

EUROPEAN UNION INITIATIVES IN TACKLING MIGRATION AND ORGANIZED CRIME AT ITS NEW EASTERN BORDER

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Abstract: *The EU migration strategy in relation to its new eastern neighbours has started to take shape. Among other things, it includes: applying the Global Approach to Migration to the eastern regions neighbouring the EU; securing the necessary funding for migration management through the European Neighbourhood and Partnership Instrument (ENPI) and the Thematic Programme for the cooperation with third countries in the areas of migration and asylum; promoting mobility partnerships and circular migration; concluding short-term visa facilitation and readmission agreements; and opening the first Common Visa Application Centre in the capital city of the Republic of Moldova. In addition, the EU has improved its regional focus by the help of the Black Sea Synergy European Commission Communication and extended for 2008-2009 the mandate of its Border Assistance Mission to Moldova and Ukraine (EUBAM), which is set to tackling irregular migration, drugs and cigarettes smuggling, and stolen cars and guns trafficking.*

Key words: *EU initiatives; EU eastern border; migration; asylum; organized crime*

Introduction

The EU Member States have recognized the need for immigrant labour because the EU population is aging. At present, more than 30 percent of the working population in Germany, Finland, Belgium, Italy and Austria is at least 50 years old. Up till 2050, the EU working population is expected to decrease by 30 percent, and the number of European citizens beyond 65 years old out of the total population will constitute 28 percent in Germany, 37 percent in Spain, and 34 percent in Greece. Overall, by 2050 a third of the EU population will be over 65 years of age (Frattoni, 2007). Labour shortages, which are already evident

in many Member States in some sectors e.g. in healthcare and agriculture, are likely to increase in the near future (Sleptova, 2003). To ensure that there is sufficient population of working age, the EU will have to accept 79.6 million immigrants in the next 50 years, i.e. 1.4 million a year.

At present, the EU immigration policies are marked by ambivalences and ambiguities. Characteristics of these policies include: territorial exclusion of some groups of immigrants; containment of the free movement of citizens from certain EU Member States within the EU; protection of some immigrant groups from discrimination while discriminating against other groups by categorizing immigrants to the EU; special programmes for the protection of immigrant women and children; the utilitarian recruitment of "favoured" categories of migrants, while their presence within the EU is subject to temporal, social, political, and economic restrictions. These ambiguities are rooted in

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contradictory policy logics, especially those of criminal justice, labour market, foreign policy and development, and gender equality policies. There is a need for the “diversity of harmonization” of the EU immigration policy and for an adequate multilateral migration management that will include all stakeholders in migration policy, ranging from old Member States to new Member States and the EU neighbouring countries.

A common immigration policy still remains a remote prospect. However, in recent years, the EU has made much progress with a comprehensive migration strategy. It has secured the necessary finances to take further action. The European Commission, endorsed by the Parliament, has allocated almost 4 billion euros to migration issues in its 2007-2013 financial programme.

Cooperation with third countries is an essential part of the EU migration strategy. In order to work much more closely with third countries, the EU is developing a number of new tools, including assisting countries that are interested in putting together detailed *Migration Profiles* so as to have the relevant information on which to base practical measures; building *Cooperation Platforms* bringing together third countries, EU Member States and international organisations to ensure effective migration management; and creating *Migration Support Teams* consisting of experts from EU Member States to provide assistance to third countries that ask for it (Frattini, 2007).

Both Member States and the EU now put particular emphasis on the need for a “global approach”. What’s more, taking into account that approximately one third of all third country nationals living in the EU are nationals of Eastern and South-Eastern European neighbouring countries and the Russian Federation, the EU has developed a series of

migration management initiatives to tackle migration at its new eastern and south-eastern borders efficiently.

Applying the global approach to migration to the eastern and south-eastern regions neighbouring the European Union

In December 2005, the European Council adopted the Global Approach to Migration, focused initially on Africa and the Mediterranean region. In its Conclusions of December 2006, the European Council called on the Commission to put forward proposals “on enhanced dialogue and concrete measures” for applying the Global Approach to the Eastern and South-Eastern Regions neighbouring the EU. As a result, in June 2007, the European Commission has issued the Communication no. 247 *Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union*. This Communication focuses mainly on the regions neighbouring the EU to the east and south-east:

- Turkey, the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia, including Kosovo);
- The European Neighbourhood Policy (ENP) partner countries in Eastern Europe (Ukraine, Moldova and Belarus);
- The Southern Caucasus (Armenia, Azerbaijan and Georgia); and
- The Russian Federation.

Premised on the “migratory route” concept, this Communication addresses the countries of origin and transit:

- The Middle Eastern ENP partner countries (Syria, Jordan, and Lebanon), Iran, and Iraq;

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- Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan);
- Asian countries including China, India, Pakistan, Afghanistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia.

The necessary framework for a bilateral dialogue exists with all of ENP partner countries in Eastern Europe, with the exception of Belarus. Migration policies are already discussed in depth with Moldova and Ukraine in relevant sub-committees. Migration issues have been also raised at the regular EU-Ukraine Justice, Freedom and Security (JLS) ministerial troika and during meetings of the Cooperation Committee and Cooperation Council. The Commission considers it essential that dialogue and agreements on mobility issues be enhanced between the EU and the ENP partner countries (COM (2007) 247 final).

Mobility partnerships and circular migration

In May 2007, the European Commission (EC) published its Communication on Mobility Partnerships and Circular Migration.

The main idea of the *mobility partnerships* is that the EU would work more closely at tackling illegal migration while citizens from these countries would benefit from enhanced possibilities of mobility between their countries and the EU. Mobility partnerships could offer a mechanism which would enable the EC to directly negotiate with third countries the national quotas set by Member States on the basis of their labour market needs. To put it alternatively, Member States would continue to determine the number and type of jobs available in their labour markets but the EU would negotiate with third countries on the basis of the combined quotas. Within the framework of mobility partnerships, the EU

could also provide better information about labour markets and offer skills and language training, as well as financial assistance in areas linked to the management of legal migration. According to the EC, the concept of “mobility” will become a key element for the development of the EU migration management strategies in the approaching decade.

In its turn, *circular migration* provides a flexible approach to addressing labour needs in certain countries of destination and development needs of certain countries of origin. For the EU, the main priorities are return of skilled migrant workers from the EU to their home countries to foster development, labour migration to the EU to meet identified labour needs, and incentives and safeguards encouraging the return of migrants and ensuring that circular migration of migrants to the EU remains circular. As a voluntary and cooperative process catering to labour needs of the countries of origin and destination, circular migration will certainly bring benefits to all parties.

As rightly pointed out by a recent study published jointly by the International Bank for Reconstruction and Development and the World Bank, circular migration programmes may be instrumental in resolving the key migration paradox: the demand for migrant labour coexists with meagre public support for permanent migration — particularly unskilled migration — in many European and middle-income CIS countries experiencing demographic decline. Moreover, circular migration may have the potential to facilitate development in countries of origin by increasing migrants’ human and financial capital, facilitating international skill transfers, building cross-border trade and investment, and preventing the long-term separation of families (Mansoor and Quillin, eds., 2007).

Nevertheless, the proper implementation of circular migration schemes is a function of multiple variables, including governments' capacity building to facilitate circular migration, the possibility of transferring social security and pension rights, ability to preserve cultural ties between migrants and their families, and the existence of a mix of incentives and safeguards to facilitate circular migration. In terms of incentives, the importance of ensuring adequate admission/readmission and integration/reintegration measures for circular migrants is a key factor. Regarding outward mobility from the EU to third countries, incentives for migrants, such as the portability of social welfare benefits and pensions, career breaks, and flexibility in the workplace, are also important. Concerning inward mobility to the EU, incentives include the issuance of multi-annual permits, multiple work permits (permitting to change employers) and pre-departure information courses. In their turn, safeguards to ensure that migrants return from the EU to their countries of origin include development bonuses or saving funds for returning migrants, special housing projects, or business start-ups. Broader safeguards could include monitoring mechanisms to verify the return of migrants to their countries of origin, or mobility partnerships linking employment offers with commitments of third countries to readmit their nationals.

On July 20, 2007, the EC organized a consultation meeting with the EU Member States about circular migration. The meeting was the first in a series of consultations that aimed to establish agreed parameters on the definition, operating mechanisms, and the framework for the future circular migration initiatives between the EU and third countries. By the end of 2007, the EC hopes to establish pilot projects between the willing EU Member States and the selected third countries. A

similar and parallel consultation process is taking place on mobility partnerships; the first states-only consultation was organized on July 24, 2007.

The EC will conduct a series of further consultations with the EU Member States about circular migration in order to develop common elements for a circular migration scheme in the European Council Conclusions by the end of 2007. The EC will try to link the ongoing consultations on circular migration and mobility partnerships, and it has proposed to the EU Member States that mobility partnerships be used as a framework for circular migration initiatives. In EC's view, the new thematic budget line on migration and asylum could be a possible mechanism for funding circular migration projects.

On the one hand, the EC Communication of May 16, 2007 on Mobility Partnerships and Circular Migration should be seen against the background of the existing legal migration policy programme of the EU that began with the Hague Programme. On the other, the EC Communication should be seen in the context of two legislative proposals in the area of economic migration adopted by the EC later on, on October 23, 2007. One of the proposals concerns the admission of highly skilled workers. Another proposal deals with the rights of foreign nationals legally employed in the EU. The rest of the planned directives on the admission of seasonal workers, intra-corporate trainees, and remunerated trainees are scheduled to be introduced during 2008. No common admission regulations for other categories of migrants, for instance, low-skilled workers, have been scheduled.

European neighbourhood and partnership instrument

Today, the European Neighbourhood Policy (ENP) is the principal instrument that

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connects the countries from Eastern Europe with the EU. This policy is undergoing a broad and thorough process of assessment and change. A complete revision is expected under an "ENP plus" umbrella. It is intended to redesign the character of future relations between the EU and ex-Soviet countries after 2008, following the completion of the Action Plans with Moldova and Ukraine. Given Romania's proximity to the countries covered under the ENP and understanding of the challenges facing the region, the Romanian government is very interested in this dimension of the ENP.

The ENP helps turn the external borders of the EU into the centre for coping with major security problems (visas, immigration, asylum, crime prevention, fight against organized crime, etc.). The Action Plans already include major actions in the European Union's area of Freedom, Security and Justice and envision the possibility for neighbouring countries to become parties in different European and international programmes.

The ENP Action Plans for the ENP partner states in Eastern Europe put forward measures for cooperation in migration, visas and asylum conditions, fighting terrorism, prevention of crime, money laundering, drugs smuggling, and weapons trafficking. Moreover, the Action Plans identify the possibilities for strengthening cooperation to strengthen the system of justice and police, including the cooperation with the European agencies such as EUROPOL and EUROJUST.

In terms of funding for 2007-2013, the ENP benefits from the European Neighbourhood and Partnership Instrument (ENPI), which belongs to the category of "general instruments to support directly the European foreign policies," together with the Pre-Accession Instrument (PAI) and the Development Cooperation and Economic

Cooperation Instrument (DCECI). This rather new financial instrument complements the existing instruments (TACIS, MEDA) and functions based on the neighbourhood programme experience previously undertaken in 2004 - 2006. Funding is channelled to fulfil the following key objectives: promote sustainable development in the border regions; ensure cooperation in environmental protection, public security, and prevention conflicts and organised crime; improve border management; and promote cross-border cooperation locally and people-to-people contacts (Pop *et al*, 2006).

The ENPI finances joint projects, proposed by and for the benefit of the EU Member States and the neighbouring countries. Its implementation requires, mainly, the combination of the ENP objectives within the cross border and trans-national cooperation programmes with the economic and social cohesion policy objectives.

Between May 25 and June 30, 2007, Eurobarometer conducted a survey in 27 EU Member States for the EC. The survey confirmed that a significant majority of people in the EU Member States support efforts for increased cooperation with the countries neighbouring the Union. Strong majorities of those polled consider it important, or very important, to cooperate with neighbouring countries on tackling organized crime and terrorism (89 percent) and immigration (71 percent). There is a substantial support for political aspects of the policy: 62 percent of those interviewed believe that working closely with neighbouring states can reduce illegal immigration. A clear majority (61 percent) believe that cooperating with neighbouring states can produce mutual benefits for the EU and its neighbours, but 79 percent of those interviewed are concerned about the cost of such cooperation.

EUBAM

The customs and border dialogue between the Republic of Moldova and Ukraine has entered a new phase after a failed attempt in September 2001 to establish joint Ukrainian-Moldovan control posts on Ukrainian territory. In spite of the agreement for tougher and joint control of the Moldovan-Ukrainian border, the situation did not improve significantly, because the uncooperative Transnistrian authorities stalled the progress.

Subsequent customs dialogue was focused on the reestablishment of joint control posts, particularly on the separatist segment at Moldova-Ukraine border (including Kuchurgan-Pervomaiskoe and Kuchurgan-Novosavitskoe). This bilateral dialogue was mediated by the EU and continued by the OSCE.

During March and May 2003, an observation and evaluation team, mandated by the OSCE, carried a fact-finding mission in the separatist region and developed a number of recommendations for an international mission under the OSCE mandate. As a result, the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) was established. The mandate for EUBAM was initially approved for two years (2005-2007), but in March 2007, it was extended for 2008-2009. EUBAM has no executive power, and it cannot enforce legislation. However, it may ask for additional checks at the request or upon suggestion from competent services.

The first year's record of the monitoring mission of Moldova-Ukrainian border is encouraging, as illegal migration, drugs smuggling, trafficking of stolen foreign cars, and chicken meat smuggling decreased. Additionally, the implementation of modern container checking techniques proved effective for finding illegal guns and unmarked cigarettes.

Even more significant is EUBAM's medium term impact. First, it demonstrated the EU involvement and presence in the region, proving the EU ability to organise an important mission rather quickly. It gave a better understanding of the regional situation and a more effective policy orientation for Moldova and Ukraine. Second, it improved significantly the communication and trust between border authorities of the neighbouring countries. Third, the Needs Assessment and Recommendations Report (NARR) will provide guidance for the border reform and modernisation processes in the two neighbouring countries.

The EU has been preparing the second phase of its monitoring mission in the greater framework of the *Concept on ESDP missions at the frontiers*, drafted by the General Secretariat of the Council. This document envisages a new approach for tackling the new border security challenges and risks resulting from the eastward and southward expansion of the EU. As a consequence, shortcomings of the first phase, like steel smuggling, will be dealt with during the second phase with the help of EC. In order to combat organized crime, joint teams of policemen and prosecutors will be created.

Black Sea Synergy

With the accession of the two Black Sea states, Bulgaria and Romania, to the EU, the security and stability of this area have become of immediate concern to the EU. As a result, on April 11, 2007, the EC launched the Black Sea Synergy, a new EU cooperation initiative for the Black Sea region under the framework of the ENP. The initiative aims at developing cooperation within the Black Sea region and between the region and the EU. This initiative adds a much needed regional dimension to the ENP and implements the Commission's

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December 2006 proposal to that effect. Before the initiative, the ENP included mainly bilateral instruments in the form of the Action Plans. The Black Sea Synergy complements the EU's already substantial efforts to promote stability and reforms in the countries surrounding the Black Sea and completes the network of regional cooperation frameworks in the EU's neighbourhood by adding another region to the Euro-Mediterranean Partnership and the Northern Dimension.

Significant opportunities and challenges exist in the Black Sea area and they require coordinated regional action. At first, the Black Sea Synergy will focus on these challenges, cooperation sectors of common priorities, and other areas, in which the EU presence and support are already conspicuous. A key cooperation area is managing movement and improving security. The EC's document stresses the importance of improving border management and customs regionally, presents the EU Border Assistance Mission for Moldova and Ukraine (EUBAM) as a success story, and underlines its linkage with the Commission's Communication *Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union*, which offers new opportunities for managing migration better and tackling illegal migration.

Furthermore, the Commission encourages the countries in the region to develop further practical cooperation on combating general cross-border crime by capitalizing on the experiences of other initiatives in South-Eastern Europe and the Baltic area, sharing best practices, introducing common standards for saving and exchanging information, establishing early warning systems relating to trans-national crime, developing training schemes, and fully utilizing experience, activities, and infrastructure of the Regional Centre for Combating Trans-border Crime

(SECI Centre) in Bucharest and the Black Sea Border Coordination and Information Centre in Burgas (COM(2007) 160 final).

The thematic programme for the cooperation with third countries in the areas of migration and asylum

Building on the experience of its predecessor, AENEAS, the new Thematic Programme will support third countries in their efforts for improving migration management in all its dimensions. The focus will be on countries along the southern and eastern migratory routes towards the EU, although other migratory routes and south-south migrations will also be covered.

The new Thematic Programme for the cooperation with third countries in the field of asylum and migration was established through the European Parliament and Council Regulation that was adopted on December 18, 2006, through a co-decision procedure. The Thematic Programme is endowed with €380 million (excluding the allocation for covering administrative expenditures) for the period 2007-2013, which means a yearly average allocation of approximately €54.5 million per year. If compared to the yearly 40 million budget under the 2004-2006 Aeneas Programme, this figure represents a substantial increase in funding. However, this increase will be felt only gradually.

The 2007-2010 Multi-Annual Indicative Programme adopted on June 22, 2007, details the financial allocations for sub-regions for the first four years of the programme. Three quarters of the available allocation will fund actions linked to a specific migratory route or a sub-region. These allocations will mostly fund projects that will be selected through competitive procedures and by means of Calls for Proposals launched yearly by the European Commission. The first Call for Proposal was launched in the autumn of 2007.

In addition to the initiatives targeting the migratory routes, € 28 millions will be directed to five global initiatives or the initiatives involving more than one of the aforementioned migratory routes or sub-regions. These initiatives will focus on the following themes:

- Migration and development;
- Labour migration;
- Asylum and refugee protection;
- Smuggling and trafficking in human beings;
- Illegal immigration.

Additionally, the allocation of €20 millions will be reserved for funding so-called "special measures." This reserve could be used to finance interventions in third countries, in the event that great risks exist for human rights, lives, and safety of migrants, the border security and public order in the country, or any other country affected by the same migratory flow (including the EU Member States). In particular, this financial assistance is justified whenever the migration situation rapidly deteriorates and a timely financial assistance can improve the situation.

Actions under the new Thematic Programme will complement the migration and asylum initiatives developed under the ENPI, the Development Cooperation Instrument, and the European Development Fund. Geographically, the funding for the Thematic Programme can be spent for actions benefiting any country in the ENP region (including the Russian Federation) and any developing countries in Latin America, the Caribbean, Africa, Asia, and the Pacific Region. However, the Thematic Programme cannot finance actions in the countries that are potential or actual candidates to the EU membership, as these countries may be funded only through the Instruments for Pre-Accession (COM(2006) 26 final).

The programme will include the following activity areas:

- Linking migration and development, especially by encouraging the contribution of diasporas to the development of their countries of origin and increasing the value of migrants' return; mitigating brain drain and promoting the circular migration of skilled migrants; facilitating financial transfers by migrants to their countries of origin; supporting voluntary return and reintegration of migrants and building capacities for migration management; and fostering capacity building efforts to help countries in formulating pro-development migration policies and in managing migration flows jointly.
- Promoting well-managed labour migration, by informing about legal migration and conditions of entry and stay in the Member States of the Community; providing information on labour migration opportunities and needs in the Member States and on qualifications of third country citizens wishing to migrate; supporting pre-departure training for candidates for legal migration; and encouraging development and implementation of legislative frameworks for migrant workers in third countries.
- Fighting illegal immigration and facilitating readmission of illegal immigrants, including between third countries. A special attention to be paid to fighting smuggling of and trafficking in human beings; discouraging illegal immigration and raising awareness of the risks related to it; improving capacities in the areas of border, visa and passport management, including the security of documents and the introduction of biometric data, and detection of forged documents;

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implementing effectively readmission agreements concluded with the Community and obligations arising out of international agreements; and assisting third countries in the management of illegal immigration and in the coordination of their policies.

- Protecting migrants, including the most vulnerable, such as women and children, from the risk of exploitation and exclusion through measures including improvement of legislation in the field of migration in third countries; supporting integration, non-discrimination, and measures for protecting migrants from racism and xenophobia; and preventing and fighting trafficking in human beings and slavery.
- Promoting asylum and international protection through regional and other protection programmes by strengthening institutional capacities; supporting the registration of asylum applicants and refugees; promoting international standards and instruments on the protection of refugees; supporting the improvement of reception conditions and local integration; and working toward lasting solutions.

The new Thematic Programme should be seen against the backdrop of the Hague Programme, which called on the European Commission to submit the second-phase instruments of the Common European Asylum System (CEAS) to the Council and the European Parliament with a view to their adoption before the end of 2010.

In June 2007, Franco Frattini, the European Commissioner responsible for Justice, Freedom and Security issued a comprehensive package on asylum, including a Green Paper. The Green Paper is designed to stimulate a broad debate among all the

relevant stakeholders: the EU institutions, national, regional and local authorities, candidate countries, third-country partners, intergovernmental and non-governmental organisations, academia and the social partners. The package includes two other documents: a proposal for a Directive extending the possibility to obtain Long-Term Residence status to beneficiaries of international protection; and an evaluation report on the Dublin system, which determines which Member State is responsible for examining an asylum application. The results of the debate on the Green Paper will set out a roadmap for the Commission's work towards the achievement of the Common European Asylum System by 2010.

The EU Common Visa Application Centre

Following the Hague Programme, on May 31, 2006, the Commission presented a proposal to the European Parliament and the Council, in order to formulate the legal framework for consular offices of the Member States and to enhance consular cooperation.

The aim has been twofold. On the one hand, sharing of premises, staff, and equipment between the participating countries would lead to a better use of resources. On the other hand, it would make visa issuance process more accessible.

In addition to existing forms, new forms of consular offices became possible: co-location, common application centres, and outsourcing. These initiatives are explained below:

- Co-location means that consular staff of two or more Member States are sharing the equipment of the host member state in its consulate;
- Common application centres means that consular staff of two or more Member States are pooled in one

"neutral" building for receiving visa applications;

- Outsourcing means collaboration with the external service providers to create "call-centres" for scheduling appointments or receiving visa applications, including biometric identifiers.

This initiative laid basis for an entirely new development in the common visa policy. It has introduced new forms of cooperation such as Common Visa Application Centres that will receive and process visa application. Consular staff of two or more Member States will be located in a single building, and visa applications will be transferred to the member state responsible for the decision.

Establishment of the Common Visa Application Centres and the introduction of biometrics in Visa Information System (VIS) will reinforce internal security and facilitate legal travel to EU. As registration of biometric identifiers will become a part of the visa application procedure, the Common Consular Instructions (CCI) will have to be amended and include regulations governing collection of biometric identifiers. Each Member State will process and issue decision on visa application for that particular state. In particular, outsourcing raises very important questions of data protection, and these issues will be discussed in-depth at the European Parliament and among the Member States.

When presenting the proposal to the Justice and Home Affairs Council, Vice-President Franco Frattini suggested that pilot projects should be launched for creating such centres.

Moldova was identified as one of the most relevant countries for the programme, because Romania's accession to the EU affected the application process for the Member States' visas for Moldovans. As only a very small number of the Member States are represented in Chisinau, Moldovans now need

to travel to their representations in Romania. Anyhow, since Romania introduced visa obligation for Moldovan citizens, Moldovans need first to obtain a Romanian visa to travel to Member States' representations there.

With participation of Austria, Slovenia, and Latvia in August 2006, Hungary opened the first Common Visa Application Centre on the premises of its embassy in Chisinau. Later on, Denmark and Estonia have also joined the project. Other Member States that do not have diplomatic representations in Moldova have expressed an interest in this initiative.

To establish the Common Visa Application Centre, Hungary signed a Memorandum of Understanding with Moldovan authorities and concluded bilateral agreements with the participating Member States on details of their cooperation. The Centre started operating on April 12, 2007, and the official opening took place on April 25, 2007, when Franco Frattini paid a visit to Moldova.

The Centre has capacity to handle about 10,000 applications a year. It collects visa applications for transit, airport transit and short-stay visas on behalf of the participating Member States. The applications are collected in the Centre (scanning of passports and pictures) and then sent at least once a week to the processing consulates. Each application package includes a hard copy of the application, supporting documents, and a reusable smart card with basic data and a photo of the applicant. The smart card contains a photo of the applicant. In the future, the smart card will include also applicant's fingerprints.

The Centre allows Moldovan citizens seeking visas for the participating countries to submit their applications and undergo interviews in Chisinau, instead of being obliged to submit their visa applications abroad (in Romania or Ukraine).

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The Republic of Moldova has lamented the difficulties its citizens in obtaining Schengen visas. To obtain a Schengen visa, Moldovans must travel to neighbouring countries, because only two Schengen Member States have consulates in Moldova.

In addition, many Moldovans complained about the "visa for visa" practices, i.e. the fact that they should go to various neighbouring capitals, in order to get visas for Western European countries. High costs involved (travel, room and board, sometime consular "pocket money") may sum up to 14 times more than the actual cost of the visa. In 2002, for instance, there were 76 embassies accredited for Moldova, but only 11 with headquarters in Chisinau. The rest of them were located in Moscow, Kyiv, Bucharest, Budapest, Sofia, Athens, Ankara, and Prague. In order to travel to Slovenia, Moldovan citizens had to travel to Budapest and apply there for a Slovenian visa. A Slovenian visa cost only US \$ 40, but the actual cost of getting it was around US \$ 550 (Gheorghiu, 2002). Moldovan nationals travelling to Former Yugoslav Republic of Macedonia (FYROM) were confronted with the same "visa for visa" practice. Prior to reaching Skopje, a Moldovan national had to get a Bulgarian visa, travel to Sofia, and there obtain a visa for FYROM.

In light of these difficulties, it is no wonder that many Moldovans preferred to appeal to the services of (more or less ghost) firms specialized in getting Schengen visas. Those services were all but cheap, varying according to the urgency in getting them from US \$ 650-800 in 2-3 months to US \$ 2,150 in two days. However, they allowed the applicant to avoid the hassles of travelling to consulates. Services for getting visas for Israel were particularly expensive. Moreover, some countries did not approve visas at the border.

Against this backdrop, the Centre marked the first step to the harmonization of the application of the Common Consular Instructions (CCI) and the future Common Visa Offices. However, the main shortcoming of the Centre is the limited number of participating countries; key destination states as Turkey, Greece, Italy, and Portugal are not included.

The EU-Moldova short-term visa facilitation and readmission agreements

In 1991, a "model" readmission agreement was signed by five states of Schengen zone - Germany, France, Belgium, the Netherlands, and Luxembourg - and Poland. The agreement referred not only to the citizens of contracting parties, but also to citizens of third parties or persons without citizenship who entered the territory of the Schengen countries through Poland. The agreement was soon followed by the decision to grant Polish citizens a visa free travel regime in the Schengen states. The agreement was then used by Germany as a basis for its project of a recommendation to the Council for a specimen of a bilateral agreement of readmission between a member state of the EU and third countries, which was eventually adopted by the Ministries of Interior by the end of 1994. In 1994-1996 Germany became also the first EU country to sign a different kind of readmission agreement, with countries seen as net providers of irregular immigrants, including Algeria, Bulgaria, Bosnia and Herzegovina, FYROM, Pakistan, Romania, and Vietnam. As they were intended to facilitate deportation of irregular immigrants, these agreements applied only to the citizens of contracting parties (Pidluska, 2002).

According to a Communication on the common readmission policy released by the European Commission in October 2002, the

readmission agreements are based on a set of reciprocal undertakings by the European Union and third countries, as well as detailed administrative and operation procedures aimed at facilitating the return of illegal residents to their country of origin or transit. The important aspect is that readmission agreements stipulate the obligation to readmit both nationals of the country with which the EU has signed the agreement and people who are not citizens of the concerned state such as stateless persons or people of another jurisdiction who entered the EU illegally from the country in question, or vice versa.

In political terms, the readmission agreements can be defined as an effective mechanism for managing illegal migration flows. It is a major element in the fight against illegal migration helping stabilize immigration. Moreover, these agreements help halt international smuggling, which, to a great extent, partially represents illegal migration in Europe.

At its current stage, this EU policy is mandatory: the EU does not accept agreements on association, cooperation or other similar agreements, as long as this "compulsory provision" is not confirmed by the third countries. The "compulsory provision" on readmission is stipulated as obligatory in the treaties that the EU concluded with more than 70 countries, most of which are developing countries.

On December 19, 2006, the Council of the European Union mandated the European Commission to negotiate agreements on the facilitation of short-term visa and on readmission between Moldova and the European Community. According to the Treaty Establishing the European Community, Title IV, the decision was taken unanimously. The documents are of special importance for Moldova. The first act is a sort of accelerator

for the facilitation of certain categories of Moldovan citizens' travels in the Schengen area and for deepening and strengthening the inter-human relations between Moldovan citizens and those from the EU Member States. The second act stipulates that illegal migrants must return to their homelands and compels countries of origin to contribute financially. These measures create a foundation for a stronger and more effective cooperation in coping with illegal migration and strengthening border control.

So that citizens of the participating states benefit from the ENP, the EU launched negotiations on the facilitation of procedures of issuing visas to certain categories of persons: students, researchers, businessmen, NGO representatives, journalists, and public servants. These procedures were initiated in order to give the European Neighbourhood Policy (ENP) a "more human" side, as Benitta Ferrero Waldner, the Commissioner for External Relations and ENP has put it.

In order to be successful in its pending negotiations with the EU on a facilitated visa regime, on January 1, 2007 Moldova abolished visas for EU citizens and opted for an asymmetric visa regime with the EU. This has had the beneficial effect for Moldova, as it increased its revenues from tourism, trade with, and investment from the EU Member States.

On October 10, 2007 the Agreements on the facilitation of the issuance of visas and on readmission between the Republic of Moldova and the European Community were signed in Brussels and on October 17, 2007, the Moldovan government adopted the Decision on the approval of the draft law on the ratification of the two documents.

The short-term visa facilitation agreement enables a restricted number of Moldovan citizens to obtain visas under a simplified regime. However, the agreement does not

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remove visa requirement for most Moldovans (except for holders of diplomatic passports) or simplify the visa issuing terms for applicants.

However, the short-term visa facilitation agreement offers several advantages. The document simplifies processing of visa applications and keeps visa processing fee at the current level of €35. The Council did not change the fee, even though it amended the Common Consular Instructions and the Common Manual introducing €60 fee in June 2006. The agreement limits duration of the visa application processing to 10 calendar days from the date the application and required documentation are received.

At the same time some essential disadvantages of the agreement could be anticipated. Simplification of the visa application process will affect only certain categories of applicants who would be allowed to obtain multiple-entry visas with longer periods of validity and without having to pay handling fees. For this reason, the agreement would divide the Moldovan society into two groups: the few privileged who can get a multiple-entry visa and benefit from a simplified procedure (fewer documents required for visa application) and from a visa application fee waiver, and the vast majority of ordinary citizens who cannot enjoy such advantages. This could generate frustration, a sense of discrimination, and create a perception that the EU is interested only in the Moldovan elite. The EU may be seen in a negative light. As the privileged categories will include journalists, business persons, and drivers, the favouritism might easily lead to corruption. For instance, some persons may try to submit counterfeit confirmation of being journalists or drivers. If these practices become widespread, the relationship of trust between the EU and Moldova could suffer.

It is not by chance that the EU imposes the readmission as a mandatory condition

in exchange for a facilitated visa regime. The readmission agreement sets out clear obligations and procedures for the authorities in Moldova and the EU Member States about timelines and procedures for the readmission of illegal immigrants. Currently, Moldova is still the country exporting migrants of Moldovan and foreign origin. Illegal immigration flow from the EU to Moldova is not so palpable as to raise special concerns for the EU migration policy. Nonetheless, there is a risk that the existing illegal migration channels will be used by criminal groups involved in trafficking of drugs, human beings, etc. This potential threat propelled the EU to sign the readmission agreement with Moldova.

One of the major problems of the readmission agreement is its unilateral character. The readmission is a "compulsory provision" of the EU policy imposed on certain countries on the basis of clear-cut criteria. Another problem is incompleteness. For instance, according to the Seville EU Council Conclusions, starting in June 2002, if a third country refuses to cooperate, the EU Council, by an unanimous vote, can "fully use the existing Community mechanisms" as a part of the EU foreign policy in order to honour the Union's contractual commitments. Yet, the types of mechanisms that the EU can use are not stipulated.

The lack of prior discussions is another problem for the readmission agreement. Usually, if a state wants to sign an agreement with the EU, initially, the so-called "prior talks" are held. But it seems that the EU has never consulted with non-EU states about the readmission. Morocco, Pakistan, and the Russian Federation have refused to the launch of negotiations on this matter for more than two years. Talks with Russia

started only after the EU and the Russian Federation had agreed on the status of Kaliningrad, following Lithuania's accession to the EU.

An eventual problem would concern stateless persons and aliens. Once the Moldova-EU readmission agreement enters into force, Moldova will be responsible for the return of Moldovan citizens, stateless persons, and foreigners. The country will have to assume financial and other commitments pursuant to the readmission agreement. Cases involving stateless persons and persons of other jurisdictions will require greater efforts, because the EU readmission agreements necessitate corresponding agreements with other states and thus trigger a "chain reaction." In order to ease the readmission of persons belonging to other jurisdictions, readmission agreements will have to be signed with the countries under the jurisdiction of which these persons are. These countries tend to be those with high level of emigration, such as China, Russia, Uzbekistan, Kazakhstan, etc.

Despite some structural advantages the agreement can provide, it is not advantageous for countries of origin or third countries, such as Moldova. So long as Moldova signs no readmission agreements with other countries of origin, it runs the risk that illegal migrants will settle down on its territory. Under the readmission agreement, illegal migrants will have to be departed to Moldova, and therefore, they will try to find alternative ways to return to the EU by crossing the countries that have not signed the readmission agreements with the EU. However, the fact that the agreement was signed before the entering into force of the EU-Ukraine readmission agreement (2008) is a positive development.

Although readmission is seen as a unilateral policy focused only on controlling illegal migration, the conclusion of this agreement can have some positive repercussions. Both for Moldova and Ukraine, the readmission is a condition for a facilitated visa regime, and it is a possibility for the economic and commercial cooperation with the EU. Ukraine will be the first Eastern European ENP country to negotiate a free trade agreement immediately after its accession to the World Trade Organization. Accordingly, after signing and implementing the readmission agreement, Chisinau is in the position to conclude further agreements that have the readmission as a mandatory provision, including a free trade agreement.

Another advantage resides in the financial benefit and the possibility of capitalizing on the EU's experience in migration. Often, readmission agreements encompass financial, material, and technical assistance and other incentives. The incentives can be used after the conclusion of the agreement. After nearly one year of negotiations, the EU and Ukraine have agreed on a draft agreement regarding facilitated visa issuance. It was initiated at the Tenth EU-Ukraine Summit in Helsinki on October 27, 2006, by the EC Commissioner Benita Ferrero-Waldner and the Foreign Minister of Ukraine Boris Tarasyuk. The EU accepted some provisional clauses negotiated by Kyiv, including a two-year grace period that would allow Ukraine to prepare for the implementation of the agreement. Consequently, the readmission agreement will enter into force only in October 2008.

In sum, one could conclude that whereas a common immigration policy still remains a remote prospect, in recent years the EU has made much progress with a comprehensive migration strategy, including in relation to its new eastern neighbours.

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