote their national values, their cultural and spiritual heritage. In this sense we need to know information about the Moldovan Diaspora, the activities promoted by Moldovan associations abroad, the possibilities of collaboration with them in order to capitalize on the existing potential.

Regarding the future of the migrants questioned, it seems that it is within the mobility of the European space or the permanent installation, depending on the real or perceived opportunities. In any case, the return to the basin does not seem to present itself as a major alternative in the situation of deep crisis in which the Republic of Moldova is currently, against the background of the latest events in our society.

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# VISA-FREE REGIME BETWEEN THE REPUBLIC OF MOLDOVA AND THE EUROPEAN UNION IN THE CONTEXT OF THE MIGRATION MOBILITY OF THE MOLDOVAN POPULATION

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*The article presents the results of an empirical sociological study "The attitude of Moldovan citizens towards a visa-free regime with the EU", conducted by the research laboratory "Sociology of Politics" of the Moldavian State University in May-September 2019. The empirical data shows changes in the migration orientations of Moldovan citizens in the context of a visa-free regime with the EU, a comparative analysis of the migration mobility of the population of the Republic of Moldova before and after 04/28/2014, an assessment of the benefits of a visa-free regime, motivation for traveling abroad before and after receiving a visa-free regime, information support for visa-free regime and a number of other pressing issues related to the change in migration mobility of Moldovan citizens.*

**Keywords:** visa-free regime with the EU, migration mobility, age, gender, income, violation of visa-free regime.

The entry of the world order into the era of globalization leads to the need to bring migration practices between countries to a new level in line with new requirements. The current answer is a visa waiver policy between countries. ("A review of changes in visa requirement policies based on a newly created database containing visa lifting policies in more than 150 countries for 1969 and 2010. We have found that visa-free mobility has increased on average over the past 40 years") [16].

In the context of new trends in migration policy, visa requirements have been lifted in relations between the EU and the Republic of Moldova. Five years have passed since the day of the agreement on April 12, 2014 on a visa-free regime between the EU and the Republic of Moldova. The practice of using a visa-free regime by the citizens of the Republic of Moldova over the past period of time has acquired some stable forms, the compliance of these practices with the accepted obligations needs to be studied and evaluated. The main parties to the agreement on a visa-free regime are Moldovan citizens, who are directly affected by the adopted agreement and who directly implement it in their daily practice of simplified movement between Moldova and the EU. For this reason, it is necessary to investigate, first of all, in what form and to what extent the process of implementing a visa-free regime takes place at an empirical level of behavior. At the same time, the data provided by this kind of research is clearly not enough to fully assess the current situation: in particular, the liberalization of Schengen visas for the Republic of Moldova and its "potential impact on migration from the two countries are not well understood ... and in general there are no empirical data" [ 24].

### ***Introduction***

Objective: to assess the mobility of the Moldovan population before and after granting the Republic of Moldova a visa-free regime in the EU, questions and design.

The purpose of this article is to present the results of an empirical sociological study "Attitude of Moldovan citizens to the EU visa-free regime", conducted by the research laboratory "Sociology of Politics" of the Moldavian State University in May-September 2019.

Key research topics:

1. Migration mobility of the population of the Republic of Moldova before and after April 28, 2014;
2. Assessment of the advantages and disadvantages of a visa-free regime;
3. The level of motivation for traveling abroad before and after receiving a visa-free regime;
4. Information support of a visa-free regime

**Methodology:** To obtain information, the survey method was used: quantitative, oral (interview), in-person, standardized, mass, at the respondent's place of residence and at the respondent's workplace.

In this work, the term mobility is understood in the context of the British sociologist J. Urry as migration or another type of "semi-stationary geographical movement. This is

the horizontal meaning of the expression “to be on the move,” and it refers to moving to another country or to another continent in search of a “better life,” or for the sake of rescue from drought, persecution, war, hunger, etc. ”[21].

“The use of terms such as “mobility ”and“ movement ”... can more clearly describe the form of the movement under discussion” [17].

In the context of the agreement on visa-free visits to the EU 2014, the respondents’ mobility is understood as: “a business trip, tourism, a visit to friends or relatives, training no more than 90 days” [13] to EU countries. This definition reflects the motives and timing of the trip, after the implementation of which the individual returns to the Republic of Moldova after a maximum of 90 days within six months. The term “mobility” excludes employment and emphasizes the temporary nature of residence in the EU.

Data on mobile flows in the study is determined by comparing the proportion of respondents who traveled abroad and answered positively to two questions: a). “Have you traveled abroad before 2014?”, and b). “Have you made trips abroad after 2014?”.

## ***1. Migration mobility of the population of the Republic of Moldova before and after April 28, 2014***

### **1.1. Visa-free status and migration process**

The state border crossing regime is established and controlled by the state. For this reason, as a visa-free regime (as well as a visa regime) is primarily an instrument of the political influence of the state on the migration process. (“States and politicians shape migration processes in their interaction with other determining factors of migration in receiving and sending countries” [11].

By granting a visa-free regime, the state plays an important role in relations between developed and developing countries. “When the United States or another country of the first world grants visa-free travel rights, this is considered a sign that the country has entered a developed or semi-developed club of nations” [15].

Of the total number (2019) of UN member states, 195 + 2 observers, the Republic of Moldova has a visa-free regime with 74 states (37.4%) and a visa regime with 124 states (62.6%) of the world [9]. The countries of visa-free regime are distributed in the continental context as follows: Europe - 42 (56.8%), Asia - 13 (17.7%), America - 11 (14.9%), Oceania - 5 (6.8%) and Africa 3 (4.1%).

### **1.2. Moldovan passport and visa-free status**

According to Henley, the Moldovan passport takes a rather honorable place in the world ranking on the availability of visa-free travel. Henley Passport Index is the original ranking of all world passports, depending on the number of destinations their owners can access without a prior visa. The index includes 199 passports and 227 tourist destinations - including micro - states and territories.

The Moldovan passport is in 47th place with 119 countries of visa-free entry. The nearest neighbors of the Republic of Moldova: Ukraine - 126 countries and 43rd place,



the Russian Federation - 117 countries and 48th place, Turkey - 112 countries and 52th place, Belarus and Kazakhstan - 75 countries and 68th place [12].

### **1.3. The presence of a biometric passport as a condition for the mobility of the population of the Republic of Moldova to the European Union and the Schengen zone**

Since 2012, only biometric passports have been issued in the Republic of Moldova. Of the 433 respondents, the majority (86.1%) had biometric passports and only 14.3% had no such passport at the time of the survey.

The main group of respondents who do not have biometric passports are senior age groups: 50-59-year-olds (25.8%) and "60 years and older" (47.8%). First of all, most of the citizens of the Republic of Moldova of the older age group have old-style passports. At the same time, they show the smallest tendency to move outside the country. It may be concluded that the biometric passport is not relevant for them.

#### **1.3.1. The presence of a biometric passport and the mobility of respondents**

The presence of a biometric passport directly depends on the mobility of respondents: those who travel after 2014 (94.1%) have such passports, and only 5.9% do not. Among respondents who did not travel after 2014, the majority do not have biometric passports (54.3%), and 45.7% have such passports.

The lack of a biometric passport does not always close the possibility of entry into the EU for Moldovan citizens. The situation in the Republic of Moldova (as, indeed, for Ukrainian citizens) is very specific: a significant number of Moldovan citizens have passports of EU countries (Romania, Bulgaria and a number of other countries). This is a sufficient reason not to have a Moldovan biometric passport and, nevertheless, to take the opportunity to travel without a visa to the EU and the Schengen area. In our study, the number of respondents who used a passport of another country when traveling abroad amounted to 25.6%.

#### **1.3.2. Limited financial capabilities.**

Another reason of the refusal of the population of the Republic of Moldova from a biometric passport is insufficient financial resources: according to respondents, the cost of a biometric passport is too high - 1.2%. Another reason is the lack of intention to leave the territory of the Republic of Moldova - 3.1%.

### **1.4. Mobility of respondents in a visa-free regime**

What did the population of the Republic of Moldova expect from a visa-free regime with the EU?

According to a survey in November 2013, the highest expectations of the Moldovan population are precisely related to freedom of movement:

1. "the possibility of free movement throughout the EU" - 41.4%;
2. "the opportunity to study freely in the EU" - 43.8%;

3. desired, but not achievable in the conditions of a visa-free regime “unlimited employment in the EU country” - 54.5% (of the total number of respondents (N = 1,144 respondents 18 years and older) [3]. Introduction of a visa-free regime for citizens of the Republic of Moldova the European Union has created favorable conditions for the growth of migration mobility.

Table 1. Frequency of travel of respondents abroad before and after 2014 (%):

<i>Made trips abroad ...</i>	<i>Yes</i>		<i>No</i>		<i>Total</i>	
	N	%	N	%	N	%
Before 2014	316	73.0	117	27.0	433	100.0
After 2014	362	83.6	71	16.4	433	100.0

The new stage of migration mobility of the Moldovan population began with the collapse of the USSR and independence in 1991. So, in 2003, 12 years after that, every second Moldovan citizen over 18 years old visited abroad at least once (53.7%) [4], in 2010 every fourth Moldovan citizen at least once worked abroad - 24.6 % [5]. In 2012, according to a 2012 survey, every third resident of the Republic of Moldova already worked - 33.7% [6].

According to our survey, 73.0% of respondents made trips abroad. As you can see, the trend of migration mobility of the inhabitants of the Republic of Moldova today is quite impressive. After 2014, the mobile trend increases - 83.6%. In comparison with trips abroad until 2014, the number of respondents who did not travel abroad also decreased: from 27.0% to 16.4%.

Obviously, the increase in mobility is the result of two components: a) a general movement towards the openness of interstate borders; b) granting citizens of the Republic of Moldova a visa-free regime with the EU.

### **1.5. Factors that interfere with mobility in a visa-free regime**

Mobility is a purposeful action. The mobility of the individual in our understanding is the action of “a person who sees in it either a means or a goal and orientates his behavior on it” [23]. If there is a goal, mobility, even under favorable conditions created by a visa-free regime, will be realized if the benefits of its implementation outweigh the negative consequences. Among those who did not go abroad after a visa-free regime after 2014 (N = 71), 67.1% did not need a trip at the time of the survey, 41.4% lacked financial resources, 7.1% of respondents encountered difficulties crossing the border, and 1.4% indicated that they did not have free time and there were problems with documents.

In the group of stayers, the lack of mobility is closely correlated with the lack of biometric passports: 54.3% of respondents do not have and 45.7% have biometric passports.

### 1.6. Use of a visa-free regime for trips abroad after 2014

After 2014, 355 respondents made 415 trips abroad. Visa-free trips make up 68.3%, another country's passport 29.7%, and visa 19.5%.

Table 2. The ratio of travel after 2014 (%):

<i>Made trips abroad after 2014...</i>	<i>responses</i>		<i>% observations</i>
	<i>N</i>	<i>%</i>	
With visa	69	16.6%	19.5%
Without visa	241	58.1%	68.3%
With a passport of another country	105	25.3%	29.7%
Total	415	100.0%	117.6%

*Note: The dichotomous group is counted by a value of 1*

In general, visa-free travel of Moldovan citizens takes priority over other regimes: 58.1% traveled to other countries in the visa regime, the fourth part travels according to the passport of another country and in the visa regime 16.6%.

#### 1.6.1. Mobility status

It characterizes those who traveled abroad before and after 2014. Respondents who traveled before 2014 after 2014 increased their mobile status to a greater extent (90.3%), compared to "stayers" (69.0%). For "stayers", the period after 2014 was the initial stage of trips abroad.

#### 1.6.2. Age.

According to our survey, respondents aged 18 years and older traveled abroad before 2014 - 72.5%, after 2014 - 84.2%. Compared to the period before 2014, the respondents' mobility increased by 11.7%. Moreover, in a number of age groups, growth is even greater: among "18-36 years old" - 63.4% and "46 and older" - 16.9%.

The age of migrants aggregates the parameters of a migrant's social life: behind the number of years / date of birth "shines through" the personality's social qualities acquired / or not acquired during the "life course" process. In the older categories, there is a combination of family qualities, professional (work) status and a whole range of acquired social qualities [20].

The differentiating aspect of age in migration studies is an important methodological technique in the analysis of the structure of migration flows. (Age-related effects relate to variations in life courses due to chronological age (for example, the age of the immigrant upon arrival). [1] Age is social, that is, "age is a set of classifications that people (re) define in the interaction, how they realize their daily lives in various everyday and institutional contexts." [18]. We took the social age model K. M. Johnson, R. Winkler, L. T. Rogers with some modifications as the basis for the aggregation of migrants [10].

From the point of view of the social approach, the age continuum of migrants is divided into four groups.

**First age group: initial stage of social formation** (age 18-29 years). The social status of this group of migrants is characterized by separation from parents and the entry into the period of independent residence: entering a university, serving in the army or starting employment.

**Second age group: 1st stage of social maturity** (age 30-44 years). Migration at this stage is associated with the completion of education, the transition to full employment and orientation towards a professional career.

**Third age group: 2nd stage of social maturity** (age 45-59 years). At this stage, the final formation of the social status of an adult takes place, which is determined by the creation of a complete family, children, social and political responsibility.

**Fourth age group: advanced age (age 60 years and above).** The final stage of social and professional growth, pension. Migration is characterized by a return to their native places, migration to comfortable living conditions, non-economic activity.

Table 3. The effect of age on the frequency of trips abroad (%):

Age	Have you traveled abroad				Total	
	Before 2014		After 2014			
	yes	no	yes	no	number	%
18-29 years	61.6	38.4	86.0	14.0	222	100.0%
30-44 years	86.7	13.3	89.5	10.5	105	100.0%
45-59 years	85.3	14.7	80.0	20.0	75	100.0%
60+ years	73.9	26.1	43.5	56.5	23	100.0%
Total	72.5	27.5	83.5	16.5	425	100.0%

After 2014, the number of trips abroad increased by the age groups of respondents (18-29 years old and 30-44 years old), respectively: (+ 24.4%) (+ 2.8%). The other two reduced the frequency of travel: 45-59 years - (-5.0%) and 60+ - (-30.4%).

The reason for the significant changes in the mobile activity of 18-29 year olds is that until 2014 this group was five years younger and its social status did not imply mobile activity (especially those who were 13-18 years old). While after 2014, this group becomes included in the mobile process.

The group of 60+ until 2014 was five years younger and was socially active, which contributed to its mobile activity. After 2014, this group falls into retirement age (albeit to a different degree), which leads to a decrease in mobile activity.

### **1.6.3. Income level.**

The level of income of respondents significantly affects the frequency of trips abroad. Among respondents with the lowest income, 67.0% traveled abroad, people with an average income - 87.1% and people with a higher income - 92.6% (Table 4).

Table 4. The effect of income on travel abroad after 2014 (%):

<i>Made trips abroad after 2014 ...</i>	<i>Income groups</i>			<i>Total num.</i>
	<i>lowest</i>	<i>average</i>	<i>highest</i>	
Yes	67.0	87.1	92.6	83.5
No	33.0	12.9	7.4	16.5
Total	100.0	100.0	100.0	100.0

#### **1.6.4. Gender**

After 2014, mobility among men is higher than in the group of women. Men more often traveled abroad than women: 88.7% and 79.9%, respectively. Women, compared with men, show slightly lower mobile potential. One of the reasons for the lower mobility among women is their greater economic insecurity. Thus, according to the survey, in the group who did not travel abroad after 2014, women who were forced to save even on the most necessary were more than three times more than men: 23.3% and 76.7%, respectively. Compared to the period before 2014, respondents of both sexes increased migration mobility after 2014: men 76.8% (+ 11.9%), women 70.1% (+ 9.8%).

In general, there are more women in the mobile stream than men, 43.5% and 56.5%. In our opinion, this is due to the fact that women use the opportunities of a visa-free regime and the “shift method of work” more, especially in the provision of family and home services, caring for the sick, elderly, and children. In this area, the possibilities of illegal employment are much higher.

Table 5. Frequency of trips abroad after 2014 of men and women (%):

<i>Made trips abroad after 2014 ...</i>	<i>gender</i>		<i>Total</i>
	<i>men</i>	<i>women</i>	
yes	43.5%	56.5%	100.0%
no	28.2%	71.8%	100.0%
Total (N=432)	41.2%	58.8%	100.0%

### **1.7. Target countries of a visa-free travel for the population of the Republic of Moldova**

Citizens of the Republic of Moldova used a visa-free regime for trips abroad until 2014, primarily to the CIS countries. To what extent has the number of respondents using a visa-free regime increased since 2014?

Table 6. Distribution of respondents who traveled abroad after 2014 in three modes depending on the trip to the EU / Schengen zone or the CIS (%):

<i>Made trips abroad</i>	<i>Trips were made in the mode ...</i>			<i>Total</i>	
	<i>visa</i>	<i>Without visa</i>	<i>using passport of EU / CIS countries</i>		
To EU countries and Schengen zone	86.8%	84.0%	91.3%	298	85.9%
To the CIS countries (Russia, Ukraine, Kazakhstan)	51.5%	60.9%	44.7%	186	53.6%
To other countries	19.2%	3.8%	2.9%	13	3.7%
Total	68	238	103	347	100.0%
	157.5%	148.7%	138.9%		

Notes: 1. - Percentages are based on respondents; 2. - The dichotomous group is calculated by a value of 1.

The Moldovan citizens traveled to the EU countries and the Schengen zone in all three modes. The largest number of trips was made according to the passport of another country (EU or CIS countries) - 91.3%, in second place in terms of travel frequency: visa regime - 86.8% and in third place: visa-free regime - 84.0%. Trips to the CIS countries were made primarily in the visa-free regime - 60.9%, in the visa regime - 51.5% and according to the passport of the CIS country - 44.7%.

Respondents who visited foreign countries after 2014: EU countries and Schengen zones 85.9%. This is 35.9% more than the CIS countries (Russia, Ukraine, Kazakhstan) - 53.6%. The share of other countries amounted to 3.7%. The data in the table show that the mobile flow of citizens of the Republic of Moldova after 2014 substantially reoriented to the EU28 +, which led to a significant reduction in mobile flow to the CIS countries.

The share of all types of travel regimes in the CIS countries is lower than in the EU28 +: the visa regime was used in the proportions of 51.5% and 86.8%, visa-free travel 60.9% and 84.0%, the use of EU or CIS country passports for travel was 44.7% and 91.3%.

At the same time, it should be noted that in the EU28 + countries, mobile Moldovan citizens more often use the visa regime than when traveling to the CIS countries (19.8% and 18.8%, respectively), the passport of the EU or CIS countries (31.5%. And 24.7%). However, a visa-free regime is more often used when traveling to the CIS countries than the EU28 + - 78.0% and 67.1%.

### **1.7.1. The direction of the mobile stream.**

After 2014, the direction of mobile flow changes significantly: quantitatively, trips to the EU account for 60.5%. While in the CIS countries (Russia, Ukraine, Belarus) - 36.8%.

Table 7. Distribution of mobile flow between EU and CIS countries (%):

<b><i>If you traveled abroad after 2014, then to which countries?</i></b>	<b><i>Response</i></b>		<b><i>% observations</i></b>
	<b><i>quantity</i></b>	<b><i>%</i></b>	
to EU countries and the Schengen zone	306	60.5	86.2
to the CIS countries (Russia, Ukraine, Belarus)	186	36.8	52.4
Israel	6	1.2	1.7
Turkey	8	1.6	2.3
Total	506	100.0	142.5

*Note: The dichotomous group is calculated by a value of 1.*

### **1.7.2. Gender.**

When traveling abroad, both men and women visit EU countries more often than the CIS: 89.0% and 50.3% (men) and 84.0% and 54.0% (women, respectively), Table 8. The reorientation of both men and women in the mobile stream is determined the general trend of shifting economic and socio-cultural priorities from the CIS to the EU.

Table 8. The ratio of men and women in the mobile stream (%):

<b><i>If you traveled abroad after 2014, then to which countries?</i></b>	<b><i>Gender</i></b>		<b><i>Total</i></b>
	<b><i>men</i></b>	<b><i>women</i></b>	
to EU28 + countries	89.0%	84.0%	304
to the CIS countries (Russia, Ukraine, Belarus)	50.3%	54.0%	186
Israel	1.3%	2.0%	6
Turkey	25.0%	75.0%	8
Total	1.3%	3.0%	353

*Note: Percentages and totals are based on respondents; The dichotomous group is calculated by a value of 1.*

### **1.7.3. Age.**

When traveling abroad, all age groups visit EU countries more often than the CIS: the 18-29 years old group - 88.9% and 47.3%, the 30-44 years old group - 84.8% and 47.8%, the 45-49 years old group - 82.3% and 72.6% and the group of "60 years and older" - 72.7% and 63.6% (Table 9).

The reorientation of age groups in the mobile stream is determined by the general trend of the displacement of Moldovan migration from the CIS to the EU. At the same time, the age factor significantly affects the frequency of visits: in the first age group, the gap in the frequency of visits to the EU and the CIS is 41.5%, in the second - 37.0%, in the third - 9.7% and in the fourth group - 9.1%. The trend towards the EU is most evident in the first age group, the smallest - in the older age group of "60 years and older".



Table 9. Correlation of age groups in mobile flows to EU28 + countries and to CIS countries (Russia, Ukraine, Belarus) (%):

<i>If you traveled abroad after 2014, then to which countries?</i>	<i>Age</i>				<i>Total</i>
	<i>18-29 years</i>	<i>30-44 years</i>	<i>45-59 years</i>	<i>60+ years</i>	
to EU countries and the Schengen zone	88.9%	84.8%	82.3%	72.7%	306
to the CIS countries (Russia, Ukraine, Belarus)	47.4%	47.8%	72.6%	63.6%	186
Israel	1.6%	1.1%	3.2%	0.0%	6
Turkey	2.6%	3.3%	0.0%	0.0%	8
Total	190	92	62	11	355

*Note: Interest and totals are based on respondents; The dichotomous group is calculated by a value of 1.*

#### **1.7.4. The effect of visa-free travel on the frequency of trips abroad after 2014**

The liberalization of the entry regime after 2014 had a positive effect on the frequency of visits to the EU / Schengen zone (EU28 +): half of the respondents said that their trips to the EU became more frequent - 52.5%, trips remained almost at the same level - 39.3% and were unable to assess the frequency visits - 8.2%.

Among the respondents who traveled to the EU and the CIS, the frequency of trips increased to varying degrees: 93.0% began to travel to the EU and Schengen zones more often, and 50.0% to the CIS countries.

#### **1.7.5. Violations of a visa-free regime with the EU**

1. Respondents who traveled abroad to the EU after 2014 encountered visa violations in the following ways:

- illegal employment (work) - 76.4%,
- illegal stay in the EU for a period of more than 90 days - 76.4%,
- violation of public order in the EU - 22.3%,
- entry into the EU under foreign or false documents - 25.5%,
- criminal acts - 22.7%.

2. 6.6% (N = 304) of respondents who visited the EU violated the rules of a visa-free regime in the EU.

3. The violations consisted of:

- illegal employment (work) - 60.9%,
- illegal stay in the EU for a period of more than 90 days - 30.4%,
- violation of public order in the EU28 + - 8.7% (N = 23).

## **2. Assessment of the advantages and disadvantages of a visa-free regime in the EU**

### **2.1. Evaluation of the 2014 visa-free regime for residents of the Republic of Moldova.**

Most of the people surveyed (87.1%) evaluate the visa-free regime positively. Among those who evaluate the visa-free regime negatively - 1.6% and indifferent - 9.5%. To a certain extent, the respondent's mobility affects the attitude towards a visa-free regime: among those who traveled abroad after 2014, the visa-free regime received estimates higher by 6.5% (87.8%) than among those who did not travel abroad (81.3%).

Respondents who directly visited EU28 + countries and CIS countries (Russia, Ukraine, Belarus) after 2014 see the importance of visa liberalization quite high: 91.3% and 90.7%, respectively.

### **2.2. Who benefited from the introduction of a visa-free regime: the Republic of Moldova or the European Union.**

The answer option "Republic of Moldova benefited the most" is 59.8%, the European Union is 28.5%, and 8.7% found it difficult to answer.

### **2.3. Liberalization of the visa regime with the EU as a terminal and instrumental value**

Table 10. Evaluation of the advantages of a visa-free regime in comparison with the visa regime (%):

<b>Advantages of a visa-free regime in comparison with a visa regime</b>	<b>The answers</b>		<b>% observations</b>
	<b>N</b>	<b>%</b>	
1. - saving financial resources (saving on the cost of a visa);	255	16.3%	60.1%
2. - reduction of bureaucratic costs (there is no need to stand in queues, to provide many documents to embassies, etc.);	209	13.4%	49.3%
3. - self-value, self-esteem is growing;	132	8.4%	31.1%
4. - The ability to plan business trips abroad in advance is growing;	69	4.4%	16.3%
5. - promotes the integration of migrants in the host country;	75	4.8%	17.7%
6. - makes it easier for relatives living in the Republic of Moldova to visit their relatives more often in the host country;	249	15.9%	58.7%
7. - an opportunity to search for a job, then to get a work visa;	181	11.6%	42.7%
8. - an opportunity to attend short-term continuing education courses during the provided period of stay;	94	6.0%	22.2%
9. - the flow of illegal migration is reduced;	159	10.2%	37.5%
10. - opportunity to quickly take part in cultural, scientific, business, sports and other events;	140	9.0%	33.0%

*Note: The dichotomous group is calculated by a value of 1.*

An analysis of the assessment of the benefits of a visa-free regime should be carried out within the framework of the well-known concept of Rokich, who defined the concept of value as “a firm conviction that a certain mode of behavior or final state of existence is personally or socially preferable to the opposite or reverse mode of behavior or final state of existence” [7].

The behavior strategy is used as an instrumental value to achieve the final (terminal) values, which are characterized as values in themselves.

#### **2.4. Visa-free regime as a terminal value provides an opportunity:**

1. to relatives living in the Republic of Moldova, more often to visit their relatives in the host country - 58.7%;

2. - promotes self-respect, self-esteem growth - 31.1%;

3. - contributes to the integration of migrants in the receiving country - 17.7%.

*Terminal values - three choices and 107.5%.*

#### **1.5. Visa-free travel as an instrumental value contributes to the achievement of terminal:**

1. - financial savings (savings on visa costs) - 60.1%;

2. - reduction of bureaucratic costs (there is no need to stand in queues, to provide many documents to embassies, etc.) - 49.3%;

3. - an opportunity to search for a job, then get a work visa - 42.7%;

4. - an opportunity to quickly participate in cultural, scientific, business, sports and other events - 33.0%;

5. - reduces the flow of illegal migration - 37.5%;

6. - the ability to plan business trips abroad in advance is growing - 16.3%;

7. - an opportunity to attend short-term continuing education courses during the provided period of stay - 6.0%.

*Instrumental values - 7 selections and 244.9%.*

The visa-free regime is assessed by respondents, first of all, as a tool to achieve terminal value, i.e. increase self-esteem, family unity and integration in the host country.

#### **2.6. Assessment of the shortcomings of visa-free regime in the EU by respondents**

Assessment of the shortcomings of the visa-free regime is carried out by respondents from the standpoint of: self-identification of a citizen of the Republic of Moldova as a member of the European Union. Such an individual will claim:

a). free access to the EU;

b). the right to work on a par with citizens of EU member states.

Table 11. Opinions of respondents about the disadvantages of a visa-free regime (%).

<b>What, in your opinion, are the shortcomings of a visa-free regime?</b>	<b>Answers</b>		<b>% observations</b>
	<b>N</b>	<b>%</b>	
- visa-free regime does not provide free access to the country of visit	191	33.4%	46.0%
- does not provide the right to work in the EU countries;	267	46.7%	64.3%
- considerable amounts of money are still needed	114	19.9%	27.5%
Total	572	100.0%	137.8%

*Note: The dichotomous group is calculated by a value of 1.*

The data in the table show that a significant part of the respondents makes excessive requirements to the visa-free regime that contradict the essence of the adopted agreement. These requirements will actually become possible only if Moldova is admitted to the European Union.

### **3. Motivation for trips abroad before and after receiving a visa-free regime**

In the analysis of respondents' targeted trips, we proceeded from the position of M. Weber that "this type of social behavior, in essence, most of all corresponds, on a subjective assessment of individuals, to their natural interests" [22].

The analysis of target preferences when making travel decisions revealed the key motives of travelers - vacation, tourism; work; knowledge; friends and family; as well as purchases.

Table 12. Targeted preferences of respondents in the travel decision-making situation (%):

<b>For what purpose did you travel abroad</b>		<b>Before 2014</b>	<b>After 2014</b>
- to work		31.0%	32.7%
- looking for work		10.0%	7.5%
- to study		3.7%	8.7%
- apply for refugee status		0	0.6%
- on a business trip		9.0%	11.3%
- to the competition		6.0%	7.5%
- for treatment		4.0%	4.3%
- on vacation, tourism		67.0%	73.1%
- visit to relatives		2.0%	2.6%
- receiving documents		0	2.6%
- business problems		0	0.3%
- shopping		1.3%	1.2%
Total number	frequency	300	346
	percentage	134.0%	152.4%

*Note: The dichotomous group is calculated by a value of 1.*

The target preferences of respondents in the decision-making situation on trips before 2014 and after are as follows:

1. vacation, tourism - 67.0% and 73.1%;
2. work - 31.0% and 32.7%, job searches - 10.0% and 7.5%;
3. study - 3.7% and 8.7%;
4. family, a visit to relatives - 2.0% and 2.6% and purchases - 1.3% and 1.2%.

As the comparison shows, the rating of target preferences of respondents did not change significantly after 2014, with one exception: 0.6% of respondents stated that they traveled with the aim of “applying for refugee status”.

The intensity of trips has changed, in some cases significantly:

- a) vacation, tourism grew after 2014 by 6.1%
- b) trips to study by 5.0%.
- c) The number of trips to work practically did not change, which was supposed to be a visa-free regime.
- d) The number of asylum seekers is small, which is also confirmed by statistics. “The applicants from Moldova (0.7%) ... had the lowest rates” [14].

#### ***4. Information support for the implementation of a visa-free regime***

An analysis of the public opinion of the Republic of Moldova (Barometer of Public Opinion / Institute of Public Policies) until 2014 showed the interest of the population in a visa-free regime with the EU. However, the information campaign on the conditions of a visa-free regime with the EU at the initial stage of its implementation, according to international experts, was not sufficiently successful. The opinion was expressed that the general public does not have reliable knowledge about the “problems and requirements of a visa-free travel regime” [19].

Public awareness efforts by the government, the media and civil society have yielded positive results [2].

Table 13. Knowledge of the conditions for visa-free entry into the EU (%):

<b><i>What is the visa-free regime of Moldova with the EU countries?</i></b>	<b><i>Frequency</i></b>	<b><i>%</i></b>
– free exit from the Republic of Moldova, free entry into the EU country, free movement within the EU, free residence in the EU country, free employment in the EU country, free return to Moldova;	19	4.4
– free exit from the Republic of Moldova, free entry to the EU country, free movement within the EU, free stay in the EU country for up to 90 days for six months, a ban on working in the EU country, free return to Moldova;	414	95.6
Total	433	100

As the results of the survey show, the majority of respondents - 95.6% demonstrate knowledge of the possibilities and conditions for using a visa-free regime for trips to the EU and the Schengen area. The high awareness of respondents about the conditions for using a visa-free regime for trips to the EU and the Schengen area is determined by using almost all possible channels for obtaining information (table 14).

Table 14. The main channels for obtaining information on visa-free travel (%):

	<b>Answers</b>		<b>% of observations</b>
	<b>N</b>	<b>%</b>	
– media;	180	18.7%	42.2%
– TV;	162	16.9%	37.9%
– Internet;	300	31.2%	70.3%
– Relatives;	135	14.0%	31.6%
– Colleagues;	58	6.0%	13.6%
– Familiar people;	126	13.1%	29.5%
Total number	961	100.0%	225.1%

*Note: The dichotomous group is counted by a value of 1*

Two types of channels take part in the information support for the implementation of the visa-free regime: a) formal and b) informal (personal). The respondents mainly used formal channels 148.3% and 73.7% informal (personal). (N = 433).

In the first place in the frequency of use for obtaining information, respondents called the Internet - 31.2%, in the second place - the media (18.7%) and in third place - TV (16.9%).

Among the informal channels for obtaining information on a visa-free regime of visiting the EU, the leading place belongs to the social networks of migrants, primarily to relatives and friends who are always present in migrations and through which information and other resources are transmitted - 14.0%; friends - 13.1% [8].

#### **4.1. Gender.**

Men, more than women, prefer the media as the primary source: 48.0% and 38.1%, respectively. At the same time, women prefer TV (40.5%). In men, this indicator is lower (34.3%). The channels of relatives and friends are used by women in a slightly larger proportion than men: 33.3% and 29.1%, respectively.

#### **4.2. Age.**

The age group of 18-29-year-old Moldovan citizens clearly prefers the Internet as information on visa-free travel (84.7%), 30-44-year-old citizens to a slightly lesser extent, also prefer the Internet (65.1%), 45-59-year-olds use TV and the Internet in almost equal proportions, (53.2%) and (50.6%) respectively. For respondents aged 60+, television is the most popular way of obtaining information (68.2%).

### ***Conclusions***

1. The introduction of a visa-free regime for citizens of the Republic of Moldova by the European Union has created favorable conditions for the growth of migration mobility. Until 2014, 73.0% of respondents traveled abroad. After 2014, the mobile trend increases - 83.6%.

2. Visa-free trips take priority among Moldovan citizens: 58.1% made trips to other countries in the visa regime, a fourth of people - according to the passport of another country and in the visa regime - 16.6%.

3. After 2014, two age groups of respondents increased the number of trips abroad: 18-29 years and 30-44 years, respectively: (+24.4%) (+2.8%). Two other groups reduced the frequency of travel: 45-59 years - (-5.0%) and 60+ - (-30.4%).

4. The income level of respondents significantly affects the frequency of trips abroad after 2014. Among respondents with the lowest level of income, only 67.0% traveled abroad, respondents with the middle level of income - 87.1% and those with the highest level of income - 92.6%

5. Respondents of both sexes increased migration mobility after 2014: men 76.8% (+11.9%), women 70.1% (+9.8%).

6. The share of all types of travel regimes in the CIS countries is lower than in the EU28+: the visa regime was used in the proportions of 51.5% and 86.8%, visa-free travel - 60.9% and 84.0%, the use of another country's passports for travel - 44.7% and 91.3%.

7. After 2014, the direction of mobile flow changes significantly: trips to the EU account for 60.5%, to the CIS countries (Russia, Ukraine, Belarus) - 36.8%.

8. When traveling abroad, both men and women visit the EU countries more often than the CIS: 89.0% and 50.3% (men) and 84.0% and 54.0% (women), respectively.

9. When traveling abroad, all age groups visit EU countries more often than the CIS: the "18-29 years old" group - 88.9% and 47.3%, the "30-44 years old" group - 84.8% and 47.8%, the 45-49 group years - 82.3% and 72.6% and the group "60 years and older" - 72.7% and 63.6%.

10. 10. The liberalization of the entry regime after 2014 had a positive effect on the frequency of visits to the EU / Schengen zone (EU28 +): half of the respondents said that their trips to the EU became more frequent - 52.5%, trips remained almost at the same level - 39.3% and 8.2% - found it difficult to estimate the frequency of visits.

11. Respondents who traveled abroad to the EU after 2014 encountered visa violations in the following ways: illegal employment (work) - 76.4%, illegal stay in the EU for more than 90 days - 76.4%, - violation of public order in the EU - 22.3%, - entry into the EU under foreign or false documents - 25.5%, - criminal acts - 22.7%.

12. Respondents (N = 23) who visited the EU violated the rules of the visa-free regime 6.6%: illegal employment (work) - 60.9%, illegal stay in the EU for more than 90 days - 30.4%, violation of public order in the EU28+ - 8.7% .

13. Most of the respondents (87.1%) positively assess the visa-free regime, 1.6% assess negatively, and 9.5% evaluate it indifferently.

14. According to 59.8% of the respondents, the introduction of a visa-free regime benefited primarily the Republic of Moldova, the European Union - 28.5%, 8.7% - found it difficult to answer.

15. In the model of value orientations, the visa-free regime is perceived by respondents as terminal values -107.5% and instrumental (means) - 244.9%



16. According to respondents, the disadvantages of a visa-free regime are: lack of free access to the EU - 33.4%, lack of the right to work - 46.7%, the need to have significant amounts of money - 19.9% (572 answers = 100%).

17. The target preferences of the respondents in the decision-making situation regarding trips before and after 2014 are as follows: leisure, tourism - 67.0% and 73.1%; work - 31.0% and 32.7%, job searches - 10.0% and 7.5%; study - 3.7% and 8.7%; a visit to relatives - 2.0% and 2.6% and shopping - 1.3% and 1.2%.

18. The majority of respondents - 95.6% demonstrate sufficient knowledge of the conditions of a visa-free regime for travel to the EU and the Schengen area, and only 4.4% do not have reliable knowledge.

19. When forming the survey sample, emphasis was placed on two categories of respondents: from 20 to 40 years old and from 40 years and older. The reason is that the first group of respondents is most active in migrations, using a visa-free regime. While in the second group, migration activity begins to "fade" ("the descent from the mountain begins").

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# THE PROBLEM OF ILLEGAL MIGRATION IN A VISA-FREE REGIME (CASE STUDY OF THE REPUBLIC OF MOLDOVA)

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*One of the trends in the development of international migration is the steady increase in scale of illegal immigration. We talk about illegal migration in the case of illegal border crossing, illegal stay in the country, illegal employment abroad.*

*The Republic of Moldova is a country of origin and transit of migrants. The introduction of a visa-free regime with the EU contributed to an increase in the number of Moldovan citizens who took the opportunity to travel to EU countries. However, the number of citizens who have not returned to their homeland is growing. This jeopardizes the EU visa-free regime for Moldova.*

*An analysis of the results of Moldovan migrants' sociological studies testifies that most Moldovan citizens try not to violate the principles of a visa-free regime with the EU. At the same time, a certain part of migrants had to violate the rules of a visa-free regime. The most common violations are illegal employment and illegal stay in the EU for a period of more than 90 days.*

*Massive illegal immigration has a number of negative consequences for the countries of the European Union. Therefore, the EU seeks to ensure security at its borders, to minimize social challenges and risks, the consequences of uncontrolled and unregulated migration.*

**Keywords:** *illegal migration, a visa-free regime, the Republic of Moldova, transit migration, irregular entry, irregular employment, refusal of the country's entry.*

## **Introduction**

One of the fundamental human rights is the right to movement. In a world characterized by transcontinental flows, mobility is becoming one of the main resources that all people should have access to. In 2015, there were an estimated 244 million international migrants globally (3.3% of the world's population) - an increase from an estimated 155 million people in 2000 (2.8% of the world's population) [10, p.13].

Most of the citizens cross borders, are located and work in the receiving countries legally. However, there are citizens who do not have the necessary documents to enter or stay in the countries of destination. But even the most severe forms of border control

do not stop them; they seek to circumvent numerous obstacles and achieve their desired goal.

In this article we will consider the state of illegal migration in a visa-free regime. Using the example of the Republic of Moldova, there will be analyzed the impact of a visa-free regime with the European Union, introduced in April 2014, on the level of illegal migration. On the basis of sociological studies conducted with the participation of the authors, there will be analyzed the opinions of Moldovan migrants about the violations of the visa-free regime that they encountered during their stay in the EU.

### ***Illegal migration: nature and causes***

One of the characteristic trends in the development of international migration is the steady increase in scale of illegal immigration. The widening gap in levels of economic development between countries, the existing need for cheap labor force, and strict control over immigration, increase, on the one hand, the incentives for illegal entry for workers, and on the other hand, the use of illegal labor force for employers [12, p.83]. Moreover, in countries with relatively liberal immigration policies in which there are legal opportunities for labor migration, the illegal migration becomes an alternative for those migrants who do not meet the selection criteria and/or for whom illegal immigration is less expensive. In countries with restrictive immigration policies, in which the possibilities of legal entry or stay are significantly limited, the use of illegal migration channels for most potential migrants becomes almost the only way to move [13, p.130].

However, the complexity of studying the phenomenon of illegal migration is due to the lack of a well-established conceptual apparatus. There is no universally accepted definition of irregular migration. Thus, to designate migrants who enter the country illegally, violate the established terms of stay or stay in the country without a residence permit, modern scientific literature uses a number of terms: “undocumented”, “unlawful”, “illegal”, “unregulated”, “clandestine”, “semi-legal” migration, etc. At the same time, some scientists consider these terms as synonyms, while others consider them to be fundamentally different. Recently, the foreign literature has given preference to the term “irregular migration”, whereas the use of the term “illegal migration” is limited to cases of migrants’ smuggling and human trafficking [13, p.131].

The International Organization for Migration defines irregular migration as “movement that takes place outside the regulatory norms of the sending, transit and receiving countries” [16, p.77]. A migrant can get into an illegal situation if one or several circumstances exist: irregular entry into the country (for example, using false documents); irregular residence (expiration of a visa for staying in the country); irregular employment (a migrant may have the right to stay in the country, but may not have a work permit).

From the perspective of a destination country, irregular migration may imply entry, stay or work in a country without the necessary authorization or documents required

under immigration regulations. From the perspective of a sending country, irregularity implies not fulfilling the administrative requirements for leaving the country, or leaving such country without a valid passport or travel document [10, p.300].

IOM divides undocumented migrant workers from irregular migrants. Undocumented migrant (workers/migrant workers in an irregular situation) - migrant workers or members of their families, who are not authorized to enter, to stay or to engage in employment in a State [15, p.73]. Irregular migrant - someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called clandestine/illegal/undocumented migrant or migrant in an irregular situation) [16, p.77].

Thus, the phenomenon of illegal migration refers both to the movement of undocumented people, and to the status of migrants, which from legal can turn into illegal one and vice versa [10, p.26]. The immigration status of a person can be unstable and change quickly depending on the circumstances and parameters of legal policy. For example, many international migrants enter countries with valid visas, and then violate one or more visa conditions (exceeding the visa validity period, working without permission, staying after a negative decision on granting asylum, etc.) [11, p.20].

Illegal immigration is mainly returnable in nature and is associated primarily with illegal employment. At the same time, illegal migrants can cross the state border of the destination country in various ways: legally (on a tourist visa, invitations from relatives, friends, etc.), illegally (crossing the border in the "green zone" (through forests, mountains, rivers), using poorly controlled border areas), and unlawfully (with the help of false or genuine documents belonging to another person) [13, p.132]. Such a form as illegal crossing of the border is often used with the help of large-capacity vehicles transporting various kinds of building materials, raw materials, etc. [14, p.73]. The functioning of these channels has long been used in the global practice of illegal and unlawful transit migration.

It is impossible to identify the true number of illegal migrants. Firstly, illegal migration is difficult to track because it takes place outside the legal framework. Secondly, migrants try to avoid communication with the authorities, so changes in their migration status are also difficult to track. Thirdly, different countries have different immigration policy parameters and different methods of collecting data on migrants, which makes it difficult to develop a coordinated approach to the registration of illegal migrants on a global and regional scale. The pace of changes in the field of migration policy also creates additional difficulties, as people can get in and out of the state of "illegality" [11, p.20].

Thus, according to various sources, the number of illegal migrants in the EU-27 in 2008 ranged from 1.9 million people (according to the Clandestino Research Project, 2009) to 3.8 million people (Frontex, 2010). In 2015, there was a surge in illegal migration flows to the region compared to previous years: more than 1 million people arrived in Europe by land and sea. In 2016, the overall figure dropped significantly, although it was

still at a higher level than in previous years - 387,895 illegal migrants reached Europe by land and by sea. As of December 2017, 176,452 illegal migrants arrived in Europe by land and by sea [2].

However, the objectivity of these figures raises serious doubts among experts: official agencies provide statistics that take into account only migrants who are officially applying for asylum or are registered by European migration authorities. In reality, the number of migrants who entered the EU illegally can be much higher. This is the reason for the differences in the estimates of different departments.

The increase in illegal migration to EU countries is a destabilizing factor. Despite the fact that many recipient countries have sharply increased the number of services involved in combating illegal migration, and the cost of such services and the number of illegal migrants continues to grow too. Unfortunately, there are no official European statistics on the number of illegal immigrants, but, according to some estimates, the largest number of them - 1-1.5 million each, is in Germany, France, Italy, Spain [15].

Practice shows that the bulk of illegal migrants initially entered the EU legally on a short-term visa, but remained there for economic reasons, as soon as their visa stays expired. According to the International Labor Organization, illegal migrants make up about a third of all migrants. They are mainly employed in the informal sector of the economy, which in the EU takes from 7 to 16% of GDP. Moreover, the majority of illegal workers work under conditions more reminiscent of bonded labor [15].

The introduction by the European Union of a visa-free regime with the Western Balkans (Albania, Bosnia and Herzegovina, Macedonia, Serbia, Montenegro) and the Eastern Partnership countries (Moldova, Georgia, Ukraine) was the result of the successful completion of the visa liberalization dialogue in accordance with relevant action plans and roadmaps. But, despite this, the European Union still faces the problem of illegal migration from these countries.

An analysis of the first and second reports of the Commission to the European Parliament and the Council on visa liberalization showed that “leaders” in the number of entry refusals and illegally staying in the EU are Albania, Ukraine and Serbia (Table 1) [8; 9].

For Albanian citizens, from 2015 to 2016, the number of refusals to enter increased by 91%, while illegal stay decreased by 30%. In 2017, the number of refusals to enter increased by 8.8%, while illegal stay increased by 10.4% compared to 2016. Greece and Germany remained the most affected Member States.

In the second place in terms of the number of refusals of entry and illegally staying in the EU is Ukraine. In 2016, the number of refusals to enter decreased slightly (5%), while the number of illegal stays increased by 26% compared to 2015. In 2017, the number of refusals to enter increased by 47%, and the number of Ukrainians recognized as illegally located in the EU slightly increased (by 13%) compared to 2016. The most affected Member States are Poland, Hungary, Germany, Czech Republic, Slovakia and France.

The number of Serbia’s nationals which were refused entry in 2016 was 7,910 (roughly the same as in 2015 where 7,850 cases were reported). The number of illegal



stays decreased by 23% between 2015 and 2016. Between 2016 and 2017, there was no increase in the refusals of entry (from 8,070 to 7,910), while the number of Serbian nationals found to be illegally present increased by 31% between 2016 and 2017. Germany and Hungary were generally the most affected countries, also in 2017 followed by Austria.

Regarding citizens of the former Yugoslav Republic of Macedonia between 2015 and 2016, refusals of entry fell by 2%, illegal stays fell by 13%. Between 2016 and 2017, the total number of refusals of entry increased by 28%. The number of illegal stays had also increased by 43% in 2017 compared to 2016. Germany has detected the bulk of irregular stay by citizens of the former Yugoslav Republic of Macedonia; Switzerland, Hungary and Slovenia are also affected by this irregular migration trend.

For Bosnia and Herzegovina between 2015 and 2016 the trends remained stable for refusal of entry and illegal stay. Between 2016 and 2017, there was no increase in refusals of entry, while the number of illegal stay slightly increased by about 13%. Germany, Slovenia and Croatia remained the most affected countries between 2015 and 2017.

Regarding the illegal migrants from Montenegro between 2015 and 2016, the figures for refusal of entry had decreased by 13%, as did the figures for illegal stay which had decreased by 26%. Between 2016 and 2017, the number of refusals of entry increased by around 63% (from 335 to 545), while the number of illegal stay also increased by 42% in 2017 (810 in 2017 compared to 570 in 2016). The figures, however, remain low in absolute terms. Germany and Hungary were the most affected countries.

The number of entry refusals in relation to Georgian citizens in 2016 decreased by 39% compared to 2015, and the number of illegal stays decreased slightly (3%). Between 2016 and 2017, the number of entry refusals increased by around 200% (from 810 to 2,655), while there was a slight increase in illegal stay between 2016 and 2017. The highest number of Georgian nationals found to be illegally present in 2017 was registered in Germany. The most affected Member States were Germany, France, Sweden, Greece and the Netherlands.

Table 1. Irregular migration

<b><i>Third country nationals refused entry at the external borders</i></b>	<b><i>2015</i></b>	<b><i>2016</i></b>	<b><i>2017</i></b>
Albania	15,835	30,305	34,310
Ukraine	23,795	22,495	33,105
Serbia	7,850	7,910	8,070
Bosnia and Herzegovina	5,185	5,150	5,145
Moldova	2,725	4,660	7,270
Former Yugoslav Republic of Macedonia	2,555	2,495	3,200
Georgia	1,330	810	2,655
Montenegro	385	335	545

<b><i>Third country nationals found to be illegally present</i></b>	<b><i>2015</i></b>	<b><i>2016</i></b>	<b><i>2017</i></b>
Albania	47,755	33,445	37,325
Ukraine	23,480	29,565	33,485
Serbia	13,785	11,180	14,665
Moldova	4,050	7,660	8,785
Georgia	5,405	5,240	5,860
Former Yugoslav Republic of Macedonia	5,265	4,595	6,555
Bosnia and Herzegovina	3,585	3,645	4,135
Montenegro	770	570	810

*Sources: [18; 19].*

As practice shows, the current readmission agreements provide effective cooperation with all countries, as evidenced by qualitative assessments of both the EU and member states.

Thus, illegal migration is one of the trends in the global migration process. It is based on both economic and political reasons. The exact number of illegal migrants is difficult to determine, since the methodologies and data collection systems differ, and states do not always use the same definitions.

Under the conditions of a visa-free regime of the European Union with the countries of the Western Balkans and the Eastern Partnership, the problem of illegal migration remains. The European Union seeks to protect itself, to ensure security at its borders, to minimize social challenges and risks, the consequences of uncontrolled and unregulated migration.

### ***Republic of Moldova: Visa-Free Regime and Illegal Migration***

In the 1990s, the Republic of Moldova became involved in the global migration process. Along with legal forms of entry and stay in the EU (tourist visas, legal individual and collective labor contracts, labor quotas, visa-free regimes and labor visas), Moldovans also used various illegal forms: illegal border crossing, illegal stay and illegal employment in the receiving country.

Since the introduction of a visa-free regime (April 28, 2014), according to the border police of the Republic of Moldova over the past five years, about 5.8 million Moldovan biometric passport holders have taken the opportunity to travel to EU countries. Of these, 5,316,030 people returned to the country, that is, 93.9% of the number of those who left. The number of returnees decreased significantly in 2017 and 2018. (Table 2). This indicates that the number of people who violate the principles of a visa-free regime with the EU, and thereby jeopardize the EU visa-free regime for Moldova, is growing [3, p.118].

Table 2. Crossing the state border of the Republic of Moldova on the Moldovan-Romanian section and through the Airport by Moldovan citizens on the basis of biometric passports (routes to the European Union)

<b>Year</b>	<b>Departed from the country</b>	<b>Returned to Moldova</b>	<b>Dynamics in %</b>
2014	303.511	298.209	98.3
2015	811.162	800.865	98.7
2016	1.239.284	1.212.735	97.9
2017	1.535.937	1.370.032	89.2
2018	1.917.560	1.634.189	85.2

Source: [17, p.71-72]

The introduction of a visa-free regime with the EU has led to an increase in the number of Moldovan citizens who violate the visa-free regime in the EU both in terms of length of stay (over 90 days) and in labor activity [3, p.114]. The reason for the violation of the visa-free regime is quite simple. Moldovan citizens travel to European Union countries, primarily for employment. Although a visa-free regime does not provide legal employment opportunities, Moldovan citizens use various strategies to earn money, including illegal status of stay and work. These are real candidates for deportation if they are detected by the police of the EU countries [3, p.119].

Under the conditions of a visa-free regime, a new trend emerged: illegal short-term work. The “shift method” is gaining more and more popularity when a person enters the EU on the basis of a visa-free regime, is illegally employed, replaces a relative / compatriot who is leaving for Moldova. The new employee works for 2-3 months (does not violate the principle of “90 days in the country”), receives money and leaves the EU. The old employee returns and continues to work with the previous employer. The man solved his problems at home and at the same time kept his job in the EU. The employer received high-quality and continuous work on the part of the labor migrant. True, the country did not receive taxes for the “shift worker”, there are illegal labor hiring, violation of labor legislation [3, p.119].

Statistics recorded by the FRONTEX EU Border Police and Coast Guard Agency indicate that since the liberalization of the visa regime, the flow of Moldovans who crossed or tried to cross the borders of the European Union based on biometric passports has increased by more than 900 thousand people (Table 3). The increase in 2018 was 3% compared to 2017. The number of people found with false and/or forged documents decreased by almost a third.

Table 3. General statistics for some border indicators recorded by FRONTEX

<b>Year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Dynamics</b>
Number of citizens (only based on biometric passports)	1 028 245	1 368 893	1 648 293	1 884 893	1 942 775	3.1%

With false/fake documents	12	15	22	85	57	-32,9%
Crossing the “green” border	60	60	25	38	25	-34.2%
Illegal stay	2 663	4 017	6 524	8 340	9 502	13.9%
Refusal of the country’s entry	1 229	3 060	3 790	5 930	6 368	7.4%
Return decisions	1 189	1 823	2 320	3 266	3 981	21.9%
Implemented returns	1 044	1 254	2 028	3 415	3 533	3.5%

Source: [17, p.75]

Most cases of illegal crossing of the “green” border were identified in 2014 and 2015 - 60. In 2016, their number dropped significantly to 25. In 2017, 38 illegal crossings of the “green” border were recorded, and the indicators for 2018 returned to the 2016 level. Thus, in 2018 there is a decrease of 34% compared to 2017.

As for the illegal stay of Moldovan citizens in the territory of the EU Member States, their number is constantly growing. FRONTEX data show that after the introduction of a visa-free regime, the number of illegal Moldovan citizens in the EU increased 3.5 times - starting from 2,663 people (2014) to 9,502 in 2018. Over the last year alone, the number of Moldovan citizens registered upon illegal stay in one of the EU member states increased by 14%. These figures do not have a significant impact on the situation and do not pose a serious threat to the EU. Rather, this is a problem for Moldova, given the not very large population of the country and the massive outflow of citizens abroad.

According to official FRONTEX data, since the liberalization of the visa regime with the European Union (April 28, 2014 to December 31, 2018), more than 20 thousand Moldovan citizens are not allowed to enter the EU. In 2018, the number of refusals to enter the EU countries increased by more than 7%. The main reason is the inability to meet the conditions of entry, insufficient financial resources and the excess of the legal residence in the EU Member States.

The analysis of refusal indicators is important for two reasons. Firstly, statistics show the effectiveness of border officials in identifying potential illegal migrants traveling to the EU. Secondly, these indicators represent and complement the picture of how actively Moldovan citizens use the opportunity to enter the EU with the aim of abusing the visa-free regime. In addition, refusals may be related to an ignorance of the rules for visa-free entry, or problems with documents, but this only complements the overall picture.

In 2018, the EU border authorities adopted 3,981 decisions on the return of citizens of the Republic of Moldova, which is 22% more than in the previous year. The actual return of Moldovan citizens by the EU border authorities increased by 3.5% compared to 2017.

Due to its geographical location, Moldova is a transit country for migrants from Asia and Africa, whose ultimate goal is the European Union. Illegal migration of foreign

citizens to Moldova is growing. Illegal migrants believe that a visa-free regime applies to everyone who enters the EU from Moldova. We are visited by foreigners who seek to take advantage of the situation to get into the EU countries.

In the international context, the Republic of Moldova is included in the Eastern European route of illegal migration to the European Union: states of migration risk → Russian Federation → Ukraine → Moldova → Romania → country of destination. However, it should be noted that the number of illegal migrants registered in this direction is much lower than on other migration routes leading to the EU. The territory of Moldova is less used by migrants, because here they face great obstacles and incur large expenses, so today we can only talk about isolated cases of using Moldova as a transit route to the EU [1, p.47].

To enter Moldova, migrants from countries with high migration risk (Afghanistan, Bangladesh, Cameroon, Congo, Ethiopia, India, Jordan, Iraq, Iran, Libya, Nigeria, Pakistan, Syria, Somalia, Sri Lanka, Sudan, Turkey) often use fake visas or fake travel documents. As a rule, this is typical for migrants from countries whose compatriots are legally in the Republic of Moldova. Entry based on a visa is usually done through Chisinau International Airport.

Migrants based in Moldova are looking for opportunities to continue their journey to Romania. Since the route includes crossing the border in the green zone, conductors who are well aware of local conditions, the geographical location and situation at the border, the placement procedure and the functioning of the border service are needed. Most often, when crossing the Moldovan-Romanian border, the crossing of the Prut River is used on inflatable floating devices with the participation of both Moldovan and Romanian intermediaries [1, p.50-51].

In 2018, the Border Police registered 2268 cases of violation on all sections of the state border of the Republic of Moldova, in which 2802 people were involved. Compared to 2017, their number decreased by 15.2% [7, p.32].

According to the Chief Inspectorate of the Border Police, the number of reported cases of illegal migration in 2018 increased by 14.6% compared to 2017. According to the table, the regime of stay in the Republic of Moldova was violated by 1330 foreigners, which is 12.1% more than in 2017. Among the foreigners who violated the regime of stay are citizens of Ukraine, Russia, Romania, Turkey, Azerbaijan, Italy, Georgia, etc.

Table 4. Statistical indicators of events and facts recorded by units of the General Inspectorate of the Border Police (Chapter "Illegal Migration")

	<b>2017</b>		<b>2018</b>		<b>Dynamics</b>
	case	pers.	case	pers.	
<b>Illegal migration</b>	1240	1251	1421	1446	14,6%
Violation of stay	1186	1186	1330	1330	12,1%
Non-declaring of entry in the Republic of Moldova on time	302	302	414	414	37,1%

Involuntary departure from the country after a specified period	884	884	916	916	3,6%
Violation of the state border	54	65	91	116	68,5%
Bypassing the state border ("green" border section).	11	21	17	31	54,5%
False documents	38	38	69	80	81,6%
Substitution of person	5	6	5	5	0,0%

Source: [17, p.31]

The number of border violations in 2018 increased by 68.5% compared to 2017. In 91 cases, 116 people from Turkey, Bangladesh, Ukraine, Russia, Uzbekistan, Cameroon and other countries were detained for violating the state border.

The number of cases of unauthorized entry of foreign citizens in 2018 increased by 60% compared to 2017. The majority of foreign citizens who were not allowed to enter the Republic of Moldova were registered at the Moldovan-Romanian border, which is 58% of the total. The increase in the indicator this year amounted to 18% compared to the previous year. At the Moldovan-Ukrainian border, a decrease in the number of unauthorized entries by 18% was recorded. The largest number of foreigners who were denied entry were citizens of Romania (23%) and Ukraine (8%) [7, p.23]. On the Moldovan-Romanian border, the TOP-5 countries whose citizens were denied entry to Moldova include four EU countries (Romania, Greece, Bulgaria, Italy) and Ukraine. On the Moldovan-Ukrainian border, the TOP-5 countries comprise four post-Soviet countries (Ukraine, Uzbekistan, Russia, Azerbaijan) and Turkey. Citizens of Russia, Turkey, Italy, Armenia, and Tajikistan were most often denied entry to Moldova at the airport [7, p.24-27].

The main reasons for the denial of entry to foreign citizens in Moldova were: non-compliance with the conditions of entry; invalid travel document; excess of the period of stay; a minor who does not meet the conditions for crossing the state border.

During 2018, during the border control, fake and falsified documents were discovered that citizens used both when crossing the state border and inside the country. 99 fake identity documents were registered, up 30% from 2017, when 76 forged documents were discovered.

We should note the vulnerability of the state border in the eastern regions of the Republic of Moldova. The Transnistrian segment is becoming attractive for groups of illegal migrants who plan to use this territory to enter the EU. In order to minimize illegal migration, the Republic of Moldova together with other countries of the Eastern Partnership, in particular Ukraine, strengthens border and migration control at the administrative border with self-proclaimed state entities. Joint Moldovan-Ukrainian border control is being carried out. In addition, in 2014, the Bureau of Migration and Asylum of the Ministry of Internal Affairs of the Republic of Moldova opened 6 migration control points on the administrative border with Transnistria. The creation of such points was due to the need to increase control and counteract illegal migration

to Moldova under the conditions of a visa-free regime with the European Union, to streamline the migration flow through the Transnistrian region. The introduction of this practice of migration control has led to the fact that if previously only 8% of foreigners (4-5 thousand) entering from Transnistria were registered in the Republic of Moldova, today this figure is more than 70% (83 thousand). Accordingly, the number of foreign citizens who have been fined for violating the principles of their stay in the Republic of Moldova has decreased [3, p.127].

Summing up the consideration of these problems, we note that the visa-free regime of the EU and Moldova works, despite the existing problems. The implementation of measures to consolidate a visa-free regime will not abolish illegal migration. However, it will be possible to minimize these flows so that there are as few violators of visa-free regime as possible.

### ***Illegal migration through eyes of migrants (based on sociological researches)***

The study of public opinion on illegal migration is largely determined by the acuteness of this problem. Most Moldovan citizens legally enter the countries of the European Union, are located and work there legally. Sociological studies conducted among Moldovan migrants in 2016-2017 and in 2019 confirm the fact of Moldovan migrants' law-abidingness.

The survey conducted in 2016-2017 in four countries of the European Union - Germany, Italy, Portugal, and the UK – shows that most of the migrants have a residence permit in the country of destination (Table 5). Three countries (Portugal, Italy, Germany) show shares in the range of 84-87%. Only 13-16% of respondents in these countries note that they do not have such permission, and they have illegal status.

At the same time, the situation is somewhat different in the UK. The share of Moldovan citizens who have a residence permit in this country is lower, making 63-64%. That is, not almost every third Moldovan migrant (36-37 %) in the UK has a residence permit.

Table 5. Availability of Residence Permit in Country of Destination

	IT	PT	DE	UK	Total
Yes	85.6%	86.8%	85.4%	63.6%	80.4%
No	13.6%	13.2%	14.6%	36.4%	19.5%
No answer	0.8%	0%	0%	0%	0.2%

Source: [6, p.69].

The survey showed that the absolute majority (89%) of Moldovan citizens works in the countries of destination. Our survey of the Moldovan diaspora showed that 75% of migrants have a work permit (Table 6). The highest percentage of persons with a work permit is concentrated in Portugal (82%) and Italy (80%). The number of such people in Germany is less. It amounts to 78%. In the UK only 60% of respondents answered, that



they have a work permit. 37% of Moldovan migrants in this country found it difficult to answer/gave no answer to this question. This makes one think about the reasons for the absence of an answer [5, p.107].

Table 6. Availability of a work permit in the country of destination

	<i>IT</i>	<i>PT</i>	<i>DE</i>	<i>UK</i>	<i>Total</i>
Yes	80%	81.6%	77.8%	60%	74.9%
No	18.3%	13.2%	19.4%	3.3%	13.6%
No answer	1.7%	5.3%	2.8%	36.7%	11.6%

The survey, conducted in May 2019, was part of a project on visa-free travel, migration and the Moldovan diaspora. With regard to the study of illegal migration, we were interested in whether Moldovan migrants faced violations of the visa-free regime, what they were expressed by, whether they themselves had to violate the conditions of a visa-free regime and what these violations manifested themselves in. The survey involved 273 people living both in the Republic of Moldova and abroad. Men made up 41.4% of the respondents, women - 58.6%. The vast majority of respondents (95.2%) live in the Republic of Moldova, 4.8% - in the countries of the European Union and the Schengen area. More than half of the respondents (54.6%) work, 45.1% answered negatively the question about the availability of work.

The survey showed that 58% of respondents met cases of violation of a visa-free regime in the EU by Moldovan citizens, 30.6% answered negatively, and 11.4% of respondents found it difficult to answer this question.

Most violations of the visa-free regime consisted in violation of the terms of stay in the EU for more than 90 days (35.8%). 34.5% of the respondents knew about the illegal employment of Moldovan migrants, 10.6% reported such a violation of a visa-free regime as entry into the EU using someone else's or false documents, every tenth indicated criminal activity (car theft, prostitution, distribution and selling drugs, begging, etc.). 9.3% of respondents noted a violation of public order in the EU.

The vast majority of Moldovan migrants did not encounter conflict situations when entering a country with a visa-free regime. Only 8% of respondents indicated the occurrence of conflict situations when entering a country with a visa-free regime. One in five noted that border guards demanded that they provide health insurance. An equal number of survey participants (25.7%) confirmed that they were required to provide a return ticket and confirmation of the availability of the required amount of currency. Every sixth respondent had to provide a document indicating their upcoming residence in the EU, and 11.4% of respondents should provide a certificate of employment in the Republic of Moldova.

Moldovan migrants are mostly law-abiding and try not to violate the rules of a visa-free regime in the EU. This is confirmed by the fact that the vast majority of respondents indicated that they did not violate the rules of a visa-free regime. 62.3% of the survey participants confirmed that they did not make an attempt to find a job or find a job

while in the EU. At the same time, one out of ten respondents answered affirmatively or found it difficult to answer the question of whether they had to violate the rules of a visa-free regime in the EU. As the study showed, the most frequent violations of a visa-free regime with the EU are illegal employment (65%) and illegal stay in the EU for more than 90 days (35%).

The introduction of a visa-free regime with the EU creates new opportunities for Moldovan labor migration in the EU countries. The number of Moldovan short-term labor migrants in the EU countries in the conditions of the visa-free regime has increased by more than twice [4, p.182-183]. Despite the fact that a visa-free regime does not imply the possibility of employment in the EU, Moldovan citizens, being in the European Union, try to find a job for a short period. More than a quarter of the participants in the sociological survey confirmed that they made an attempt to find work or find a job. Almost two thirds of the respondents indicated that they illegally worked in the EU countries. It can be assumed that in such cases the "shift method" was used.

In general, it can be said that the vast majority of Moldovan citizens, even illegally working in the EU, seek to leave before the expiration of the required period. This EU requirement for them is not only a legal, but also a moral norm.

### ***Conclusion***

The article examined the state of illegal migration in a visa-free regime. On the example of the Republic of Moldova, the influence of a visa-free regime with the European Union on the level of illegal migration was revealed. On the basis of sociological studies, the opinions of Moldovan migrants about the violations of the visa-free regime that they encountered during their stay in the EU were analyzed.

The analysis allows us to draw the following conclusions.

First, in the context of globalization, the processes of international migration are becoming more active. Along with legal movements, illegal migration has become widespread. We talk about illegal migration in the case of illegal border crossing, illegal stay in the country, illegal employment abroad.

Secondly, the latent nature of illegal migration makes it difficult to obtain statistical information. Existing estimates are significantly different from each other, so they should be treated with caution. This is partly a reflection of the problematic nature of the quantitative assessment of illegal migrants, taking in consideration the often secret nature of violations, the difficulty of access to administrative data on immigration status, and the very fact of a change in migrant status.

Thirdly, the Republic of Moldova is a country of origin and transit of migrants. The introduction of a visa-free regime with the EU contributed to an increase in the number of Moldovan citizens who took the opportunity to travel to EU countries. However, the number of citizens who have not returned to their homeland is growing. This indicates a violation of the principles of a visa-free regime with the EU, which jeopardizes the EU visa-free regime for Moldova.

Fourthly, a visa-free regime with the EU has made Moldova attractive to foreign citizens. Illegal migration to Moldova is growing. Illegal migrants believe that a visa-free regime applies to everyone who enters the EU from Moldova. Certain foreigners travel to Moldova seeking to take advantage of the situation in order to enter the EU countries.

Fifthly, an analysis of the results of Moldovan migrants' sociological studies testifies to their law-abiding behavior. Most Moldovan citizens legally enter the countries of the European Union, are located and work there legally. They try not to violate the principles of a visa-free regime with the EU. At the same time, a certain part of migrants had to violate the rules of a visa-free regime. The most common violations are illegal employment and illegal stay in the EU for a period of more than 90 days.

Massive illegal immigration has a number of negative consequences for the countries of the European Union. Therefore, the EU seeks to ensure security at its borders, to minimize social challenges and risks, the consequences of uncontrolled and unregulated migration. A better understanding of the nature and extent of irregular migration flows will help to develop more effective measures and strategies to reduce irregular migration.

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# MASS MEDIA USE AND THE ATTITUDES OF MOLDOVAN CITIZENS TOWARDS THE VISA-FREE REGIME WITH THE EUROPEAN UNION

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*This article reaches to identify and interpret the challenges and opportunities the media poses for the Moldovan citizens to benefit or restrict their freedom of expression, access to dialogue and spaces of belonging and their representation in the European region. As of April 28 2014, citizens of Moldova enjoy a visa-free regime with the European Union. The liberalization of the visa regime enables Moldovan citizens to actively manifest themselves in Europe socially, politically, economically and culturally and do so largely through different media resources. The way Moldovan citizens act and participate in Europe within the social, political, economic and cultural cohabitation processes as a manifesto to feed their sense of belonging to the European community was addressed in a personal questionnaire study made with Moldovan citizens, active socially, politically, economically and culturally at national and transnational level. The social, political, economic and cultural attitudes and behaviours of Moldovan citizens allow us to study a series of trends by which they relate to different fields in Europe and in the world, while maintaining their individuality. In Moldova, people's actions are largely determined by political motives and are perpetuated through strong emotional expressivity, induced by their social status in the world. The media resources in the hands of people are a tool to facilitate their relationships with the surrounding world.*

**Keywords:** mass-media; visa-free regime; spaces of belonging; European identity; participation; representation; transnational relationships.

Moving between places has always prompted people a strong desire to communicate, to make new connections along the way and to maintain these bonds. The process itself involves the fact that these people develop secure relationships that build up over time. Initially, in order to maintain these relationships, to keep abreast of the most important events in the world, many letters were written and people lingered for hours near by the radios and in front of their TV screens.

As of April 28 2014, citizens of Moldova enjoy a visa-free regime with the European Union. Moreover, the liberalization of the visa regime, in conjunction with the Free Trade Area, the Free Economic Zone and other offspring programs developed by the European Union in relation to Moldova within the Association Agreement, enables Moldovan citizens to actively manifest themselves in Europe socially, politically, economically and culturally [1]. They develop and maintain relationships with many European nations and are both initiators and participants in multiple major social, political, economic

and cultural events that take place at European level and do so largely through media resources.

The liberalization of the visa regime for Moldovan citizens has also found the European Union trying to become more visible. The European institutions have tried to positively influence the image of the visa-free regime in Moldova on different platforms. Among other things, through creative methods and in multiple languages they target specific groups and speak to them about the Europeanization process and the multiple opportunities and benefits it entails [2]. Thus, this study has its curiosity in the pursuit to understand the potential and restrictions of communication that has the capacity to cancel any borders. The next three questions have represented important support pillars to this study, namely: How do the media change? How do Moldovan citizens use the media? What role do the media play in representing Moldovan citizens in the European region?

Moldovan citizens often use the media and forms of communication in ways that feed on from their desire for identity and belonging to the European community. The concepts of „European community” and „European identity” can help us determine people’s reasons for choosing and using some media to the detriment of others. The European identity exists and materializes in the collective set of values, which has managed in time to maintain the national, cultural and religious identity of different groups, through formal or informal relationships, with a strong sense of belonging to the European community, and to facilitate a concerted participation of people from different societies at important social, political, economic and cultural events in Europe [3].

The European identity is strengthened by the people’s mobility. It has been 5 years since Moldova has a visa-free regime with the European Union and, during this time, over 2 million citizens of different ages have benefited from this program [4]. In order to better understand the ability of Moldovan citizens to participate in important social, political, economic and cultural events in Europe, particular attention should be given to the media and forms of communication they are using to exercise their rights, state their needs and express their thoughts. Social media are the most often used platforms in this regard and must be studied thoroughly.

The social, political, economic and cultural attitudes and behaviours of Moldovan citizens allow us to study a series of trends by which they relate to different fields in Europe and in the world, while maintaining their individuality. In Moldova, people’s actions are largely determined by political motives and are perpetuated through strong emotional expressivity, induced by their social status in the world [5]. The media resources in the hands of people are a tool to facilitate their relationships with the surrounding world.

The way Moldovan citizens act and participate in Europe within the social, political, economic and cultural cohabitation processes as a manifesto to feed their sense of belonging to the European community was addressed in a personal questionnaire study made with Moldovan citizens, active socially, politically, economically and culturally at national and transnational level. The title of the questionnaire is *The impact of media*

*on the participatory potential of the Moldovan citizens* and it was conducted between May and August 2019. There were completed 75 questionnaires with Moldovan citizens socially, politically, economically and culturally active at home and in Europe. According to a report data published by the Global Web Index [6], with regard to the different ways people of different ages manifest themselves and participate socially, politically, economically and culturally, the study participants were categorized according to the age criterion in 5 groups, namely: 16-24 years category; 25-34 years category; 35-44 category; 45-54 category; 55-64 category.

From the beginning it was established the pattern by which participants access and use media resources frequently, traditional and new, which coexist and have different roles in their lives. The results showed that Moldovan citizens use the different media and forms of communication together and repeatedly. These findings also attest the fact that Moldovan citizens are active in the regional and global public space and show great interest in the problems of particular importance that Europe and the rest of the world is coping with. Participants at the study pointed out that their choice and use of media is influenced by their strong desire for belonging, which revealed to us an interconnected medium, consisting of numerous and diverse platforms and ways in which they resort to trying to achieve an understanding about their position in the European community.

The answers also tell us about the great role the transnational television plays in the lives of the participants, as well as about the various platforms they go to while using the Internet. When they are on social media, Moldovan citizens interact through multiple languages. On some platforms they communicate in Romanian and Russian, while on other platforms they express themselves in English. The media available in French, Italian, Spanish and German languages is accessed just the same, but less frequently, which confirms the relevance of Moldovan citizens' affiliations to the European public networks.

It is very interesting that, although participants differ by gender, age, occupation, place of living, standard of living, there was attested a pattern in the way they access and use media, both traditional and new, as a basic facilitating tool for their activities. The differences between them proved to be more evident at the content level, where the clash between the generations can be easily noticed. The results of the research confirmed that Moldovan citizens choose and use media and forms of communication in an attempt to find spaces of belonging and representation, to manifest themselves as individuals and as members of different communities.

Strong arguments in favour of the media potential to put people in a position to freely and immediately claim their rights and protect their freedoms have been confirmed with the consolidation of social media. The integration of social media in the media world took place systematically, and eventually it established itself worldwide as a platform that mobilizes millions of voices and personalities and, to some extent, is a tool that educates future generations of citizens [7].



### ***How do the media change?***

The repeated efforts of the media institutions, which often represent the interests of powerful social, political, cultural and economic actors, interested in controlling the content and flow of information, have given spur to public debates on the ability of new media to provide its users a free and uncompromised space. These crooked mechanisms are opposed by inclusive new platforms, within which individuals and groups of people can engage in a free exchange of information, understood by all and connected together through similar interests and experiences. The spaces dedicated to dialogue and belonging have always been contested and restless and these platforms leave up to their name. The new media empowers participation, the self-produced and jointly evaluated content. A team of researchers from the United Nations for education, science and culture investigated the current trends in the field of freedom of expression and the media and found that social media is expanding its efforts and has come to absorb a plethora of means under its communicative umbrella, within which traditional media converge with the new media [8].

One of the main goals of the social media is to promote a sense of belonging to a community within which their users can engage with each other by sharing information, messages and opinions and, in addition, they can give a feedback. The access to the virtual public forum is not restricted and does not belong exclusively to different interest groups. The sharing of information and the free expression of opinions encourages the development of a dialogue that sometimes escalates into more heated verbal disputes, which reminds us a bit of the typical Moldovan way. People's hopes and fears change the way the world works.

On platforms such as Facebook, Twitter and Instagram, which in recent years have become three of the most dominant platforms among the social networks available on Internet, their subscribers can post statuses, notes, add and follow friends and share messages, photos and videos, and receive notifications from one another [9]. These platforms are also paying attention to the social, political, economic and cultural events that take place worldwide with the participation of Moldovan citizens and react to their achievements.

With the development and consistency of the Internet and the new information technologies, social media have become indispensable to the ways people communicate and develop and maintain relationships. Moldovan citizens are not an exception in their relationships with other nations and cultures. In an environment of free travel, free trade and free thinking, social media can make people active in real life too, as well as reinforce their desire to participate in some events that take place globally [10]. Broadly speaking, online relationships empower the visa-free regime. Opening the borders to the European Union and vice versa it transformed Moldova into an equal partner with whom it can share greater responsibilities in the processes of Europeanization and globalization, which brings more social, political, economic and cultural opportunities for all the involved parties. The accountability is greater as well. Although the visa-

free regime does not directly secure to the Moldovan citizens the right to work in the European Union member countries, still they can choose to travel and develop direct relationships with other people and, depending on their interests, to expand their businesses at transnational level, to apply for internship programs or other intercultural activities not exceeding the period of 3 months [11]. The liberalization of the visa regime for the Schengen zone put individuals and groups of people in position to access different funding sources. Moldovan citizens can take their initiatives and projects to Europe and through media, they can make them more visible and thus have better chances to receive the so much needed support. This way, people with initiative can directly participate in different events in Europe and receive support, which contributes to reinforcing their sense of belonging to the European community.

Moreover, the European Union and the people of Moldova are fighting in the same trenches. The fight against corruption, money laundering, organized crime, all types of crime and the proper management of migration, to promote democratic reforms and prevent discriminatory attitudes and behaviours, to improve border security etc., all these are issues that concern and affect the most of the Moldovan society and improving the climate is a common goal [12].

Today, media is particularly concerned about such values as diversity and tolerance. In particular, social media is an effective medium for expressing cultural diversity, within which individuals and groups of people can meet and discuss on. The virtual arena managed to bring together groups of people who until recently were much divided. When the process of renouncing the visa regime for Moldova got into a stall, the bad mouths were promoting the narrative that actually European Union is the sole party to blame for the delay [13]. During that period, most of the country's European integration, the dialogue and relationships between the Moldovan citizens and the European Union were achieved through the media. This came as a breath of fresh air, so necessary at the time and, we will not be wrong to consider that this saved the European course of the country. Depending on the people's needs and interests there were and, there are various platforms that enable their access to the European public space and facilitate their communication with other individuals and groups.

### ***How do Moldovan citizens use the media?***

Today, the media is playing an increasingly active part in people's daily lives. It teaches people about family life, the life within the national and global communities, and educates them on their responsibilities and rights at home and worldwide. The media can determine the place of a group in one community or another, through the frequency and ways in which their interests, needs and rights are reflected within the different platforms and by representing and interpreting the group's role in the most important social, political, economic and cultural events in the world. At the same time, media diversity has served people as a platform, where they don't act exclusively as receivers, but also participate as producers.

The diversity of media and forms of communication is not a subject exclusively associated to the technological progress, but also has links to the ways new technologies allow and, sometimes, restrict the access to information, freedom of expression and dialogue. In the multi-faceted contexts people choose and use media and forms of communication, there were identified 4 main patterns, namely:

- the existence of numerous spaces of belonging (people exist in numerous spaces of belonging, physical or imaginary);
- the existence and comprehension of transnational relationships (people's social, political, economic and cultural presence extends beyond borders, as well as their sense of belonging);
- people develop and maintain relationships in an interconnected world (for many, virtual behaviours establishes generally accepted forms of behaviour in real life);
- the importance to re-evaluate the meaning of the concepts of „community” and „identity” (in the media world, these concepts act outside their general-accepted narrow definition to include the many events and experiences that take place at regional and global level and thus make them more complex).

In order to develop and maintain relationships, to manifest themselves and participate in different social, political, economic and cultural events, people use different platforms. At the same time, depending on the platforms used, the person's private life can become subject of discussion, which transforms the processes of choosing and using the media into a social and moral problem. Contrary to the findings of some authors covered in this article, which claimed that social media is a threat to private life, many of the participants at the study mentioned the great benefits this resource presents to them.

Due to the accessibility and diversity of the media, Moldovan citizens can access numerous sources of information and through different platforms they can get involved in the processes of discussion and comparison of information. The information reaches its receivers in real time and generates immediate feedback, which makes them into relevant participants that have direct impact on things. At least 8 factors contribute to strengthening these relationships, namely:

- maintaining anonymity;
- the availability and accessibility of information;
- the volume and diversity of available information;
- information can be produced, accessed and disseminated in real time, easily and quickly;
- users participation based on common interests and needs;
- the subjective nature of information;
- the accessibility of information in different formats;
- the lack of strict regulations with regard to the user's access and participation.

### ***What role do the media play in representing Moldovan citizens in the European region?***

The fair and inclusive representation of Moldovan citizens in the transnational media must respond to their desire to belong to and report to the European community. The attitudes towards Moldovan citizens in many European countries are acceptable, give or take. While, often exposed to discrimination, they are not considered as participants with equal rights, although in many cases they are members of the local communities. These attitudes are manifested in multiple situations, including in the media.

Social media are very successful in terms of cancelling the discriminatory attitudes and behaviours displayed by the traditional media towards the Moldovan citizens, regionally and globally, presenting them multiple and accessible ways to express themselves. Through multiple platforms, Moldovan citizens openly and vocally declare their dissatisfaction with the discriminatory attitudes and behaviours conveyed against them and their strong desire to be considered as participants with equal rights in Europe and around the world.

This article also reaches to identify and interpret the challenges and opportunities media poses for the Moldovan citizens to benefit or restrict their freedom of expression, access to dialogue and spaces of belonging and their representation in the European region. Accordingly, there was identified a triple role of media that facilitates people's participation in important social, political, economic and cultural events at national and transnational level, namely:

- a person uses media to manifest as an personality. Moldovan citizens choose and use different media to ensure their connection to different groups at national and transnational level. These are specialized media, within which groups of people with common interests and needs meet and manifest themselves. Here, users act as content producers and, protected by a sense of security and inclusion, they act as personalities and at the same time as part of different communities. These media offers its users equal opportunities to express themselves;
- a person uses media to refer to a space of belonging. This type of media empowers Moldovan citizens of different social background, ideology, age, occupation and income to meet in public spaces and to claim their position within different communities. Here they develop tide relationships and are challenging pre-existing hierarchies. At the same time, these media represent a launching pad for active people;
- a person uses media to gain a sense of security. In this context, media often acts as a liaison between people from different countries and brings them all together in wider communities.

In general, media highlights the similarities and differences of individuals and groups of people from various communities that all exist in one specific community and

sets the opportunities and challenges for their cohabitation so that all together could manifest themselves as personalities, without restricting their rights and freedoms. The triple role of media, presented above, demonstrates the best the media's ability to represent the Moldovan citizens and it sets forth a series of ways that improves their participation.

The virtual space is neither different nor identical to the physical space, but both have similar playing rules. Due to the ephemeral quality of the information, the topics of discussion here are multiple and diverse, with pros and cons camps and short life expectancy. The virtual spaces of belonging are an expression of people's uncertainties and vulnerabilities, which are in fact conditions that many Moldovan citizens experience in different European countries. Interpreting these conditions can help us better understand how people decide to find refuge in virtual communities as protection measures against the marginalization and discrimination they are exposed to in real life. These communities help them overcome the multiple cases of marginalization and discrimination against them.

Within the virtual communities people create images of themselves and the world. Here, the messages have their roots within the personal values and beliefs of the sender, but they take shape within the filter of the receivers' values and beliefs. The choice and use of media is the sum of one's values and beliefs. Literate users through dialogue mobilize their values and conceptions in such ways that are able to produce general trends and behaviours, which organize the world of others as well. The Internet empowers the freedom of choice or, as it was mentioned before, the journey between various sources. The user has a feeling of absolute power and control over information, being the one who ultimately decides what to produce and what to consume. Just as important is the fact that, while people relationships are restricted by many factors like age, socioeconomic status, gender, level of education, standard of living, place of living etc., online communication is always accessible on multiple platforms and through multiple devices and it gives people equal opportunities to freely express and manifest themselves. The feeling of controlling the content and the flow of information carry over enough self-confidence to people and make them believe they are a part of a world where their opinions matters.

During the research period it was established that a person's values and beliefs take shape especially when he / she manifests himself / herself on multiple platforms, during which he/she develops many relationships with people and places and together they create an understanding about the world. Both traditional and new media, through their content diversity and being accessible in multiple languages, provide the Moldovan citizens a sense of security and belonging they are longing so much for. In Moldova, especially lately, people have declared their willingness to participate in solving the problems Europe and the rest of the world is facing with and the ways of participation are multiple.

## ***Conclusions***

In the beginning, as a prerequisite for this study, the thesis was that people choose and use media and forms of communication in relation to their daily activities. This premise, in fact, was based on two reasons. The initial analytical approach was designed to help us better understand how Moldovan citizens choose and use various media and forms of communication in order to express their belonging to different social, political, economic and cultural entities in Europe and, to the same extent, to obtain a clearer picture of the challenges and opportunities media sets forth to to manifest and express themselves. I think it was achieved successfully in the study.

The public control over the information through the new media has expanded people's capacity to claim their right to participation and expression. Currently, a person has the entire control over what media and information he / she chooses to access and at the same time, he/she can produce and share personal information. Moldovan citizens gather within the virtual public arena, launch ideas and participate in debates on various important events of social, political, economic and cultural matter that take place at home and in the world.

This article underlines that the media are and should be understood as spaces within which people, regardless of their location, increasingly discuss collective interests and needs, make statements and mobilize. The authenticity of the scientific approach of this article is reflected in the pursuit to establish the extent of the Moldovan citizens' relationships in Europe after the liberalization of the visa regime with the European Union, relationships mediated by the media. In this regard, there were recorded the patterns of Moldovan citizens regarding their access and use of media and their forms of communication. By interpreting the content stylistic progressions and the emotional makeup of the messages of Moldovan citizens there were identified several trends of mobilization and interaction of Moldovan citizens with each other and with the outside world. Dedicated to behavioural aspects, the article interpreted in particular the attitudinal nature of the communication and mobilization models of Moldovan citizens and their effects in order to express their belonging to different social, political, economic and cultural entities on the European stage.

Accordingly, it was established that the visa-free regime, just like the media, rather reinforces than weakens the traditional relational forms, such as the family and the community, in order to repair the ruptures caused in particular by migration. Certainly, the visa-free regime, just like the media, is an important catalyst for informal relationships and can be, in many cases, a primary mean to facilitate these type of relationships. Currently, the small developing countries are the first to benefit of the visa-free regime, that presents their citizens with multiple and diverse opportunities, through which they manage to manifest themselves and participate in social, political, economic and cultural events in Europe and the rest of the world.

Today, different media are applied in the most important events of social, political, economic and cultural matter that can generate significant changes at local, regional

and global level. The forms of communication have evolved to such an extent that today, through the media, people communicate effectively via photographs and images. Although the traditional media continue to exist and be influential, still the new media are consolidating their position and are becoming more influential. The benefits of the social media are numerous and play a colossal role in people's daily activities and it is very important that the impact of online relationships is translated with same intensity and offline. Especially here is where the visa-free regime becomes handy. Before social media, information was consumed exclusively in privacy, in front of the television or near by the radio, with newspapers or letters in hands or on the telephone. Instead, social media are mainly dedicated to groups and allow gatherings of different sizes and with different degrees of intimacy.

Thanks to the media, Moldovan citizens are able to develop and maintain relationships with people from around the world. For many, the online realm is the main space of belonging, where they spend most of their time. In many ways, the media capacitate the visa-free regime. Here, the Moldovan citizens are capable of challenging the proximity factor and to develop relationships with the rest of the world.

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