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P I O T R K A Ź M I E R K I E W I C Z , D Ó R A H U S Z ,
J U R A J M I S I N A & I V O S L O S A R C I K

The Visegrad States On the EU's Eastern Frontier

*Consular and Visa Cooperation
in East Central Europe for
Residents of Ukraine and Moldova*

C E N T E R F O R P O L I C Y S T U D I E S
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The Visegrad States
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*Consular and Visa Cooperation
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Residents of Ukraine and Moldova*

A Feasibility Study conducted by
Center for Policy Studies at Central European University (Hungary)
EUROPEUM Institute for European Policy (Czech Republic)
Institute of Public Affairs (Poland) and
Slovak Foreign Policy Association (Slovakia)

Funded by
Local Government and Public Service Reform Initiative
of the Open Society Institute

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Copies of the Paper can be ordered by post or e-mail from

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ISBN 963 86569 7 2
ISSN: 1785-4377

Printed in Hungary in 2006
Central European University
Copyediting • Rachel Ambrose

Design and layout • Judit Kovács • Createch Ltd.
Printed by Createch Ltd.

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ABSTRACT

This study takes a closer look at the visa and consular policies of the Visegrad countries (V4)—the Czech Republic, Hungary, Poland and Slovakia—in the context of the recent EU accession and the requirements of full integration into the Schengen system. For the Visegrad countries' Eastern neighbors, the requirement to obtain a visa, introduced by the V4 to comply with the EU's Justice and Home Affairs *acquis*, in order to travel to the new Member States was the single most disruptive aspect of EU enlargement. The principal aim of this study, undertaken by research institutes from each of the four countries, is thus to assess the feasibility of closer cooperation among the Visegrad governments and authorities in order to improve access for the citizens of Ukraine and Moldova.

The study starts with a review of the introduction of, and accumulated experiences with, the existing visa regimes of the four countries. This includes an analysis of the various solutions the V4 countries applied in order to mitigate the negative consequences of the visa requirement for travelers from countries to their East, and an assessment of the current practice of issuing visas as seen by both staff at consulates and the visa applicants themselves. The study then considers the background of Visegrad cooperation and analyzes possible ways of enhancing such cooperation in the area of consular and visa policy vis-à-vis Ukraine and Moldova. Finally, a number of concrete recommendations are put forward for policymakers working in this area.

ACKNOWLEDGMENTS

This policy paper presents the findings and recommendations of a multinational project entitled “Feasibility Study for Consular and Visa Cooperation Among Visegrad States for Residents of Ukraine and Moldova,” conducted by four policy centers under the auspices of the Local Government Initiative of the Open Society Institute in Budapest from September 2004 until September 2005. Coordinated by the Institute of Public Affairs (Poland), the research has been carried out according to a single methodology by researchers from the Center for Policy Studies at Central European University (Hungary), EUROPEUM Institute for European Policy (Czech Republic), and the Slovak Foreign Policy Association as well as IPA.

The research would not have been possible without the assistance of the Ministries of Foreign Affairs and the Interior of the four Visegrad states or the expertise and logistical support of the partner research institutions in Ukraine (International Centre for Policy Studies) and Moldova (Institute of Public Policy). In particular, we are grateful for the contributions of Olena Houmenyuk and Vira Tsypuk from Ukraine and Catalina Barbarosie from Moldova, who conducted the fieldwork in the two countries.

A longer and more detailed account of this research, “The Visegrad States between Schengen and Neighborhood,” which forms the basis of this policy study, is available from the Institute of Public Affairs, Warsaw. The authors are grateful to Agnes Batory (CPS, CEU) for adapting that publication for the purposes of this policy paper.

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INTRODUCTION

The idea of this comparative paper follows an earlier study by some of the participating research institutes on the “Impact of EU enlargement and the Schengen treaty in the CEE region.” That project demonstrated that citizens of the Visegrad countries’ Eastern neighbors identified the requirement to obtain a visa in order to travel to new EU Member States as the single most disruptive aspect of EU enlargement. CIS residents with personal or business connections with the Visegrad states have been anxious about rising difficulties in crossing the border and applying for long-term residence. The daily experience of travelers requiring visas to new Member States indicates the existence of a series of obstacles which makes visa procedures difficult for applicants, discouraging a significant number of them from entering the process.

The study takes a closer look at the visa and consular policies of the Czech Republic, Hungary, Poland and Slovakia (the V4). The principal aim is to assess the feasibility of closer cooperation among these four countries in order to improve access to visas and standards of visa-issuing procedures for the citizens of Ukraine and Moldova in the context of recent EU accession and the requirements of full integration into the Schengen system. This in-depth investigation of national policies has involved a combination of (1) interviews with officials from the Ministries of Foreign Affairs, Ministries of the Interior and from the border guards in the V4 and (2) field research, consisting of interviews with staff of the consulates of the Visegrad states, representatives of travel agencies, social organizations and individual applicants in Ukraine and the Republic of Moldova. The study is the first comparative work on the visa and consular policies of the four Visegrad States towards their eastern neighbors.

Although work on constructing a European dimension for visa and consular policies is entering a strategic stage, a lack of consensus on the objectives of the EU’s policy towards its Eastern neighbors appears

*Requirement to obtain a visa
most disruptive aspect of
EU enlargement*

*Reviewing existing practices
and assessing the possibilities
for enhanced cooperation*

to leave the new EU Member States with the simultaneous task and opportunity to set the agenda for the foreseeable future. The current study aims to provide relevant information for such an exercise, firstly by reviewing existing practices and secondly by assessing the possibilities for enhanced cooperation within the Visegrad Group.

The study is structured in the following way. Part One focuses on the introduction of, and accumulated experiences with, the existing visa regimes of the four countries. This includes a review of the various solutions the V4 countries have applied in order to mitigate the negative consequences of the visa requirement for travelers from countries to their East, and an assessment of the current practice of issuing visas as seen by both staff at consulates and the visa applicants themselves. Part Two considers the background of Visegrad cooperation and analyzes possible ways of enhancing such cooperation in the area of consular and visa policy vis-à-vis Ukraine and Moldova. Finally, Part Three sets forth a number of recommendations for policymakers working in this area.

PART ONE

The Visa Policies of the Visegrad States:
Political and Technical Aspects

1. INTRODUCING VISAS AND THE IMPACT OF NEW VISA REGIMES

1.1 Introducing Visas

All four countries in the Visegrad Group introduced visas for nationals of the Republic of Moldova and Ukraine between 2000 and 2003 as part of the implementation of the Justice and Home Affairs (JHA) *acquis*. None of the countries requested derogations or transitional periods in this area. However, while EU accession was a priority for all four states, the approach they adopted in meeting this goal differed considerably between the Czech- and Slovak Republics on the one hand and Poland and Hungary on the other. Differences in approaches concerned the timing of imposing a visa obligation on their Eastern neighbors, the conditions of the visa agreements themselves as well as the unilateral vs. consultative manner in which they were concluded.

The Czech Republic and Slovakia both introduced visas early. The reasons for this could be found both in the generally lower priority afforded to the CIS group in these countries' foreign policies and in the significance of the ties between Prague and Bratislava. Upon EU accession, the Czech Republic was likely to be in a unique position among the four Visegrad states as the only country with no external EU borders, which makes full integration into the Schengen zone a relative gain with little sacrifice. The absence of a direct land border with Ukraine also diminished the salience of preserving cross-border economic and people-to-people contact.¹ At the same time, the country has had unique incentives to introduce restrictions. It was the only state in the Visegrad Group which, at the time, bordered on two existing EU members (Austria and Germany), thus finding itself under significant

The Czech Republic was in a unique position with no external EU borders

¹ It should be noted that the issue of the small Czech minority in Western Ukraine, the Volyns Czechs, was not considered as fundamental to the country's visa policy.

pressure to tighten border controls early on. In addition, by the early 2000s, regulation of the movement of Ukrainian nationals was felt to be necessary as the Czech Republic had been the target of labor migration from Ukraine.

Visa-free policies were terminated by the Czech Republic by unilateral declaration in the form of diplomatic notes effective as of June 28 (Ukraine) and October 22, 2000 (Moldova). In response, both Ukraine and Moldova introduced full-scale visa policies for Czech citizens. The Czech Republic’s announcement in February 2000 of its decision to revoke long-standing agreements with Ukraine and Moldova also provided the main impetus for the Slovak Government, which followed suit in March with its resolution to introduce visas for Ukrainian citizens on June 28, 2000. Rapid introduction of visas as regards non-EU states was considered a necessary sacrifice in order to maintain the symbolic and in practice crucial preferential policy allowing relative freedom of movement and residence for the nationals of the two successor states to Czechoslovakia. Kyiv responded by imposing a visa obligation on Slovak citizens from that date on. However, being a neighboring country, Slovakia was more affected by a consecutive move by the Ukrainian authorities, which renounced the readmission treaty in October 2000. This meant a radical reversal in the protection of common borders and the control of the movement of illegal immigrants from Ukraine to Slovakia.

Slovakia was more affected

Hungary and Poland sought solutions that would be acceptable to Kyiv

Hungary and Poland too pledged to comply with Directive No. 574/99 of the Council of the European Communities, which required the introduction of visas for the citizens of the 15 former communist countries by the time of accession, without asking for any derogations or transitional periods in the JHA area. However, in contrast with the Czech and Slovak approach, these countries resisted repeated calls from the European Commission in consecutive progress reports to align their visa policies as soon as possible. Instead, both states announced during accession negotiations that they would not complete the process until six months before the expected date of EU entry, and sought solutions

that would be acceptable to Kyiv as well. Their preferred approach consisted of gradual harmonization, based on pre-announced schedules and taking national interests into account. The timetable allowed for early moves vis-à-vis non-European states, followed by action towards those European states with which Poland or Hungary maintained looser ties, concluding with the core group of countries considered to be of special significance for national foreign policy.

Although the eventual policies adopted by Budapest and Warsaw were in many respects parallel, the two administrations relied on arguments that were firmly rooted in their specific domestic policy priorities. The Hungarian strategy was built on one of the key pillars of national foreign policy: protecting the interests of ethnic compatriots living across the country's borders. Hungarian diplomacy sought to postpone moves towards neighboring countries with Hungarian minorities—including Ukraine where approximately 150,000 Hungarians live in the Transcarpathian region—until the last possible moment, i.e. six months prior to accession.

Despite the Commission's persistent demands to introduce visa requirements for all 15 countries, Poland extended the right of visa-free entry as late as the middle of 2000. In the case of Poland, this delay also reflected a broader difference in the manner in which this country on the one hand and the EU and its Member States on the other viewed the issue of travel for Belarussians, Russians and Ukrainians across the future external border. Unlike the existing EU members, which tended to consider the entry of third-country nationals into EU territory primarily as a policing issue within the JHA *acquis*, Poland's visa policy towards its neighbors was seen as part and parcel of the country's foreign policy. Consequently, the approach both Hungary and Poland adopted—albeit for different reasons—aimed to minimize harm to bilateral relations with the countries concerned, and was seen as representing a higher priority than for either the Czech Republic or (to some extent) Slovakia.

*Approximately 150,000
Hungarians live in the
Transcarpathian region*

*Poland's visa policy seen
as part and parcel of the
country's foreign policy*

1.2 Impact on Legal Cross-border Traffic

Poland and Hungary backed up their policies to impose visas as late as possible with impact analyses (based on domestic or foreign experience), which indicated that in the absence of adequate compensatory measures significant declines in the number of travelers were to be expected. The experiences of Slovakia, the only EU candidate state neighboring Ukraine that introduced visas far ahead of accession, also pointed in this direction. The introduction in June 2000 of visas for the citizens of Ukraine—representing over 90 percent of all persons crossing the Slovak border in 1999—resulted in the collapse of cross-border traffic generally. By the end of 2000, the number of entries and departures across the border dropped by half compared to the year before and the figures for 2001 represented a mere 27 percent of the volume recorded in 1999. Although a steady increase has been recorded since 2001, the numbers remain far below the pre-visa level to the present day.²

The Slovak case was also instructive in terms of how far the changes affected travelers of different citizenships (Table 1). Firstly, local traffic proved to be far more vulnerable to the introduction of administrative and financial barriers than long-distance transit traffic from non-neighboring CIS states, such as Belarus and Russia. The number of Ukrainian travelers dwindled over two years (1999–2001) to one-fifth of the pre-visa traffic. Secondly, although Ukraine retaliated by introducing visa requirements for Slovaks, travel by Slovak citizens across the border was affected to a far lesser extent. In fact, by 2002 border crossing by Slovaks returned to the levels of 1998 and nearly doubled between 2002 and 2003. The visa fee (24 USD for a single entry) thus constituted a far greater barrier to generally poorer Ukrainian nationals than to Slovak citizens.

*Slovak visas
resulted in the collapse of
cross-border traffic*

*Travel by Slovak citizens
across the border was affected
to a far lesser extent*

² Office of the Border and Aliens Police, Presidium of the Police Corps of the Slovak Republic (September 2005).

Table 1.

**Number of legal entries into Slovakia through Slovak-Ukrainian border crossings from the territory of Ukraine, 1998–2003
(number of crossings by persons in thousands)**

Travelers by citizenship	1998	1999	2000	2001	2002	2003
Slovakia	76	63	53	54	76	140
Ukraine	1,727	1,435	621	291	335	400
Visa-free countries	69	58	53	33	37	34
Countries with a Visa Obligation	3	2	11	25	25	26
Total	1,875	1,558	738	403	473	602

Source: Office of the Border and Aliens Police, Presidium of the Police Corps of the Slovak Republic, September 2005.

Even though the visa policy imposed in June 2000 did not affect foreign trade exchange at the national Slovak—Ukrainian level, it did have an impact on “shuttle trade” among inhabitants of neighboring regions on both sides of the common state border. Prior to imposing visas, illegal or semi-legal trade with neighboring countries had become one of the main activities of Transcarpathian inhabitants who frequently carried alcoholic beverages and cigarettes across the border. Although there are no official data on the volume of such trade in the Slovak—Ukrainian borderland, the following trends are indicative: the number of buses which crossed the Slovak—Ukrainian border from Ukraine dropped from 13,265 in 1999 to 3,894 in 2001 (a decline of over 70 percent) and from Slovakia from 15,449 in 1999 to 3,701 in 2001 (a drop of 76 percent).³

Impact on “shuttle trade”

³ Office of the Border and Aliens Police of the Slovak Republic, Presidium of the Police Corps of the Slovak Republic (March 2003).

Recognition of the extent to which local communities and economies were vulnerable to the burden of the cost of visas led to Slovakia’s adoption of more liberal visa procedures for the permanent residents of 83 villages on both sides of the border in March 2001. Residents of those villages were granted right of entry on the basis of multiple-entry visas free of charge and the Slovak consulate in Uzhhorod took on more staff in order to handle the processing of a higher number of applications. By the following year the volume of cross-border traffic increased by one-sixth, indicating that even limited policy measures were effective in producing a gradual but immediate recovery after a very steep initial decline.

*Limited policy measures
were effective in producing
a gradual recovery*

Although the Slovak experience confirmed the validity of strategies that would prevent high levels of disruption to cross-border traffic for Poland and Hungary, their policies responded to domestic concerns that had been raised a few years earlier. The Polish example is particularly instructive. As part of the process of harmonizing the Polish legislation with the *acquis*, the new Act on Aliens, adopted on June 26, 1997, introduced more restrictions on the entry and residence of foreigners in the country as part of the country’s efforts to combat illegal immigration. The law restricted access to documents required for travel and introduced stricter controls with regard to the financial means at travelers’ disposal by the border guards. These new administrative travel restrictions were considered to be a significant contributing factor in the collapse of the cross-border “open-air market” trade in 1998.

In the wake of public and parliamentary criticism, changes in procedures for CIS travelers’ access to Polish territory were determined to have ramifications far beyond the technical issues of legal and institutional harmonization with the EU. The Ministry of Interior was to introduce changes in close collaboration with the Ministry of Foreign Affairs, which monitored the impact on bilateral relations, and with the Ministry of the Economy, which pointed out the economic consequences for the borderland regions. The Government as a whole recognized that changes to the visa policy needed to go through extensive interministerial consultations and that the matter should be settled at

the level of the Council of Ministers. New policy changes also had to involve relevant social partners and independent experts to a far greater extent. Thus, the new visa policy, implemented for CIS neighbors in 2000–2003, was made a high priority and became a matter of close scrutiny.

New Polish visa policy became a matter of close scrutiny

Forecasts on the estimated number of visas that would have to be issued under the new policy were conducted by the Polish Ministry of Foreign Affairs, concluding that up to 1.1 million applications for short-term tourist visas could be expected from citizens of Russia, Ukraine and Belarus annually.⁴ This figure was four times greater than the total number of visas issued by all Polish consulates annually prior to the introduction of the new policy for CIS nationals. Estimates showed that the demand for the services of existing consulates was due to rise exponentially. In Ukraine the total demand for visas was estimated to be about 555,000, accentuating the need to develop the consular network (including the opening of new consulates).⁵

Even so, Poland, the only country in the Visegrad Group to neighbor three CIS states, has not managed to stem a continuing decline in the number of travelers from its Eastern neighbors. In 2004, the inflow of travelers was 30 percent lower than in 2001, which may be attributed to the long-term effects of the Russian financial crisis and recent appreciation of the Polish currency (Table 2). In the short term, the requirement to apply for visas compounded the drop. However, movement by travelers who enjoyed visa fee waivers (Ukrainians and Russians) has recovered faster than among those required to pay (Belarussians), which suggests that compensatory measures and facilitated conditions of entry made a difference.

Continuing decline in the number of travelers from Eastern neighbors

⁴ Krystyna Iglicka and Robert Rybicki, *Schengen—consequences for national migration policy*, IPA, 2002.

⁵ Information about the results of budget control at selected foreign missions, Supreme Chamber of Control, Public Administration Department, February 2003, pp. 10–12. (http://www.nik.gov.pl/wyniki_kontroli/dokumenty/2003009.pdf)

Table 2.
Number of border entries by CIS citizens into Poland
(in thousands per year)

Travelers by citizenship	2001	2002	2003	2004
Ukraine	6,418	5,853	4,830	4,523
Belarus	5,197	4,242	3,830	3,523
Russia	1,969	1,844	1,534	1,420

Source: SOPEMI 2004, s. 41; Polish Tourist Organization (www.intur.com.pl)

The statistics for the other country that introduced visas at a later time and dropped visa fees for Ukrainian citizens similarly point to a short-term significant decline. In the first month when visa requirements were in force, November 2003, the number of Ukrainians entering Hungary declined by 54 percent relative to the month before (down from over 255,000 to nearly 117,000 in absolute numbers).⁶ In the longer term as well, the legal movement of citizens of both Ukraine and Serbia and Montenegro into Hungary—which for years before had been rising—showed a clear declining trend. From 2002 to 2004, the number of Ukrainians legally crossing the border into Hungary declined by more than 10 percent and the number of citizens of Serbia and Montenegro declined by 20 percent (see Table 3). However, this decline was slightly smaller than the decline registered at the Polish-Ukrainian border and much less pronounced than in the case of Ukrainians crossing the border with Slovakia.

⁶ Hungarian Central Statistical Office, January 2005.

Table 3.

Legal entries of citizens of Ukraine and Serbia and Montenegro into Hungary and of Hungarian nationals into Ukraine and Serbia and Montenegro (in thousands per year)

Travelers	2002	2003	2004
Citizens of Ukraine entering Hungary	2,569	2,512	2,275
Citizens of Hungary entering Ukraine	672	1,167	2,202
Citizens of Serbia Montenegro entering Hungary	2,872	2,593	2,327
Citizens of Hungary entering Serbia and Montenegro	531	531	713

Source: Central Statistical Office, January 2003, January 2004, January 2005.

It is notable that, against the background of declining numbers of border crossings by citizens of neighboring states into the new EU Member States, the amount of trips made by Hungarian, Polish or Slovak citizens to Ukraine and other non-EU neighbors actually rose in this period. This trend was not broken by the introduction of the new visa regimes, and was accelerated especially in cases of asymmetric regimes that guaranteed Hungarian or Polish nationals visa-free entry, while it followed liberalization of reciprocal Slovak-Ukrainian border-crossing procedures. Rapid expansion in the amount of travel by new EU citizens to their non-EU neighbors not only testifies to the persistence of cultural, economic and ethnic ties, but the contrast in the trends in travel patterns of the residents on the two sides of the border also indicates that an improvement in border infrastructure stimulates cross-border traffic. This effect, however, is considerably mitigated when the improvement of the physical conditions for crossing the border is accompanied by administrative burdens the price of which is far beyond the travelers' means.

Rapid expansion in the amount of travel by new EU citizens to their non-EU neighbors

1.3 Impact on Illegal Cross-border Traffic and Migration

Moldova and Ukraine are among the “top ten” sources of illegal migrants

Moldova and Ukraine are the only two European countries among the “top ten” sources of illegal migrants. Yet, the experience of the Visegrad states does not indicate a clear relationship between the introduction of visas for Ukrainian or Moldovan citizens and combating illegal migration or other forms of cross-border criminality. In Hungary, the number of successful and attempted illegal border crossings declined as a result of reinforced border controls, but other crimes associated with illegal migration were recorded more frequently following the entry into force of the visa policy. Human trafficking increased by one-third between 2002 and 2004, forgery of official documents (primarily visas and residence permits) by 68 percent, illegal entry and residence by 44 percent, and other offenses concerning the policing of aliens by half. Between 2002 and 2004 the steepest increase in cross-border offenses was found among citizens of Ukraine and Moldova. The number of Ukrainians committing crimes associated with illegal migration rose over threefold, and the number of Moldovan nationals involved in such crimes more than doubled. The number of Ukrainian citizens committing the crime of human trafficking also increased almost fourfold, while the number of Ukrainian citizens illegally “trafficked” into Hungary increased more than tenfold. The number of criminals of Ukrainian and Moldovan nationality committing forgery of official documents (visas and residence permits in particular) increased respectively by sevenfold and threefold in the same period.⁷

The introduction of visas has also coincided with a rise in apprehensions of Ukrainian and Moldovan citizens by the Polish Guard since 2002. The trend became clearly apparent as cases of illegal border crossings within those two national groups, along with Russian citizens, rose sharply: From 2002 to 2004 the number more

⁷ Interview with the Hungarian Border Guards National Headquarters, January 2005.

than tripled for Ukrainians and quadrupled for Moldovans while the figures for all the other top nationalities were stagnant or dropped. By 2004, every fifth person apprehended by the Polish border guards on the country's borders was a Ukrainian; the next three national groups were Russians, Czechs (a majority of them stray tourists in mountain regions) and Moldovans, far exceeding once dominant Asian countries (such as China, India or Sri Lanka).⁸

The introduction of visas was followed by a rise in detention of citizens of Ukraine and Moldova on the Slovak—Ukrainian border as well. While the trend in the detention of Ukrainians was relatively stable before, the figure doubled between 2001 and 2002, although this group still represents less than one percent of all detainees. On the other hand, the number of detained nationals of the Republic of Moldova rose exponentially and skyrocketed in the second year of visa requirements (2002), rising sixfold year by year in Slovakia. The trend continued so that the number of illegal migrants from Moldova in the second half of 2004 nearly doubled compared to the same period in 2003. According to estimates from the Office of Border and Aliens Police, citizens of Moldova account for almost one third of all illegal economic migrants in the Slovak Republic.⁹ In response, as of October 10, 2004 Slovakia unilaterally imposed—as a temporary measure to be reviewed in light of further statistical data—a more restrictive visa policy for Moldova.

Citizens of Ukraine only represent a fraction of persons illegally crossing the borders of the Czech Republic. However, Ukrainian citizens account for a significant segment of foreigners arrested or deported for violation of the residence policy (e.g. overstaying a short-term visa or illegal employment). In 2003, over 17,000 Ukrainian nationals

The number of detained nationals of the Republic of Moldova skyrocketed in Slovakia

⁸ E. Kepinska, *Recent trends in international migration: The 2004 SOPEMI report for Poland*, Seria Place Migracyjne No 56, ISS UW, Warsaw 2004, table 50; and Polish Border Guard for data on 2004.

⁹ Office of the Border and Aliens Police, Presidium of the Police Corps of the Slovak Republic, September 2005.

*A radical increase
in the number of asylum
applications by Ukrainians
living in the Czech Republic*

were found to be in breach of these regulations, representing 79.7 percent of such cases, while Moldovan citizens accounted for only 1.9 percent. Moreover, the termination of the visa-free policy with Ukraine and Moldova triggered a radical increase in the number of asylum applications by Ukrainians living in the Czech Republic at the time of the introduction of short-term visas.¹⁰ In the vast majority of cases, the applications were found to be ill-founded: the primary motivation was the possibility to work legally in the Czech Republic during the asylum procedure. Consequently, following a 2002 amendment to the labor legislation, which limited the right of asylum seekers to work legally, the number of asylum applications from Ukrainians and Moldovans dropped significantly.

Ukrainian citizens form the second largest national group (after Slovaks) among foreigners on the Czech labor market. At the end of 2004, 41,855 Ukrainians were officially economically active in the Czech Republic, representing 24 percent of the foreign labor force (in comparison, Moldovans made up about one percent). Ukrainian nationals are also the second largest foreign community in the Czech Republic after Slovak citizens. In 2004, the number of Ukrainian citizens with long-term (over 90 days) or permanent residence permits came to over 78,000, or 30 percent, of which 65,000 hold long-term residence status. Ukrainian nationals form the largest group of foreigners with long-term status on Czech territory. In comparison, the number of nationals of Moldova was only a little above 4,000 persons, putting them in eighth place among the various nationalities.

*Poor coordination between
the Foreign Ministry and the
Ministry of the Interior*

Clearly, the effects of visa introduction were underestimated by the Czech government. Possible causes include poor coordination between the Foreign Ministry (which did not perceive imposing visas as a problem because of Ukraine's low priority in Czech foreign policy

¹⁰ David Kral, "Implications of the Schengen Acquis for the socio-economic reality in the Czech Republic," p. 22. (<http://www.isp.org.pl/files/17975279730059364001118153404.pdf>).

and the indisputable primacy of EU accession) and the Ministry of the Interior and the Ministry of Labor and Social Affairs (which must have been aware of the issue of Ukrainian migration already at this stage). As the overall estimates of Ukrainian migrants in the Czech Republic (over 200,000 persons) significantly exceed the number of residence permits according to the official data, the question remains as to how many are in the Czech Republic illegally.

2. MITIGATING AND COMPENSATORY MEASURES

2.1 Adapting the Consular Network and Partial Liberalization

Countries adopting early unilateral moves initially saw no need for any significant compensatory measures to mitigate the impact of introducing visas for persons arriving from Ukraine and Moldova. Neither the Czech Republic nor Slovakia have established an embassy or consulate in Chisinau, instead retaining the Republic of Moldova within the jurisdiction of their embassies in Bucharest and arranging visits by the consuls to the Moldovan capital. The two states opened their representations in western Ukraine considerably later than either Poland or Hungary: the Czech consulate in Lviv began operating in January 2004, while the Slovak consulate in Uzhhorod followed the Hungarian one located there by several years.

On the other hand, the states that have chosen to introduce visas gradually in consultation with the neighboring countries' authorities were careful to adapt their consular networks for the challenge. The existing consular offices of Poland in Kyiv, Lviv and Kharkiv were to be expanded to accommodate greater demand and two new consular offices were to be established in Lutsk (western Ukraine) and Odessa

(to cover the southern part of the country). Thus Poland not only managed to cover the country relatively evenly with its consular offices, but also ensured that two of its five consulates were located in the direct vicinity of the border where most of the demand was expected. All the consulates were to be reinforced with more consuls and as many as 250 local staff were to be hired by the 12 Polish consulates in the three countries. All the offices were to be supplied with the necessary equipment and computer systems, while training was to be provided to the Foreign Ministry’s staff at the Head Office and in the field.

Hungary’s preparations focused on the Transcarpathian region of Ukraine, from where the overwhelming majority of visa applicants was expected, given the concentration of the Hungarian minority. Hungary’s objective was to prevent the need to travel long distances to the consulate in order to obtain a visa. As a result, new consular and customer service offices were opened in Hungarian-populated areas (Berehovo and Uzhhorod), which raised the total number of offices issuing visas in Ukraine to three. These measures did not just benefit the Hungarian minority but the population of Transcarpathia in general, as the ethnic Hungarians turned out to be a minority among the visa applicants. The budget of the consular network in Ukraine and Serbia and Montenegro was increased and an additional 30 consular and administrative staff were employed and received training. An online “consular information system” (covering 98 Hungarian consular offices) was developed, and the technical infrastructure of the consular network and the Office of Immigration and Nationality was improved. As a result of these preparations, the introduction of the new system went relatively smoothly.

The two states which initially imposed full-scale visa policies for Ukraine also reconsidered their positions over time. Slovakia reacted relatively quickly as the second half of 2000 demonstrated a drop in the volume of cross-border traffic and a negative economic impact on the country’s economically depressed eastern borderlands. As a result, after negotiations with intergovernmental expert groups, an agreement was concluded on the alleviation of the visa policy as of March 1, 2001. Key

New consular and customer service offices were opened

features of the agreement included dropping the obligation to submit an invitation letter attached to the visa application form, granting free visas to citizens under 16 years of age, designing multiple-entry visas for some categories of citizens, and halving visa fees for persons traveling for cultural, sports, educational or religious reasons. In return, Ukraine did not withdraw from the 1993 bilateral readmission agreement with Slovakia and, currently, holders of Slovak diplomatic and service passports are exempt from visa requirements.

Further progress in the liberalization of the visa policy depends on solving the issue of readmission, which still represents an area of tension in bilateral Slovak—Ukrainian relations as Slovakia remains Ukraine's only western neighbor with which it has not yet concluded a treaty on facilitating border procedures. The main challenge for advancing bilateral negotiations is still that Slovakia is making its agreement to further liberalization of the visa policy conditional on readiness by Ukraine to sign the “model readmission agreement” required by the EU. However, Ukraine argues that it wants to conclude one single readmission agreement with the EU and not a series of bilateral agreements with individual EU Member States.

From 2002 to 2004, the number of Czech visa applications in Ukraine was around 70,000 per year and a slight rise in applications has been observed recently. This required a gradual expansion of staff at the Kyiv consulate and the establishment of another consulate in Lviv in January 2004. The rise in the number of applications is matched by the growth of rejected applications: up to six percent of applications lodged in Kyiv are rejected driven by concerns about likely involvement in illegal employment. In turn, the number of visa applications from citizens of Moldova has slightly decreased since their introduction—from around 3,000 applications in 2002 to 2,720 in 2003 and 2,700 in 2004. A substantial number of applications are rejected but the rate is declining: from 19 percent in 2003 to 14 percent in 2004. In Moldova, the improvement is credited to greater awareness of the conditions for obtaining a visa and the opportunity to enter the Czech Republic with a Romanian passport without a visa.

The issue of readmission

*Ukraine's Orange Revolution
opened up new opportunities*

Ukraine's Orange Revolution opened up new opportunities for the liberalization of visa policies with Slovakia and the Czech Republic. In particular, the Yushchenko administration's temporary unilateral lifting of visa requirements for all EU citizens traveling to Ukraine for less than 90 days prompted the Czech and Slovak Governments' decisions to abolish fees for short-term visas for Ukrainians as of May 1, 2005. (Subsequently, when Ukraine declared its intention to abolish the visa obligation for EU citizens for an unlimited period, the Czech Republic and Slovakia reacted by extending their fee waivers accordingly.) This created, *de facto*, an asymmetric policy between the two states and Ukraine, similar to that found between Ukraine on the one hand and Hungary and Poland on the other. The change had a clear and rapid impact on cross-border traffic, leading to a 35 percent increase in the number of applications to the Czech consulate in Kyiv since May 1, 2005.

However, the measures introduced by the Czech Republic and Slovakia do not represent a comprehensive solution. Firstly, the current arrangements for short-term visas will be terminated upon the full accession of the Czech Republic and Slovakia to the Schengen system. (The measures were communicated through diplomatic notes and not through standard international treaties, enabling the two Visegrad countries to easily change their policies in conforming to the Schengen *acquis*). Secondly, the abolition of visa fees only covers short-term visas (with a validity of up to 90 days), while the fees for long-term visa applications (the majority of them for employment purposes) have remained in force.¹¹

A comparable asymmetrical visa policy towards Moldova is not currently planned. In this case, from the Czech Republic's perspective the best negotiation mechanism is at the EU-Moldova level. The lower priority of relations with Moldova is indicated by the fact that the Czech

¹¹ The fees (approximately USD 100 in mid-2005 for Czech long-term visas) are charged when the application is made and are non-reimbursable in case of refusal.

Republic has no diplomatic or consular representation in the country, and instead operates from its consulate in Bucharest. The Slovak Republic follows the same practice. With no short-term visa obligation for Romanian citizens, the greater part of the work-load of the Czech and Slovak consulates in Bucharest concerns Moldovan applicants. Following a recent shift in policy, however, the Czech Republic signaled its intention to open its diplomatic and consular representation in Chisinau. This step is even more significant in the context of a general reduction of Czech diplomatic representation abroad.

Some mitigating procedures are also expected in the realm of long-term Czech visas for Ukrainian and Moldovan citizens. Of all the Visegrad states, Czech visa policy is particularly preoccupied with issues of labor migration. A pilot program for regulated migration of skilled employees, supported by the Czech Ministry of Labor and Social Affairs, covered Moldova in October 2004, and Ukraine is expected to be included as of January 1, 2006.

2.2 Asymmetric Visa Regimes

The two Visegrad states which chose to delay the introduction of visas also sought to facilitate entry for their immediate non-EU neighbors in other ways. As the country with the longest stretch of the future external EU frontier, Poland paved the way in this respect. The solution was found in a mutually beneficial asymmetric policy. On February 13, 2003, the Presidents of Ukraine and Poland declared that Ukraine would not introduce visas for Polish citizens, while Polish short-term visas would be free of charge for Ukrainian nationals. A precondition for this was the conclusion of readmission agreements with Ukraine and Moldova (as the only CIS states to agree to this) as part of the EU-envisaged regime of border management in the (future) enlarged EU.

The provision of visas free of charge also represented the most significant preferential measure accorded by Hungary to citizens of

Polish short-term visas free of charge for Ukrainian nationals

Ukraine and Serbia and Montenegro. Although, in retrospect, the example of the “Polish model” appears to have played a role in adopting this solution, the move was also favored by representatives of Hungarian minorities in neighboring states and the governments of those states. Public concerns and opposition parties also clearly played a role. In response, the Governments of Ukraine and Serbia and Montenegro did not apply reciprocity for the introduction of visas, and Hungarian citizens can continue to enter these countries without having to obtain a visa.

Preferential conditions

The asymmetric policies introduced by Hungary and Poland include a number of other preferential conditions as well. Firstly, simplified visa application forms containing fewer questions were introduced for the period leading up to full Schengen integration. Persons holding valid visas or residence permits from Schengen states were exempt from the requirement to apply for transit visas to cross through Hungary or Poland. Secondly, both states specified in bilateral agreements with their non-EU neighbors groups of applicants to whom multiple-entry visas would be issued. Poland initially chose to issue visas with a validity of up to one year to persons with established formal business ties and transportation company workers, while Hungary offered multiple-entry visas valid for five years to a broad range of categories of travelers. These categories included people with family ties, those regularly visiting the grave of relatives buried in Hungary, or those involved in enhancing economic, cultural, scientific, educational, etc. relations between the two countries. Poland followed suit when, from November 15, 2004, multi-entry, long-term visas were introduced for Ukrainian citizens with more permanent (family, business or culture and sport-related) ties with Poland to stay in the country for a total of one year within a period of five years.¹²

¹² It turned out that limiting residence to one year seriously put a damper on demand while long-term duration made consuls hesitant to issue such visas. As a result, long-term visas represent a fraction of those issued by Polish consuls.

In view of the forecasted exponential rise in the number of visas that would have to be issued, the Polish and Hungarian governments also introduced procedures to limit waiting times at consulates. All the Polish consulates in the CIS with the exception of Lviv and Lutsk (where over 1,000 applications per day were submitted) adopted the principle of issuing visas on the day of application; and all consulates were to process applications within four working days. The Hungarian authorities specified a five-day long maximum waiting time and, as in the Polish case, decisions were to be taken immediately in emergencies (e.g. to receive medical treatment, to visit a sick family member, to attend a funeral, etc.). This represented a significant departure from the normal period of 30 days allowed for decisions on visa applications. The Hungarian practice also allowed for visas for 15 days to be exceptionally obtained at the border (the Polish Border Guard lost its earlier right to issue visas on the frontier in 2003).

*Procedures to limit
waiting times*

Forecasts about the rise in visa applications proved realistic in both the Hungarian and Polish cases. The total number of visas issued by Hungary more than doubled between 2002 (the last year with no visa requirement for Ukraine and Serbia and Montenegro) and 2003, only to double again from 2003 to 2004. As a result, in two years the total number of Hungarian visas issued increased more than fourfold to reach over 573,000. The number of short-term visas for stays of up to 90 days is given in Table 4.¹³ In 2003, visas issued to nationals of Ukraine and Serbia and Montenegro represented almost 30 percent of the total number of visas issued by Hungary, even though the visa requirements were only in place during the last two months of the year. In 2004, nearly three-quarters of all visas were distributed to citizens from these two countries: 40 percent of all visas were allocated to residents of Serbia and Montenegro and 33 percent to nationals of Ukraine. These figures indicate the scale of efforts needed to maintain levels of pre-visa traffic.

*Number of Hungarian visas
issued increased more
than fourfold*

¹³ A and B type transit visas are not required for Ukrainian citizens and long-term visas for work and other purposes were also required previously.

Table 4.

Hungarian visa statistics from before and after the introduction of visa requirements for Ukraine, Serbia and Montenegro and Moldova

Number of visas issued to citizens of:	2002	2003	2004
Moldova	32,535	42,388	43,079
Ukraine	—	50,393	187,676
Serbia and Montenegro	—	32,449	230,668
All countries	124,172	283,139	573,395

Source: Office of Immigration and Nationality.

Number of visas issued by Hungary in Ukraine only marginally fewer than all the Schengen Member States combined

To put these figures in context, the total number of visas issued by Hungary in Ukraine is second only to Poland, twice as many visas issued by Germany, and only marginally fewer than all the Schengen Member States combined. In 2004, Hungarian consulates in Ukraine issued a total of 212,379 visas. Forecasts of the demand, which was estimated at 250,000 per year in the whole of Ukraine before the introduction of the visa requirement, thus proved to be only slightly excessive. The first quarter of 2005 brought a 13 percent drop in the number of visas issued, down to less than 50,000. Hungary’s liberal approach to visa policy is also reflected in the extremely low rate of refusal to Ukrainian applicants, standing at fewer than 0.2 percent of all the applications placed in Kyiv, and similarly low in the other two offices.¹⁴

Hungary introduced visa requirements for Moldovan citizens as of June 1, 2001. However, mutual visa free travel has been maintained for the holders of diplomatic and service passports and their family members for up to 90 days. Demand for visas and the number of visas issued to Moldovan citizens have been on the rise since the introduction of the visa agreement. An increase of over 30 percent was noted between

¹⁴ To compare: the average rate of refusal at the representations of Schengen Member States in Ukraine was above 13 percent in 2004.

2002 and 2004, up from 33,000 of applications made in 2002 to 43,300 in 2004. The refusal rate remains low (less than one percent of applications filed), although the numbers have risen significantly. The high rate of approval and the low (although increasing) rate of refusal is due to the fact that, until 2004, the visa section did not possess suitable equipment and know-how to filter out falsified documents. Thus quite often it was the border guards that stopped and turned back people who had previously managed to obtain visas with falsified documents. Another possible reason for the recently increasing refusal rate is that, since November 2004, decisions on applications for short-stay (type C) visas are made by the Office of Immigration and Nationality in Hungary and not by the consuls on site.

Hungary introduced visa requirements for Moldova at the same time as Poland (in 2001) and the number of applicants is currently around 40,000 per year. Although Moldova has requested an asymmetrical arrangement similar to the one concluded with Poland, Hungary has refused to grant preferential treatment to Moldovan nationals along the lines applied to Ukrainians or citizens of Serbia and Montenegro.¹⁵ The reasons for this are threefold. Firstly, there is no interest comparable with the cases of Ukraine or Serbia and Montenegro since Moldova is not a neighboring country and there are no Hungarian minorities there. Secondly, opposition is based on public safety considerations since significant numbers of Moldovan nationals enter Hungary legally but exit illegally in transit to the West. Thirdly, issuing visas free of charge would further cut into the budget of the consular system whose work has greatly increased with the introduction of visa requirements. Apart from the cost of the visas, another “deterrent” to applicants is the standard waiting time of 30 days, and the accelerated procedure is only available at a significantly higher cost. On the other hand, Hungary liberalized the policy for Moldovan holders of diplomatic passports, which Poland granted only to Ukrainian diplomats.

Hungary has refused to grant preferential treatment to Moldovan nationals

¹⁵ The Moldovan government concluded an asymmetric visa agreement with Lithuania and is striving to finalize similar agreements with all EU Member States.

Together with Hungary, Poland is among the top countries in Europe in terms of issuing visas, an overwhelming number of which also goes to the country's immediate neighbors. While in 2002, 217,000 visas of all types were issued by the Polish consulates worldwide, in 2003, the first year in which the requirement covered the three neighboring CIS states, the number rose to over 562,000 (out of which over 486,000 were visas for residence in Poland and 60,000 were transit visas). A year later when the new policy towards the eastern neighbors had been in force for a full year, the number had further doubled to over 1,233,000 (out of which only five percent were for transit). The practice of issuing visas is in line with the announced policy of facilitating access to Poland to all persons interested, except those with a proven criminal record or a demonstrable risk of illegal migration. In 2003, a mere one percent of applicants were denied Polish visas and a year later the share of refusals dropped to around 0.75 percent.¹⁶

*In 2003, a mere one percent
of applicants were denied
Polish visas*

As in Hungary's case, the bulk of the rise in the demand for short-term Polish visas came from its immediate neighbors. In the last quarter of 2003, eleven Polish consulates issued nearly 360,000 visas to nationals of Belarus, Russia and Ukraine, of which half went to Ukrainian citizens. This number accounted for around 70 percent of all the visas granted by Polish consulates worldwide in 2003. In 2004, the share of the three nationalities in the number of Polish visas rose to over 85 percent, and nearly half of all Polish visas were granted to citizens of Ukraine.

¹⁶ The number of refusals stood at 5,602 in 2003 and 9,342 in 2004. See *Report on the Work of the Polish Consular Service in 2003*, Ministry of Foreign Affairs, Consular and Polish Diaspora Department: Warsaw 2004, p. 4, and *Report on the Work of the Polish Consular Service in 2004*, Ministry of Foreign Affairs, Consular and Polish Diaspora Department: Warsaw 2005, p. 8.

Table 5.
**Number of Polish visas issued to nationals of three CIS states,
 2003–2005**

Citizenship	2003	2004	1.01–19.04.2005	Total
Ukraine	184,987	575,471	164,364	924,822
Belarus	99,904	278,441	66,560	444,905
Russia	73,564	204,951	54,831	333,346
Total	358,455	1,058,683	285,755	1,702,893

Source: Polish Ministry of Foreign Affairs.

The concentration of demand for Polish visas put considerable strain on the network of 12 consulates in Belarus, Russia and Ukraine. Seven of those consulates, located in the close vicinity of the Polish border (Lviv, Lutsk, Kaliningrad, Brest and Hrodna) or in the capitals of its immediate neighbors (Minsk, Belarus; Kyiv, Ukraine), handled over 90 percent of the applications.

The only Polish consulate in the Republic of Moldova, in Chisinau, issued fewer than 45,000 visas between January 2003 and April 2005. The Republic of Moldova was not covered by the government's New Visa Policy program and visas were introduced for its nationals as early as 2001. However, this country, which was previously far below the three other European CIS members on the Polish agenda, was recognized as the EU's future neighbor and thus a part of Poland's vision for the eastern dimension of EU foreign policy, formally presented in 2003.¹⁷ In April 2004, through an exchange of diplomatic notes and at the initiative of the Moldovan authorities, an asymmetric policy was introduced between Poland and the Republic of Moldova. Effective as of May 28, 2004, in a similar manner to the Polish–Ukrainian policy, visa requirements were dropped for Polish nationals, while Polish consulates now issue visas to citizens of Moldova free of charge.

*Asymmetric policy
 between Poland and the
 Republic of Moldova*

¹⁷ Polish Ministry of Foreign Affairs non-paper on eastern policy, January 2003.

*Moldova classified as a country
with a high risk of illegal
migration*

The preferential arrangements for Moldova were possible due to a readmission agreement between the two countries which had been in force since 1994. Nevertheless a recent trend in illegal border crossings by citizens of Moldova resulted in the Republic of Moldova being classified by European border guards, including Polish ones, as a country with a high risk of illegal migration. Moldovans, as one of the nationalities most frequently intercepted either illegally crossing the Polish frontier in westward transit or engaged in human trafficking, have thus become an object of particular scrutiny from Polish consular and border control services. One of the measures that were introduced in late 2004 was the *de facto* restriction for those nationals to place their applications in the consulate in Chisinau, which enjoys the best access to operational information on this group of applicants.

2.3 Local Border Traffic

As was highlighted above, the bulk of travelers originated from areas in the immediate vicinity of the border. Since the beginning of the 1990s, local cross-border movement was based on bilateral agreements dating back to the Communist period. These agreements allowed residents of border regions to cross the border with a “travel voucher” without a passport or visa for a maximum stay of 10 days. Those policies were appreciated in the early 1990s as shuttle traders could avoid paying a relatively high price for the passport (compared to the prevailing wage levels) by opting for the use of the simplified border crossing passes instead. In the course of accession negotiations, the EU required candidates to terminate those local border policies with their neighbors as they violated the Schengen *acquis*. The candidates argued that the requirement to terminate these agreements for this reason demonstrated the EU’s double standards, tolerating local border traffic within the EU and in some cases on the external EU frontier. The agreement between Italy and Serbia and Montenegro illustrates how an EU member may maintain this policy with a country on the EU black visa list.

The EU's double standards

Although the Hungarian and Polish strategies for visa policies with their immediate neighbors were in many respects very similar, the two countries adopted different approaches to the issue of maintaining local border policies. Hungary pressed on with this issue, while Poland chose to keep a low profile in this regard. The original Hungarian negotiating position in the JHA chapter expressed the intention to keep these agreements in place until internal borders are removed.¹⁸ As the Union threatened that maintaining those agreements would be considered a derogation, Hungary terminated the agreement with Ukraine as of August 1, 2003. As a consequence of this move, the legal movement of Ukrainian nationals into Hungary dropped by 40,000 entries or 14 percent between July and September the same year.¹⁹ Nonetheless, despite the discontinuation of the local border traffic policy, the amount of cross-border movement has not considerably declined in the area in the long run. This was possible as the two former small border crossing-points, which have since received international status, seem to primarily serve the needs of the local population of the border region.

In contrast, there was much less emphasis in the Polish pre-accession strategy on simplified border traffic procedures with its eastern neighbors, as the discontinuation of the simplified policy in 2003 was not followed by any bilateral arrangements. In the words of one respondent, Poland did not want to press for additional concessions considering the Commission's tolerance of the liberal visa arrangement with Ukraine. Poland is, along with other Visegrad states (especially Hungary and Slovakia), interested in the quick entry into force of the *Draft Council Regulation on local border traffic*.

¹⁸ Negotiating Position of the Government of the Republic of Hungary on Chapter 24, 1999.

¹⁹ Down from 278,000 in July to 233,000 in September, Central Statistical Office, January 2004.

3. VISA PROCEDURES ON THE GROUND

The review of the consular and visa policies presented in the first three sections of the report is based on an analysis of national documents, statistics and interviews with civil servants at central ministries. The focus has therefore so far been on the formation of national strategies in the course of accession negotiations in the area of Justice and Home Affairs. This section, based on field research in Ukraine and Moldova, considers and contrasts the experience of consular staff with that of the applicants on the ground.

3.1 Practices Reviewed by Consular Staff

The consuls of the Visegrad states receiving applications from the citizens of Ukraine and Moldova were asked to reflect on their experiences in implementing the new visa policies, that is, the general direction and objectives of the policy and its reception by the host countries. The results reveal that at times there are non negligible differences among the four countries' practices and in the way visa issues are viewed by consular staff on the ground and the central visa administration in the given country's capital.

*Security considerations
were the overriding concern
for Czech and Slovak
national policies*

For instance, while security considerations were the overriding concern for the Czech and Slovak national policies, the consuls of the two countries place emphasis on a willingness to liberalize visa measures. Their views take into account not only the clear guidelines laid down in the legislation, but also the local conditions in the countries of origin. For example, the two states note that Ukraine is the future neighbor of the Schengen area and, along with Moldova, a source of significant migration. Czech and Slovak consular staff recognize the negative effects of the current restrictive travel policy for Moldovans and stress that they facilitate travel conditions in well-founded cases (e.g. through waivers of the deposit).

In contrast, the Hungarian consular staff consider the visa requirements for Ukraine as merely administrative barriers to entry that do not serve as a security filter. Moreover, they consider Hungary's visa policy for Ukraine to be the most liberal among the V4, which goes beyond the Polish model in that it grants visa exemptions not only to holders of diplomatic but also service passports (which covers, for example, members of government, civil servants and military officials). According to consuls, Ukrainian authorities and the public reacted positively to the preferential measures offered by Hungary. However, in light of a prospective cutback in staff numbers following a January 2005 review by the Consular Department of the Ministry of Foreign Affairs, the consuls believed that charging some (low level) visa fees would have made economic sense. Inexpensive (but not free) visas would also facilitate transition to the period after Hungary's Schengen accession, when visa fees will have to be introduced.

Similarly to their Hungarian colleagues, the Polish consuls considered their own government's visa policies as the most liberal among the Visegrad states. This liberal character is reinforced by a unique system of consular independence. Polish consuls have the power to make the final decision on issuing visas, which highlights the role of practical experience in limiting the number of visas issued improperly. However, the officials unanimously call for online access to Border Guard and police databases to limit the number of cases when visas are cancelled by the border guards. Respondents also reported a perception that Polish consuls were under some pressure from their counterparts from Schengen and other Visegrad States to bring the number of refusals closer to the "EU average." Polish policy in Moldova has also been seen as an effort to remain open, yet clearly the country was perceived in a different light than Ukraine. Visas for Moldovan citizens were introduced in 2001 and the consulate in Chisinau was not subject to preparations for an expected increase in the number of visa applications.

Administrative barriers to entry

*Moldova perceived in a
different light than Ukraine*

Infrastructure and staff proved to be insufficient for operating the system

Moldova seems to have been a lower priority for Hungary too. Although the low refusal rate (the number of rejected applications was less than one percent) was well received in the country, technical preparations for the introduction of visas in Chisinau were judged insufficient. Visa traffic after the introduction of the new policy was much greater than expected and the available infrastructure (e.g. the size of the customer service area) and staff proved to be insufficient for operating the system properly. Initially visas often had not been issued by the deadline, there were long lines in front of the consulate and the press repeatedly criticized the embassy’s way of handling the process. Accordingly, the reactions of the government and the public have been negative. Visa issuance originally took place on embassy premises, and the new computerized customer service building was only completed in October 2002.

In addition to their general impressions about the new visa regimes, the consuls also discussed several specific aspects of the visa-issuing services:

- *Online services.* Among the *Polish* consular staff, there is no agreement on the usefulness of the option of making Internet applications available. In Kyiv, the consulate’s website provides information and the application may be printed out. However, this form is not considered to be either popular (likely due to limited Internet access) or particularly useful. In Lviv, the main online service provided is pre-registration, through which 20 percent of the daily quota of queuing coupons is distributed—mainly among preferred groups of travelers such as academics, or business owners. The websites of the *Hungarian* consulates in Ukraine provide all the necessary information concerning the visa application procedure as well as the application form which, however, cannot be filled out and submitted online. It is also not possible to pre-register for an appointment online. *Czech and Slovak* application forms are not available online (with the exception of the Slovak Uzhhorod consulate). The Czech procedures in fact do not provide the option

Czech and Slovak application forms are not available online

to access the visa application procedure via the Internet or by e-mail. Despite the enthusiasm of Slovak consuls for online applications, the issue is under the competence of the Consular Department of the Foreign Ministry. Such a move would require updating the Consulate's technical equipment, since most of the work is done manually (including lengthy and demanding manual searches in the archive of old applications).

- *Collective applications.* The consulates of all four countries have established practices of working with “accredited” or “reliable” travel agencies submitting applications on behalf of groups of applicants. Collective applications are seen as useful mainly because they save time for staff (who do not need to check whether applications are filled out correctly as this is done by agencies) and applicants (who do not have to appear in person). The list of such reliable agencies are carefully maintained and periodically reviewed, and agencies that provide falsified documents or lodge otherwise unsubstantiated applications lose their status. Procedures vary somewhat from country to country. Some consulates for instance perform random checks on applications, while others do not consider this necessary. Similarly, some consulates reserve certain days for processing collective applications only. Less common but ostensibly an option (e.g. at Polish, Hungarian or Slovak consulates) is the practice of individual applications on behalf of another person. In such cases the person submitting the application has to attach a notarized power of attorney.
- *Data processing.* In *Hungarian* consulates, the applicant's data and photo are entered into the Consular Information System, which is linked to the Police and Border Guard databases. Thus, unwanted applicants can be immediately refused. Similarly, in *Slovak* consulates, after an application is submitted, several databases are searched, starting with a database of undesirable persons. In the event of suspicion about a particular applicant, a manual search in the consulate's archive of old applications is performed because

“Accredited” or “reliable”
travel agencies

*Polish consuls do not have
access to police records*

names can be legally changed. The *Polish* practice similarly consists of screening the applicant’s passport and consulting the database of undesirable aliens, managed by the Polish Immigration Office. However, Polish consuls—unlike their counterparts from Schengen (and to some extent, other Visegrad) states—do not have access to police records, which would help them screen out persons who have committed a crime in Poland. As a result, cases have been recorded of Ukrainian and Moldovan citizens with valid Polish visas being turned away at the border by the Polish border guards on the grounds of their earlier criminal record or deportation. One of the short-term remedies could be a relevant addition to the Polish visa application form.

- *Consular investigation and interview.* The more liberal procedures adopted by Hungary and Poland, in which large numbers of visas are issued daily, assume that most applications are handled in a standard way without the requirement of consular investigation. The *Hungarian* procedure followed in both Ukraine and Moldova does not necessarily require all individual applicants to be interviewed by a consul. In the case of *Poland*, an interview with the applicant in Ukraine takes place only if questions persist on the purpose of travel, history of visas issued (and especially refused) or the additional documents attached. Moldovan travelers are checked more strictly, and are also required to show proof of accommodation in Poland. Discretion is granted to consuls in *Slovakia* as well, and special attention is paid when considering applications from the so-called “risk group”—mainly the unemployed and people with low incomes or without stable income. Consuls are, in suspicious cases, allowed to turn down an applicant even if the Ministry of the Interior agrees with issuing the visa. The consul may also specify a particular border crossing which must be used by the applicant when traveling to Slovakia. On the other hand, the consul may also waive some requirements. At the other end of the scale is the *Czech* procedure which requires each applicant to submit his/her

application personally at the consulate and where each applicant is potentially subject to an interview.

3.2 Problem Areas Identified by Consular Staff

The consuls of Visegrad states have pointed out the following problems in the current procedures:

- *Multiple passports in Ukraine.* The fact that Ukrainian citizens may have more than one passport, sometimes containing different versions of their personal data, poses a challenge to the existing database systems. The consuls agree that the databases of undesirables should contain applicants' photographs (currently not available). The multiplicity of passports makes the decision to issue a visa more difficult as an applicant may supply a new passport if his or her old one contained a mark confirming that a visa had been refused before. The practice is in most cases a result of corruption or lack of electronic evidence at the territorial offices of citizen registration and passports. The key problem is the lack of a unique ID number for all Ukrainian citizens, which would be associated with each individual. The taxpayer's ID, used currently, is far from universal and cases of more than one ID per person have been noted. Apart from the lack of a single system for keeping a record of citizens, the consuls mentioned difficulties in obtaining the necessary information on Ukrainian citizens both at home (the Interior Ministry and the Police) and abroad (the Ukrainian consulates in Poland).
- *Local infrastructure.* The Czech consuls concur that to resolve a number of problems related to the conditions of issuing visas, collaboration with the Ukrainian authorities is essential. Since the jurisdiction of the consulate does not extend beyond its premises, there is no formal possibility to regulate activities outside the building, which may involve paid "services" promising to expedite

Key problem is the lack of a unique ID number for all Ukrainian citizens

Unofficial waiting lists

the procedure. Due to the occurrence of illegal or undesirable practices outside the consulate premises (self-organization of unofficial waiting lists), the practice of telephone appointments has been established. The Slovak consulate in Uzhhorod plans to use a system of railings and turnstiles in order to minimize conflicts and better manage the lines. Telephone registration, similar to the online registration used by the Polish Consulate in Lviv, began in August, but a new building which would meet all Schengen criteria appears essential (following the example of the local Hungarian consulate).

3.3 Visa Procedures as Seen by Applicants

To present a picture as seen from the applicants' point of view, independent researchers from Ukraine and Moldova tested procedures at three consulates of each Visegrad state in various locations (in Kyiv, Lviv, Uzhhorod, Chisinau and Bucharest) by submitting applications themselves. However, given the limited number of on-site visits, the results should not be regarded as a detailed evaluation of any particular consulate, but merely as indications of general trends in national approaches to visa issuing. This reflects the fact that firstly, consular networks do not overlap. The Visegrad states are represented in different locations in Western Ukraine (Lviv or Uzhhorod) and serving Moldovan applicants either from Chisinau (Poland and Hungary) or Bucharest (Czech Republic and Slovakia). Secondly, conditions vary by locality both in terms of the consular infrastructure and the pool of applicants (with the actual level of demand varying widely, from several dozen to over a thousand applicants daily). Both of these factors limit possibilities for direct comparisons.

Evaluation of the procedure takes into account the whole application process from an initial inquiry to the first interview (where applicable) and receipt of the visa. Researchers were asked not only to note the

formal requirements and the organization of visa-issuing procedures but also to reflect on the staff's attitudes, with particular attention to service-orientation and non-discrimination.

3.4 Accessing Information and Preparing an Application

In order to ensure an open procedure, access to information that would assist the potential applicant in assessing the duration, complexity and total cost of obtaining a visa is needed prior to a visit at a consulate. Learning the details of the procedure from generally available sources is especially important for applicants who live far away from the location of the consular office. Cases of unnecessary visits to consulates may be further eliminated if persons can assess their own chances of being granted visas. Relatively simple application forms that are easy to fill out on the basis of information provided also reduce waiting time for applicants and staff time invested by the consulates themselves.

First, opportunities for learning the details of the procedure over the phone were tested. All the consulates under investigation have dedicated phone numbers where applicants can receive information on the process. However, not all the numbers are equally well advertised in the various media. Major problems persist in cases where the consulate is located in another country (as with the Czech and Slovak consulates for Moldova), requiring applicants to search the internet or call the telephone information line abroad, in the consulate's location in Bucharest, Romania. A key issue is that only a few consulates offer automated information services outside office hours (roughly from 9am to 4pm on weekdays), but in many cases the office hours are not advertised. Once the appropriate number is obtained, however, callers can generally reach the service without too much waiting as lines are not too busy. Information is generally available in the national languages of the consular locations (Ukrainian and Romanian) and some

Access to information

Major problems persist in cases where the consulate is located in another country

information is also provided in Russian. With the exception of two locations, the person receiving calls was local, but in one location the staff member answering the call did not know the official language of the country. Generally, the researchers found the information provided to be comprehensive (including the step-by-step application procedure and office hours of the consulate), although the researchers have also encountered cases when staff did not answer the phone or questions were answered in an abrupt manner.

A number of the Visegrad consulates have no website

An alternative source of information for travelers is (or would be) the representation's website or other online resource. However, a number of the Visegrad consulates have no website (e.g. the Polish consulate in Chisinau and none of the Slovak consulates in the two countries). No e-versions of the Polish applications are available in Chisinau and Czech application forms are not available electronically either in Lviv or in Bucharest. The Hungarian consulate in Kyiv serves as a positive example as its website contains all the necessary information, including office hours, a full list of application documents, and a phone number that may be used in case of emergency, and the Polish sites in Kyiv and Lviv were also found to be easy to use and quite comprehensive. The websites of the Polish consulates in Kyiv and Lviv and the Hungarian consulate in Kyiv also make the necessary forms available for downloading and printing out, and instructions in Ukrainian are available. In the Polish consulate in Lviv it is also possible for persons, travel agencies and other institutions to register an application online, in which case the confirmation given also indicates the time for a visit to the consulate, thereby allowing the applicant to skip one stage in the procedure.

Complexity of the application forms creates a market for the services of intermediaries

The complexity of the application forms represents a potential barrier to successful completion of the process, and it also creates a market for the services of intermediaries. These range from individuals offering to fill out the application form on the spot for a fee to specialized travel agencies that have the forms available, collect the required attachments and submit the applications on behalf of individuals. This issue is most pertinent in those procedures where mistakes while filling out the form

may be grounds for refusing a visa and little assistance is offered to applicants, as in the Czech case. The researchers found the instructions for the application forms that are provided on the consulates' boards to be unintelligible. While the content of the application forms is nearly identical (they all contain 48 questions), their layout, language versions and instruction forms vary. All the forms are printed in very small font, which is difficult to read. Strongest criticism was expressed about the Czech form, which as a standard in both Ukraine and Moldova is worded in Czech, English, German and Russian only, with no versions in the national languages of the two states.

3.5 Submitting the Application

The next stage of the investigation sought to pinpoint potential and existing barriers to submitting the application during the applicant's visit to the consulate. Although the frequency and duration of periods in which applications are accepted varies from one consulate to another, reflecting the demand for visas in different locations, the real issue is the manner in which the official schedule is interpreted. Nearly all the consulates open their doors on time, but several finish accepting applications after only two to three hours, which in some cases results in a number of applicants not being served that day. The researchers concluded that the schedule of accepting documents was interpreted in favor of the applicants in the Polish consulate in Chisinau, the Hungarian consulates in Kyiv and Uzhhorod, while the manner in which applications were received at the Czech and Slovak consulates was bureaucratic.

The time spent in line from picking up the form to submission of documents varied from 30–40 minutes (the Czech, Hungarian and Slovak consulates in Kyiv) to one hour (the Hungarian and Polish consulates in Chisinau and the Czech and Slovak consulates in Bucharest). In the most extreme cases, the waiting time was as much

The real issue is the manner in which the official schedule is interpreted

Waiting time was as much as two and a half to three hours

as two and a half to three hours at the Polish consulate in Kyiv and the Czech consulate in Lviv. While interruptions in service were usually not extensive, it was noted that in some cases the applicants forming a line in front of a window were left waiting without the clerk giving any estimate of how long they would have to wait and were not directed to other windows. On the positive side, the flow of people was generally efficiently managed, and thus waiting time was not prolonged by confusion or duplication of lines. In cases of very high demand, pre-booking systems were also used.

No facilities for people with disabilities

Physical waiting conditions were variable, but in some cases left a lot to be desired. Customer service rooms can rarely accommodate a large number of applicants and as most procedures allow for only a few persons to stay inside at any given time, the majority needs to wait outside. Unfortunately, even in locations where long lines form, there tend to be no chairs or benches to sit on, no roof to protect against the sun, wind or rain, no bathroom and no facilities for people with disabilities. In several consulates, few or no chairs are available in the customer service room, and whether individuals in need (pregnant women or the elderly) get a seat is left to the courtesy of other waiting applicants.

Non-refundable fees prior to submitting the application

The cost of placing an application is currently not an issue with regard to tourist visas for Ukrainian citizens. Nonetheless, room for improvement has been identified with regard to the cases where fees are still charged. In the case of Moldovan nationals where no visa fee exemptions apply (except for Poland), the Czech, Hungarian and Slovak consulates charge non-refundable fees prior to submitting the application. Moreover, procedures determining the form of payment are very meticulous—for instance, one Czech consulate accepts only certain types of US dollar bills, while payment for Hungarian visa applications needs to be made at a bank in euros, requiring in both cases exchanging the local currency.

3.6 Evaluation of Consular Services by Travel Agencies

Apart from being evaluated by their own staff and independent researchers, the operation of the consulates of the Visegrad states in Ukraine and Moldova was the object of an inquiry, conducted among a total of 19 tourist agencies which cooperate on a regular basis with the respective consulates. A relative geographical balance was sought as, on average, three agencies in each of the six locations (Lviv, Uzhhorod, Kyiv, Odessa, Balti and Chisinau) were contacted. The sample drew on the lists of “authorized” agencies, obtained from some of the consulates and from advertisements in the local press.

The agencies were asked to specify how they cooperate with the consulates, and to define the main problems while receiving visas for Visegrad countries. The very fact that individual applicants resort to the services of specialized agencies to manage their application process indicates a certain complexity of existing procedures. Nearly all the agencies are engaged in filling out applications, supplying information on the required additional documents, arranging hotel reservations in the countries of destination and providing other types of documents (health insurance certificates or cost-of-living vouchers). In addition, institutional invitations are procured for applicants to the Polish consulates in Kyiv, Odessa and Chisinau, and on a smaller scale to the Czech consulate in Kyiv and the Hungarian consulate in Chisinau. Personal invitations are only arranged by a small number of agencies (most notably for applicants to the Polish consulate in Kyiv).

Table 6 contains averages of the mean scores that the representatives of agencies in the three regions (central and southern Ukraine, western Ukraine and Moldova) assigned to various aspects of their relationships with the consulates of Visegrad states. Although in the majority of cases the agencies expressed satisfaction (the high scores of 4 and 5), there is clearly room for improvement, particularly concerning the speed of processing the applications, willingness to explain the basis for the

There is clearly room for improvement, particularly concerning willingness to explain the basis for the decision

decision and a respectful attitude towards the applicant. It should also be noted that, as fewer of the agencies dealt with the Slovak consulates, the results for this country may be less reliable than for the other three.

Table 6.

Satisfaction with cooperation between the consulates of Visegrad countries and travel agencies in Ukraine and Moldova*

Criteria	Czech Republic	Hungary	Poland	Slovakia
Predictable and clear procedure	4	4.3	5	4.3
Speed of handling the applications	3.3	3.7	4.7	4
Willingness to provide information upon request	3.5	4	4.7	4.3
Adherence to rules (as opposed to arbitrary decisions)	3.7	4.3	5	4.3
Willingness to explain the basis for the decision	2.7	3	4	3.3
Respectful attitude towards the applicant	3	4	4.8	3.7

* On a scale of 1–5 where 1 stands for complete dissatisfaction and 5 full satisfaction.

In *central and southern Ukraine*, three tourist agencies in Odessa and three tourist agencies in Kyiv were asked questions about various issues regarding their cooperation with all Visegrad consulates. Odessa tourist agencies deal directly with the local Polish consulate and cooperate with tourist agencies in Kyiv which play an intermediary role in the contact between the other three consulates and Odessa tourist agencies. The majority of the agencies are rather experienced and have been able to develop their own approaches to problems. None of them were able to point out any concrete difficulties or problems in working with

the Visegrad consulates: for instance, no complaints were expressed about the work procedures, which were considered to be relatively clear. Generally, the representatives of tourist agencies believe that the probability of the application being rejected depends to a large extent on each agency's credibility.

In western Ukraine, six tourist agencies (three in Lviv and three in Uzhhorod) were contacted. All Lviv agencies deal with the Polish Consulate in Lviv, while most prefer to deal with the Kyiv consulates of the other Visegrad countries as they complain about the poor standards of work at their Lviv and Uzhhorod consulates. In particular, criticism was raised about the disrespectful attitude towards the applicants and the amount of time spent processing documents at the Czech and Slovak consulates in Lviv. Similarly, Uzhhorod tourist agencies deal directly with the local Hungarian consulate and cooperate with tourist agencies in Kyiv which play an intermediary role in interaction between the other three consulates and Uzhhorod tourist agencies.

Practically all the representatives of the agencies emphasized that, while canceling or lowering the consular fees was important, changing the attitude towards Ukrainian citizens was a key problem that needed to be addressed. Applicants from the western region of Ukraine have experienced biased and disrespectful attitudes on the part of the consular staff. The absence of proper facilities in waiting rooms and the persistent problem of long lines in front of the consulate buildings are also perceived as signs of disrespect towards Ukrainian citizens. The agencies realize that it is administrative difficulties, resulting in long lines and frequently requirements for additional documents, that make many people resort to their services to obtain visas.

In *Moldova*, seven agencies were interviewed—all of them in the capital city Chisinau and one in the northern town of Balti (the Transnistrian region could not be reached). All of them work with the Polish consulate in Chisinau, three out of seven with the Hungarian and Czech consulates and only one with the Slovak consulate. Most of the travel agencies interviewed forecast a steady demand for their services,

No complaints were expressed about the work procedures

Changing the attitude towards Ukrainian citizens was a key problem

but also pointed to the market potential which remains unexplored because of the complexity of procedures. With regard to Slovakia, difficulties in obtaining the national visa was observed in particular as the reason for large demand not being met.

In general the Moldovan travel agencies are not particularly satisfied with the consulates. The most positive attitude is towards the Polish consulate, which has a very open policy towards the travel agencies accredited with the consulate, organizes regular meetings and notifies the travel agencies well in advance about changes in procedure. Due to the facilitation of visa issuing processes Poland became one of the most important tourist destinations and definitely the most important as far as business tourism is concerned. In contrast, the agencies underlined that the overly demanding requirements of the other Visegrad consulates depressed the level of interest in travel to the respective states. Potential tourists were said to be changing their destination and prefer places with less hassle in obtaining the visa. Some agencies interviewed pointed out the discriminatory procedure for the citizens of Moldova. The “Moldovan passport” is treated with suspicion, and the applicants are treated as criminals and “second class citizens.” Others pointed out that the personnel at the consulates (especially the Hungarian representation) were very rude and unprofessional, displaying a general lack of respect for the applicants, in the case of both individuals and travel agencies.

*The “Moldovan passport”
is treated with suspicion*

The Moldovan agencies suggested a number of measures that ought to be taken by the consulates to solve these problems. It was stated that the consulates should appreciate and work with more confidence with the travel agencies that have been proved to be reliable. One agency suggested that the consulates change their personnel and that training in customer relations be required for future clerks. Finally, it was felt that the consulates should work towards simplifying procedures and be more prompt in informing the accredited travel agencies about any upcoming changes.

PART TWO

Cooperation of Visegrad States
in Visa and Consular Affairs:
Constraints and Prospects

4. VISEGRAD COOPERATION EXPERIENCE

The second part of the report goes beyond the experiences of individual countries in the political and technical aspects of visa and consular policies, seeking lessons for the possible cooperation or clash of interests among the Visegrad states. This section relies primarily on interviews with officials, investigating possible political action and influence on EU policy in the area of facilitating visa policy as regards citizens of Ukraine and Moldova for travel into the countries of the Visegrad Group. Seeking to identify potential areas for future joint endeavors, the paper briefly reviews opportunities for V4 cooperation since EU accession and current practices of collaboration among the four countries in Ukraine and Moldova.

4.1 Incentives for Visegrad Cooperation after EU Accession

The experience of negotiating EU accession with the European Commission left the Visegrad Group as a forum for cooperation among the four East Central European states considerably weakened. In essence, the bilateral nature of the negotiations, lack of clarity about the extent of obligations and the conditionality of EU accession led to a situation in which notions of cooperation and coordination among candidate states were affirmed verbally but where, in practice, the V4 countries' relations were characterized by competition. The race for membership was reinforced by the Commission's practice of "disciplining" those states that lagged behind other candidates through regular status reports on the preparation of applicant countries. The EU repeatedly pointed out that strengthening the future external borders and introducing visa requirements towards non-EU neighbors was considered as evidence of the candidates' commitment to, and preparedness for, accession, further increasing pressure on officials working in the four capitals on JHA-related policy areas.

The V4 countries' relations were characterized by competition

Following EU accession, opportunities for cooperation were reinforced

However, following EU accession, opportunities for cooperation were reinforced in a number of policy areas, including visa issues. Firstly, these countries have changed from being recipients of EU policies to co-initiators by gaining access to the Union’s inner decision-making processes. The mode of policymaking in the EU relies on consensus seeking and coalition building, which, in principle, is equally likely to rely on temporary, interest-based coalitions than on formalized permanent groupings like the Visegrad Group. However, the Visegrad countries share specific interests and aspirations that determine their perspectives within the Union that could serve as a basis for articulating a common agenda. An expression of this recognition is that in May 2004, the prime ministers of the four countries accepted a new Visegrad declaration expressing their determination to continue developing cooperation. This cooperation among the four new Member States would focus on their contribution to the development and shaping of EU policies towards Eastern and Southeastern European countries, and in particular the European Neighborhood Policy.

Applications for Schengen entry were submitted jointly

Another area of shared interest is in the four countries’ entering the Schengen system simultaneously. In a common declaration on September 11, 2003 at a meeting of Visegrad interior ministers, the participants committed to joint preparation and harmonized steps towards membership in the Schengen zone. As a result, different expert-level working groups (the Schengen cooperation working group, the SIS-2 working group and a network of lawyers) were set up to help harmonize the Schengen action plans of the four countries, and the four applications for Schengen entry were submitted jointly at the end of 2004. Furthermore, Poland’s proposal that all four countries undergo assessment of their border-control systems simultaneously so that they would join Schengen fully in 2007 was accepted. The countries were also able to agree on a common application for the screening exercise, as well as expressing in the Czech-Polish case the political resolve to seek common entry and be thus perceived as a single unit for the purposes of this policy.

In terms of visa policy, it is important to note an initiative by the Minister of the Interior of Hungary at the Salzburg Forum of November 12, 2004 which included Austria and Slovenia as well as the Visegrad countries. Initially closer cooperation in sharing consulates for visa purposes was envisioned between Austria and Hungary, while remaining open to the other participants of the Salzburg Forum. Detailed conditions for further cooperation are to be worked out by ministries of foreign affairs and it remains unclear whether it would be limited to sharing admission of applications or would also extend to issuing visas on each other's behalf. Although consultations about visa and Schengen policy are being held at the Forum, they currently seem to have significantly slowed down due to differences between countries fully participating in the Schengen system and countries which are only partially involved. The Salzburg initiative has also been criticized as a possible source of competition to the Visegrad framework, creating a certain amount of redundancy in terms of structures.

4.2 Field Cooperation among the V4 Consulates in Ukraine and Moldova

Currently cooperation is quite modest among the V4 in consular affairs in Ukraine and Moldova. The Czech, Hungarian, Polish and Slovak consuls in the two countries noted that the fact that individual countries were facing different problems limited cooperation in strategic/political matters. However, this did not prevent some collaboration at a technical and operational level, primarily consisting of exchange of information and ad hoc consultations.

As the Czech consuls pointed out, the Czech Republic stands apart from the other V4 countries in that it does not share a border with Ukraine or Moldova, and consequently had only marginal interest in cooperation on border management. From the Czech perspective, the issue of short-term visas has been strongly connected with illegal

Some collaboration at a technical and operational level

employment, as tourist visas were frequently used (and abused) by Ukrainians by overstaying the permitted period and taking up employment. Ukrainian citizens have dominated the statistics of foreigners violating the residence/stay policy in the Czech Republic, thus liberalized entry regulations were not envisaged. Some of these sentiments were echoed by Slovak officials. They underlined that visa policy is determined by the sovereign political decisions of respective states, and that this policy area should be treated as a purely internal issue. For that reason, officials interviewed were rather skeptical about the likelihood of future joint Visegrad action in favor of more flexible entry conditions for non-EU neighbors.

Officials skeptical about the likelihood of future joint Visegrad action

The Hungarian, Polish and Slovak consuls agreed that the main positive function of V4 meetings in the pre-accession period was the exchange of information about the respective states' visa policy models. A good example was the lessons that the Hungarian consuls learned from the experiences of the other states as they were preparing to launch their own visa system for Ukraine. The Visegrad consuls in Kyiv agreed that EU accession fundamentally altered the scope of V4 cooperation among their consulates in that location. Regular meetings on visa and consular issues for just the four states were considered to be of some use before EU accession. For instance, representatives from candidate countries posted to Kyiv met on a regular basis before the introduction of visa requirements. In the current, post-EU accession but pre-Schengen enlargement phase, regular meetings in a broader forum (EU and Schengen) have taken on additional significance which the separate cooperation of new members (including the Visegrad Group) cannot match. These meetings are useful as tools of information exchange as well as of the harmonization of visa requirements (e.g. required documentation, required means of financial subsistence) necessary for full integration into the Schengen system.

EU accession fundamentally altered the scope of V4 cooperation

In contrast to doubts as to the usefulness of continued high-level Visegrad consultation on visa and consular policies, operational collaboration (especially information exchange) remains an essential

Operational collaboration remains an essential part of day-to-day work

part of day-to-day work. Consuls, especially those with long experience in the area, make their decisions by occasionally asking for the “good services” of their colleagues from the consulates of the Schengen states or Visegrad countries. The need for cooperation is particularly strong in those locations where only some consulates are represented. In Uzhhorod, where among the V4 states only Hungary and (since 2000) Slovakia have consulates, relations between the two consular offices were quickly established. Operational cooperation appears to be of particular importance with regard to Moldovan nationals who apply to the Visegrad consulates in Chisinau and Bucharest. The geographical distance between the Czech and Slovak consulates on the one hand and the Hungarian and Polish ones on the other, and the common perception of a relatively high risk of illegal migration and transnational crime in this case, represent important incentives for exchanging information between the consulates. In 2004, the idea of shared Hungarian–Czech offices in Moldova (where the Czech Republic is currently not represented) and Belarus (where Hungary is currently not represented) was raised, but not realized, primarily due to logistical problems.

5. EVALUATION OF THE NEED FOR FURTHER COOPERATION

5.1 The Scope of Visegrad Cooperation in Visa Affairs

As shown above, simultaneous, quick integration into Schengen represents an axis around which the collaborative efforts of the ministries of the interior and border guards of the Visegrad states have developed. The majority of officials from those institutions interviewed

stressed that any national or multilateral scheme for cooperation in the JHA area should under no circumstances derail or slow progress towards Schengen accession. In particular, the idea of enhancing consular cooperation among the V4 states for residents of Ukraine and Moldova was received with great reservations or complete rejection by the Czech and Slovak officials interviewed. They noted that their countries adopted an EU-driven approach to foreign policy, giving precedence to deepening integration over maintaining special relations with non-EU countries.²⁰ This approach was considered to have been vindicated by the abolishment of visa requirements by Ukraine for all EU states, whether or not former “preferential” or “special” relations existed between a given EU country and Ukraine.

The Czech approach was wary in the pre-accession period of V4 cooperation to the extent that it might interfere with the top priority of EU membership. Although this anxiety has lessened, the prevailing consensus is that the importance of the Visegrad collaboration should not be overestimated. Officials made it clear that in the event of a conflict between full integration into the Schengen system and V4 cooperation in visa policy, the Czech Republic would give priority to the former. In fact, concerns have been raised that, at times, the Visegrad forum could be used by some states—notably Poland—for pushing their national agendas. This turned into a problem as the Czech Republic needed to find a “diplomatic niche,” other than Ukraine, for itself, as relations with that country were perceived to be virtually monopolized by Polish diplomacy.

*Ukraine virtually monopolized
by Polish diplomacy*

Moreover, the absence of an external border makes the Czech Republic the least preoccupied of the V4 with relations with the EU’s new neighbors. The only potential concern might be border policy with Slovakia, which is expected to be resolved by simultaneous Schengen accession. The legal and political priority of the EU regulatory

²⁰ D. Kral, “Enlarging EU Foreign Policy: The Role of New EU Member States and Candidate Countries,” *Europeum*, Prague, 2005.

framework also implies that Czech officials perceive EU institutions as most effective for future negotiations with Ukraine and Moldova, and expect that a new visa policy for the two countries will be primarily the result of EU deliberations. Nonetheless, while the EU's eastern neighborhood is not considered to be an issue of vital national interest, Czech policy does not exclude the possibility of joining other EU states in initiatives to boost foreign policy in this direction.

While Slovakia is likely to stress the need for Visegrad cooperation and could take a more proactive stance regarding EU-Ukraine relations, its policy position has in many respects been close to the Czech attitude. The prospects for future liberalization of the visa policy with Ukraine and Moldova are first of all subject to the overriding concerns with border and state security. Slovakia's openness to liberal solutions in visa affairs also depends on Ukraine's ability to minimize threats arising from transnational criminal networks.

The two other Visegrad countries stressed much more strongly their continuing role in presenting the specific concerns of the EU's eastern borderlands. Both the Hungarian and Polish officials stressed that, in view of setbacks in regional cooperation in the pre-accession period, trust needed to be built up for consular cooperation to go beyond the current level of exchanging information. The experiences of the officials at the Polish Ministry of Foreign Affairs with institutionalized Visegrad cooperation were generally discouraging until accession, as they saw Poland isolated in its emphasis on and proactive policy toward Ukraine in visa affairs (as well as generally) outside the EU framework. The decisions of the Czech Republic and Slovakia to introduce visas in 2000, in spite of the Visegrad resolution calling for a harmonized policy on the issue, were thus taken as signs of the group's inability to reach consensus.

Hungarian respondents pointed to the common concern with Poland that increased EU harmonization involves increasingly strict regulations which are likely to make travel of third country nationals into the EU more difficult. Of primary concern are the financial resources needed

Poland isolated in its emphasis on and proactive policy toward Ukraine

Upon full accession to Schengen visa fees will be harmonized at a level that might be prohibitive

for cross-border travel: upon full accession to Schengen, Hungary and Poland will no longer be able to offer visas free of charge. Visa fees will be harmonized at a level that might be prohibitive for citizens of the two countries' eastern neighbors. Hungary and Poland believe that it is also in the other Visegrad countries' interest to push for the possibility of offering lower, preferential visa fees for specific groups of travelers following Schengen accession. Some visa facilitation on the basis of the Kaliningrad example seems to be a likely line of argument vis-à-vis the other EU members (where EU-Russia negotiations on visa facilitation could be taken as a precedent).

Another issue which has been raised by the Hungarian officials interviewed is an EU initiative to harmonize entry conditions of third country nationals to EU Member States, which would include setting a common level for the required means of financial subsistence. The current plans for required financial means are in the range of €30 to €100 a day. Making entry conditional on the possession of such amounts of money could prevent many members of the Hungarian minorities and other Ukrainian nationals from entering Hungary. (The current amount required by Hungary is HUF 1000, i.e., around €4 per day). Besides the much lower wage levels in these countries, applying the same requirement on financial means across the board would also be unreasonable, since most travelers to Hungary who are members of the Hungarian minority stay with relatives and not in hotels. Hungary and other new members on the external border should try to push for a different approach to third states within the EU, treating nationals of countries with close ties to EU members differently.

An area of agreement among the respondents from all of the four states is that, without political will at the national government level, change in the scope of V4 cooperation cannot be expected. So far, political initiatives have been confined to common declarations about early accession to the second phase of the Schengen *acquis*. However, these declarations had very limited practical effect. Respondents agreed that the appropriate forum for introducing new ideas should involve the

ministries of foreign affairs since they bear the main responsibility for consular and visa policy, but should also rely on cabinet level decisions.

5.2 Why Should the V4 Countries Cooperate in the Visa Policy Field?

Among the potential benefits of various forms of continued Visegrad cooperation in visa affairs, those officials interviewed see both financial and political advantages. For smaller states, a possible budgetary gain could be realized by sharing resources and through the common processing of visa applications. For Hungary or Slovakia, for instance, it may be beneficial to be represented in all locations, including ones where they currently have no national consular representation, without having to maintain consular posts or build up the required technical infrastructure. There may also be a time advantage in the context of slowly developing ideas in the EU on “euro-consulates,” as cooperation among the V4 would probably take less time to formalize and thus allow the four countries to be forerunners among EU Member States. Finally, there is a not negligible advantage arising from the fact that bilateral relations with the third countries concerned are likely to improve as access to visas becomes easier.

*Allow the four countries
to be forerunners among
EU Member States*

For Poland, enhancing consular cooperation could be a means of promoting its vision of eastern policy. Warsaw currently feels relatively isolated in its continued efforts to bring Ukraine closer to the EU. The support of its Visegrad partners would give an important boost to Poland’s credibility in Kyiv’s eyes, as well as constituting a political gain in demonstrating progress towards a balanced eastern dimension to EU foreign policy. Poland could also benefit from demonstrating its ability to cooperate with the other new Member States prior to a simultaneous entry into Schengen.

On the other hand, the Czech Republic will be the only new Member State with no external Schengen border. While this position

appears to make the Czech Republic a “net winner,” “net beneficiary” or even “free rider” of the system, and account for the lower priority of the Schengen agenda in Czech policymaking, it also grants the country certain flexibility to bargain in this regard. The Czech Republic could thus relatively easily earn some political capital that may be “traded in” in future negotiations on the EU level.

In fact, Czech-Slovak relations could represent the easiest and most natural relationship for consular cooperation as it would build on a common precedence of sharing and/or coordinating diplomatic and consular premises. After the “negotiated divorce” of Czechoslovakia, the two successor states had to divide diplomatic services. In practice, this frequently meant splitting diplomatic and consular premises (if separable) or temporarily sharing the only building for diplomatic services of both new states. Although this co-existence did not last long (the prestige of the new states required full and standard diplomatic representation), the experience might provide a basis for future practical cooperation between consular offices.

5.3 Obstacles to Further Cooperation

Notwithstanding Ukraine’s diplomatic efforts, the new EU Member States have been constrained in their ability to bring about a change in the attitudes of EU institutions and pre-2004 Member States. The interviewed officials noted a clear mismatch between the ambitious European agenda the Yushchenko administration put forward as it came into power in Ukraine and the more reserved stance of the EU concerning the visa issue. Ukrainian demands for “liberalization” contrasted sharply with the “facilitation” or “flexibilization” of visa relations offered by the EU. While liberalization would require a change in the *acquis*, facilitation is described as a modification of practice within limits set by Schengen rules. It may be concluded that, although the Schengen *acquis* (and EU law in general) did not eliminate national

policies, the freedom of maneuver it leaves for Member States is far less than that expected by eastern neighbors and Ukraine in particular.

Most officials interviewed in the V4 countries were skeptical about the possibility of Visegrad visa cooperation for their eastern neighbors. They emphasized that Schengen accession is the priority, and consequently V4 frameworks were more likely used, if anything, for aligning preparations for Schengen entry. Some see a potential conflict between Schengen accession and V4 visa cooperation, arguing that regional harmonization of visa policy implementation in a subgroup below the EU-level would be against the (spirit of the) *acquis*, even in the limited areas still under national competence. Thus, the only possible form of cooperation would be to jointly apply pressure towards preferred common *EU action* in visa policy.

*Schengen accession is
the priority*

Other potential obstacles to visa cooperation, in the respondents' view, included the time needed to develop such a scheme, concerns about possible loss of national sovereignty, and technical and data protection problems in harmonizing procedures. Officials also felt that it would be too costly to harmonize national practices in the few areas still in national competence, and incurring these costs is unnecessary as the issues will be covered by EU harmonization in the future.

Internal differences of interests among the Visegrad countries should also be considered. It was suggested that the V4 would not be the best forum for harmonizing visa policy towards eastern neighbors given the different situation of the Czech Republic from the other V4 countries. In fact, new Member States located along the eastern border of the EU had more interests in common than the four Visegrad countries. Other divisions separated big states from small states (Poland vs. the Czech Republic, Slovakia and Hungary) and countries with significant national minorities outside the EU border from states without such a minority (Hungary vs. Poland, Slovakia, the Czech Republic).

Some recent broader political developments could have a further negative impact on opportunities for cooperation. The political uncertainty related to the elections in the Czech Republic, Poland and

Hungary in 2005/2006 limits the chances of new political initiatives from the current governments of these countries. In addition, the fallout from the German visa scandal and the outcomes of the French and Dutch referendums raise the political costs and risks associated with any proposal to facilitate access to the Union by travelers from countries to the East.

6. EVALUATING CONCRETE WAYS TO ENHANCE COOPERATION AND FACILITATE ACCESS

6.1 Solutions within the Visegrad Group

In the course of the field research, officials in the V4 ministries interviewed were asked to evaluate the prospects of the following three potential forms of cooperation among Visegrad states to facilitate the movement of Moldovan and Ukrainian nationals:

- a) requiring no transit visa from travelers possessing short-term visas for other EU Member States (in particular Visegrad);
- b) requiring no short-term visa from travelers with legal residence in another EU Member State (in particular Visegrad);
- c) consular representations of Visegrad countries accepting applications from citizens of Ukraine and Moldova for short-term visas to other Visegrad countries, carrying out interviews, forwarding applications to the destination state for final decisions with a suggestion, and issuing the visa to the applicant (“partial representation”).

The first two of the proposals are not far removed from current practices and yet they could have a positive impact in the short term (or at least until the V4’s Schengen accession). In fact, the current visa agreements between Poland and Hungary on the one hand and Ukraine

on the other include a clause similar to options a) and b) with respect to Schengen states. Ukrainian nationals who hold a short-term Schengen visa do not need a transit visa to travel through Poland or Hungary, and those who hold a long-term Schengen visa or residence permit do not need a short-term visa for Poland or Hungary. Although these clauses violate the Schengen *acquis*; they have been thus far overlooked by the EU because a proposal has long been on the table to enable new Member States to accept Schengen visas as national visas even before their Schengen accession. The question is whether such a decision can be reached and implemented before the Schengen accession of Visegrad countries.

The third proposal is more controversial. Firstly, some possible practical questions emerged such as the question of how the circulation of documents would be compatible with the short deadlines on issuing visas currently offered by Hungary and Poland. Possible communication problems in application procedures and the divergent staff training procedures have also been indicated. More importantly, however, officials interviewed generally saw no need for partial representation since, in their view, the current system is sufficient for meeting demand for visas in Ukraine and Moldova. Questions have also been raised as to whether partial representation would make sense at all after Schengen enlargement: since visa conditions would have to be harmonized, a more ambitious form of cooperation, full representation by another state, would make more sense. This would not only bring greater budgetary advantages, but would also assure that the country with direct experience in the location would make the decision. Partial representation could also be made obsolete by the long-term perspective of a *common European consular body*.

While partial representation among Visegrad states may not be feasible or even desirable, the officials concerned identified exchange of information to improve efforts to combat cases of fraudulent applications as one area where enhanced V4 cooperation would be highly beneficial. Several interviewed officials raised the idea of sharing information

*No need for partial
representation*

*Exchange of information
to improve efforts to
combat cases of fraudulent
applications*

about a person expelled from a V4 country even before accession to the Schengen II system, noting also with regret that currently there is no standard procedure for the mutual exchange of lists of rejected persons between the embassies/consulates of V4 countries.

6.2 Shaping EU Policy

An area of possible cooperation mentioned by officials was joint promotion on the EU level of visa facilitation for nationals of Ukraine. Possible policy proposals could range from securing preferential treatment for Ukrainians (e.g. reduced visa fees or multiple-entry visas for certain groups of travelers, such as residents of border regions) to the long-term aim of removing the country from the EU “black list.” In light of persisting concerns in several EU countries over dropping visa requirements for countries such as Ukraine and Moldova, an alternative approach would be for the Visegrad countries to push for clear criteria for placing and removing countries from the black list. This way the EU decision could be based on monitoring and rewarding countries individually, rather than opaque political decisions and possible double standards regarding a group of countries. However, few practical measures concerning either EU policy towards Ukraine specifically or the black list generally have appeared as part of the Visegrad agenda so far. This is perhaps not surprising as there is no agreement on the question as to whether a visa exemption for Ukraine was indeed a shared interest of all four Visegrad countries.

*Clear criteria for placing
and removing countries from
the black list*

A precondition of any form of visa facilitation by the EU towards Ukraine would be the strengthening of Ukrainian border controls and the conclusion of an EU-Ukraine readmission agreement, with which the existing bilateral and EU-level agreements would then have to be harmonized. An EU-Ukraine readmission agreement would in turn raise the question of Ukraine’s porous eastern borders and the conclusion of a Russia-Ukraine readmission agreement. Consequently,

one way to increase Ukraine's chances for qualifying for the EU's "white list" is to step up cooperation and assistance to Ukraine for improving border management on its eastern and northern borders, which is in the common interests of both the EU and the Visegrad countries. To make EU assistance more efficient, it would be reasonable to "internationalize" existing JHA support given separately to Poland, Slovakia, Hungary and Ukraine.

The Visegrad countries could also help Ukraine more in the area of early prevention of illegal migration, for instance through joint training programs on border protection standards for representatives of border services from both the Visegrad states and Ukraine. Such programs should include representatives from police and judicial bodies as well, aimed at facilitating cooperation and coordinated action between them in the field of JHA. The Visegrad countries could support the idea of having permanent liaison officers from Ukraine at the respective border control units on their borders with Ukraine and vice versa.

However, in the long run, visa policy needs to be dissociated from questions of illegal migration or criminality. Visa policy towards Ukraine and Moldova has been interconnected, and is to some extent mixed up with, the issue of illegal migration and protection of the EU external border in the public debate. Thus, a communication strategy would need to be developed to improve the public's understanding of the issues involved. The Visegrad countries could play an active part in the EU JHA debate to shape, and potentially correct, still pervasive negative "Schengen stereotypes."

6.3 Using National Visa Policies

Notwithstanding EU action, it must also be remembered that the Visegrad countries will be authorized to issue national long-term visas for third-country citizens (multiple-entry visas valid for a stay of up to six months within one year) even if they join the Schengen Treaty

Step up cooperation and assistance to Ukraine for improving border management

Joint training programs on border protection standards

Visa policy needs to be dissociated from questions of illegal migration

National long-term visas for third-country citizens

*To address the needs
of the borderlands*

by 2007. This solution could be applied to address the needs of the borderlands in easy cross-border movement of local residents.

The Hungarian policy aimed at easing the travel of ethnic Hungarians outside its borders may be a good example in this respect. In the aftermath of the unsuccessful referendum in Hungary on granting Hungarian citizenship to ethnic Hungarians (which would have made them double citizens), Prime Minister Ferenc Gyurcsány announced the introduction of a new type of residence visa (“D” type visa), the so-called national visa, that aimed at easing travel for ethnic Hungarians (in particular minorities living in Serbia and Montenegro and Ukraine) into Hungary. In June 2005, the Hungarian Parliament amended the 2001 Act on the Entry and Stay of Foreigners accordingly and, as of January 2006, the special residence visas—valid for five years for multiple entries and for practically unlimited stays—will become available. To comply with community rules, these visas will not entitle the holder to work or study in Hungary.

Similar precedents exist in the Schengen area, e.g., the specific visa arrangements for local border traffic between the two Spanish provinces Ceuta and Melilla and the two bordering Moroccan provinces Tetuan and Nador. This option should be seriously considered by the Visegrad countries in terms of its eventual application to Ukrainian citizens living in bordering regions along the future EU eastern border. However, it would only be a feasible option provided that the Ukrainian authorities prove their ability to ensure that the issuing of residence certificates for Ukrainian citizens in their respective regions is transparent and free from abuse.

CONCLUSIONS

Prospects for aligning V4 consular and visa policies towards Ukraine and Moldova are far from rosy. The four countries do not consider themselves as natural allies. Instead, they seek the partnership of other EU Member States—like Germany for Poland or Austria for Hungary—or are waiting for EU-level solutions, such as the initiative to create a European diplomatic service by November 2006 or the adoption of the draft Council Regulation on local border traffic.

Although all the Visegrad states eased access to visas for Ukrainian citizens following Ukraine's recent goodwill measures towards the EU, differences persist among the four countries' general approach. On the one hand, the Czech Republic and Slovakia introduced visas earlier, citing EU accession requirements and perceiving visas primarily as a security measure. This position, close to that of most EU Member States and the Commission itself, makes the visa-issuing process the first barrier against potential illegal immigrants and is most concerned with the protection of domestic labor markets and social security systems. On the other hand, Hungary and Poland—responsible for some of the longest stretches of the external EU border—generally consider visas not so much a tool to fight transborder crime but as instruments of foreign policy. The two countries delayed imposing visa obligations on Ukrainian nationals, and also sought to mitigate negative consequences for cross-border traffic from countries of particular importance by investing in and expanding their consular networks and by facilitating access to their visas. In the current asymmetric regimes Polish visas are free for Ukrainians and Moldovans, and Hungarian visas for nationals of Ukraine and Serbia and Montenegro.

As a result of these differences in approach and outlook, current national visa policy arrangements vary far more among the four states than they did in either 2000 or 2003, and this situation is likely to remain unchanged for some time. The Czech Republic and Slovakia have consistently affirmed that any cooperation in JHA should be

Prospects for aligning V4 policies are far from rosy

Differences persist among the four countries' general approach

conducted within the EU framework, and have generally been content with the Commission’s proposals for the European Neighborhood Policy. Poland and Hungary have their own particular reasons for adopting more liberal solutions: in the former case, it is a comprehensive “eastern foreign policy,” and the latter, the importance of maintaining close relations with ethnic Hungarians and the states in which they live around the Carpathian Basin. This may explain why only Poland extended the preferential, asymmetric solution to Moldova and, in turn, why the issue of local border traffic was of somewhat more interest to Hungary.

National perceptions also differ as to whether, to what extent, and why the current disparate visa policies should be harmonized. Poland, which issues more visas to Ukrainian residents than all three of the other states combined, looks not so much for financial or logistical savings as broader support for its “eastern policy” and more specifically ideas on offering Ukraine a European perspective, with the latter objective shared, perhaps with lesser intensity, by Hungary. The Czech Republic and Slovakia are primarily interested in quick integration into the Schengen system and the abolition of controls on internal borders.

Nevertheless, continued EU integration has led to intensified technical and operational cooperation among the ministries of the interior, foreign ministries, border guards and police forces of the four states, which gave some momentum to flagging Visegrad cooperation itself. The institutions involved in implementing the JHA and Schengen *acquis* maintain frequent contact both within the Visegrad framework and at EU forums. The four states agreed to submit a single application for simultaneous evaluation of compliance with Schengen standards; anticipating joint entry in 2007. EU accession has also encouraged the Visegrad Group to define some tangible issues in which their common voice would represent added value to their national efforts. The common statement by the foreign ministers of the four states on the situation in Ukraine, issued on December 7, 2004, and the decision to send observers to the elections reflected renewed interest in Ukraine’s

Intensified technical and operational cooperation

Common statement by the foreign ministers of the four states

stability.

In the short to medium term, limited, trial forms of on-demand bilateral cooperation—such as exchanging information, forwarding applications, helpdesks at another state's consulate—could be introduced in selected locations and areas where such schemes would clearly improve access to the visa procedures for a significant number of applicants. These practical measures would be at best partial solutions, which, given the V4's integration into the Schengen system within the next few years, could even be seen as diverting resources and efforts from Schengen accession or as inferior to proposals tabled at the EU level. However, partial solutions, based on genuine demand from both the Visegrad Group's eastern neighbors, and a willingness of individual Member States, or interest-based coalitions of states, to meet that demand are still the most certain way forward.

PART THREE

Key Recommendations

a. Agenda for Visegrad Cooperation on the Path to Schengen and Beyond

1. *Exchanges of best practice should take place regularly both between ministries and among consuls* of the Visegrad countries. The first type of consultations would involve sharing daily experiences with such issues as applicant interview techniques, selection and relations with travel agencies, and verification of documents from third countries, while the second would cover required changes in infrastructure, work organization and IT support.
2. A regional forum of the consular administrations of the Visegrad Group should review procedures currently applied by the consulates of the four states and draft the *Visegrad Consular Professional Standards*. This should set guidelines towards customer service best practices, describing an “ideal consulate of a Visegrad state,” to be implemented upon full Schengen accession.
3. *A common list of documents* required for the submission of applications in all the consulates of the four Visegrad countries should be drafted prior to entry into Schengen. The agreement would guarantee that, with the exception of justified but limited cases (e.g. suspicion of prior involvement in illegal activities), no other documents would be requested by any consular office. The list should be made available to applicants through the consulates’ websites, telephone information systems, travel agencies and the local media.
4. *Fast-track visa application procedures* could be created on a pilot basis at Visegrad consulates as incentives for categories of travelers that are of the greatest interest to the Visegrad states such as legitimate business people, professionals, students or researchers. The procedures would need to cover the entire application process, starting with online registration with fixed appointment times, unambiguous lists of required documents, and dedicated times and

places for interviews. Once the fast-track application procedures are proven to be successful in attracting the most desirable visitors and are at the same time safe from abuse, they may be extended to all travelers.

5. As part of the alignment of their national systems with Schengen, *V4 states should exchange operational information on persons deemed undesirable by any of them.* Lists of undesirable persons, including the reasons for their inclusion in the record (such as past involvement in criminal activities, human trafficking or illegal employment) could initially be made available upon request and in time could be regularly and routinely shared. While that information would not bind consuls to a decision, it would provide an important “alarm signal” requiring that the case be reviewed and thoroughly checked.
6. In the period leading up to full inclusion into the Schengen zone, *each of the Visegrad states should design national medium and long-term visa policies* covering categories of travelers with more permanent ties to these countries, such as students and academics, business people, family members or ethnic compatriots.
7. Measures should be taken to ensure that *only genuine tourists or persons with explicit and definite short-term reasons for visits receive short-term national Schengen visas.* As part of preparations for the adoption of the Common Consular Instruction, consuls of Visegrad states ought to strive to interview each applicant and verify his or her actual reason for visiting.

b. Visegrad Cooperation and Ukraine and Moldova

8. In the short to medium term, the national authorities from V4 states should develop procedures for *access for all EU consuls to*

information on visa applicants' criminal records, places of residence or economic activity status in line with the recommendations contained in the EU-Ukraine Action Plan. Managing a unique identification system for the citizens of Ukraine and Moldova needs to be included in the objectives of broader EU assistance to those states as part of migration management collaboration.

9. Visegrad states should *focus EU assistance in the JHA domain to Ukraine and Moldova on developing a reliable Ukrainian ID system* to eliminate the possibility of easily changing personal information. This database of Ukrainian passports should be made available to every EU consul, allowing data to be scanned and the application process for customers and consulates to be simplified by providing all the necessary information about each traveler. The database should be set up even prior to the extension of the SIS system as currently not all V4 countries have online systems integrated with police records that would help detect forged identification documents.
10. *Visegrad Border Guard services should develop common multilateral programs for training their Ukrainian counterparts* in detecting forged documents and verifying the purpose of travel to lower the number of persons refused entry.

c. Visegrad Agenda for the EU and Schengen

11. *Collaboration should be intensified with existing successful schemes involving other EU members*, such as the Salzburg Forum or the Baltic states. Bringing in “old” EU members would reinforce the notion of the compatibility of multilateral solutions within the EU with further integration, including Schengen.
12. Cooperation within the Visegrad Group or other regional settings aimed at improving relations with third countries, such as Ukraine

or Moldova, should include *a new communication strategy aimed at EU Member States*, explaining benefits as well as costs expected from such a step.

13. *The persistent interest of Ukraine’s neighbors as well as of the Czech Republic*, which has extensive experience with Ukrainian immigration, in *a balanced, harmonized visa policy in the framework of the European Neighborhood Policy should also be communicated towards the EU25*. Communication with other EU Member States should stress the new Member States’ awareness of the specificity of East European cross-border movement, as well as their openness to cooperation with other EU Member States.
14. *The Visegrad Group’s public statements should identify and acknowledge the competencies that some of the V4 states have in specific policy areas and communicate them to the European Commission and “old” EU Member States as part of the Visegrad states’ shared commitment to developing “friendly border” policies.*
15. *The states of the Visegrad Group should propose to the Council and the Commission that Schengen visas be set at a minimum level, substantiated by presenting the benefits of the visa-waiver programs adopted by the Visegrad states towards Ukraine and by Poland towards Moldova.*

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