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Przyjazna Granica Friendly EU Border

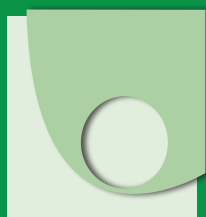
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What can be changed regarding visas? Visa policy upon Poland's accession to the Schengen Zone

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Visa policy is one of the most important instruments in the shaping of relations between the European Union and its neighbouring countries. Even though the visa regime is regarded as an element of the policy towards a given country, it should be borne in mind, that it actually affects the citizens of that country. The basis of visa policy should therefore be structured towards a specific society and not a given country in general. It is worth remembering that direct contact with the European Union is for the inhabitants of neighbouring countries the most effective method to experience rules of democracy and a market economy. The situation in Poland and other postcommunist countries from Central Europe: the Czech Republic, Hungary or the Slovak Republic, whose citizens quickly obtained the ability to travel to UE countries without visas, serves as a positive example from the past. It is not inappropriate to state that this situation influenced the pro-European stance to an enormous degree and was beneficial in carrying out much needed reforms in those countries.

The chance to visit the European Union countries may therefore be one of the most effective methods of building pro-Reformist/pro-European attitudes among the current EU neighbours. It is necessary to convince not only the elite of a given country about the benefits emerging from integration with the EU, but above all, so-called "ordinary citizens". A thesis may be ventured that good relations with the EU and its neighbouring countries are not feasible if the obligation to require a visa is in force. This is also why one of the fundamental issues regarding the relations with the neighbours should be the lifting of obligatory visas to the EU for the citizens of these countries. This concerns not only the Western Balkan States, but also Eastern European countries which are part of the European Neighbourhood Policy (ENP) and Russia. It is worth noting that such a solution, as a long term aim, is part of the agreement regarding the issuing of visas signed by Russia, Ukraine and Moldova as well as the Western Balkan States. In the case of the Balkan States – Albania, Bosnia

and Herzegovina, Macedonia, Montenegro and Serbia this perspective is more advanced mainly due to the “road maps” leading to a visa-free movement prepared recently by the European Commission.

The process leading to visa-free movement will definitely take some time, certainly less in the instance of the Balkan States and more in the case of Eastern European countries. That is why Poland should act now in liberalising its visa policy towards all the UE neighbours. A step in the right direction – reflecting the importance of the problem – is the inclusion of actions towards the liberalisation of the visa system for countries within the ENP on the first place in a Polish-Swedish proposal concerning the creation of an Eastern Partnership¹.

- **The Paradox – more complications rather than simplifications.**

While analyzing the current Polish visa policy certain dangerous paradox should be kept in mind. Regardless of reassurances from both Poland and the UE as a whole, that interpersonal contacts are a priority regarding the relations with neighbouring countries, the situation of citizens of Eastern European countries is constantly worsening.

During the '90s Eastern neighbours had no visa obligations (Ukrainians *de iure*, Belarusians and Russians *de facto*), but this lack of visa obligation had to be reversed upon Poland's accession to the EU. Even so Poland made a considerable effort to implement a liberal visa policy. Procedures in Polish Consulates were simplified, visa fees were waived for citizens of Ukraine, Moldavia and residents of the Kaliningrad Oblast. Visa fees for residents of other regions of Russia and Belarus were relatively low. Among the large number of visas issued there were a comparatively low number of refusals. In spite of such a liberal visa policy large queues of people wishing to obtain visas

formed at Polish Consulates and the citizens of Eastern countries were very negative in their opinions of procedures.

Another difficulty that the citizens of Eastern European countries have to face is the consequence of the implementing by the EU Visa Facilitation Agreement with Russia, Ukraine and Moldova. In the case of new Members States it has actually become an agreement to make the issuing of visas more difficult. Consequently Poland has had to dramatically increase visa fees for the citizens of Russia with the exception of the Kaliningrad Oblast (from 12 dollars to 35 euro) and to introduce visa fees (35 euro) for Ukrainians, Moldavians and residents of the Kaliningrad Oblast, who were previously issued Polish visas free of charge. The absurdity of this situation is illustrated in information displayed on the website of the Polish Consulate in Chisinau: *the Polish Consulate in Chisinau would like to inform all those concerned that due to the agreement between the European Union and the Republic of Moldova regarding the simplifying of the issuing of visas, free visas for citizens of the Republic of Moldova have been annulled*².

Poland's accession to the Schengen zone has led to further restrictions. The opening of borders for one group means simultaneously tightening restrictions for others, in this case Eastern neighbours. For many inhabitants of Eastern Europe more significant than the increase in visa fees is the tightening of procedures when issuing visas. More documents are demanded from travellers, the procedure as a whole is more drawn out – details of each individual are checked in the Schengen Information System, those applying for visas are interviewed significantly more frequently. The procedure for issuing visas in accordance with the Common Consular Instructions is above all to verify if the person applying for a visa poses a security threat to the Schengen countries, but is also to counter migration threats. All of these factors result in higher refusal rates as well as extending the time period required for the issuing of visas.

¹ Point 1: “Deepening cooperation on the broader migration agenda and moving towards a visa-free regime, and, in a short-term perspective, making a further step in the visa facilitation process. A road map towards visa freedom, with clearly laid down steps and conditions, should be established.”, Polish-Swedish proposal. Eastern Partnership, 23.05.2008.

² <http://www.kiszyniow.polemb.net/index.php?document=77> [17.06.2008].

The effect of these changes is a significant decrease in the number of visas issued and the number of border crossings. Border traffic on the Eastern Polish border during the first quarter of 2008 decreased dramatically in comparison to the first quarter of 2007; on the Russian and Belarusian borders by more than 40%, on the Ukrainian border by more than 25%. The number of visas issued during the first 4 months of 2008 compared to the same period in 2007 is decisively lower. The Polish Consulates in Belarus issued 26,589 visas, which is the equivalent of a 70% decrease compared to 92,865 visas issued the previous year. The number of visas issued in Ukraine during the same period fell by more than half compared to 2007 (92 131 instead of 209 335), and in Russia a decrease of 46% was noted (32 252 rather than 60 369).

- **Four pressing challenges**

Poland faces at least four pressing challenges concerning visa policy.

- 1. Belarus, first and foremost**

Belarusians have found themselves in the worst situation following the implementation of the Schengen agreement by their direct neighbours – Poland, Lithuania and Latvia. Due to the fact that there is no Visa Facilitation Agreement between Belarus and the EU Belarusians must pay 60 euro for a single Schengen visa. That is why the first step should be the lowering of visa fees by the EU from 60 to 35 euro – in other words to the same level as applies in countries which have signed the Visa Facilitation Agreement. It must be remembered that until now new Member States – with Poland leading the field – has issued the largest number of visas in Belarus. In 2007 Poland issued in excess of 280,000 visas in Polish Consulates in Belarus, which account for approximately 2/3 of all visas issued by member countries of the UE³. The current visa policy of the EU de facto supports the Lukashenka regime, whose propaganda may repeatedly state that the EU

³ Exchange of statistical information on uniform visas issued by Member States' diplomatic missions and consular posts. Council of the European Union Brussels, 08.04.2008.

does not want contact with Belarusians and wants to turn its back on them.

The problem of the closing of EU borders for Belarusians has been noticed by several Member States. At the beginning of 2008 an appeal for a one sided reduction in visa fees for citizens of Belarus was prepared by the Czech Association for International Affairs and the Stefan Batory Foundation which was signed among others by former presidents of the Czech Republic and Poland – Vaclav Havel, Aleksander Kwasniewski and Lech Walesa. In this matter the Ministers of Foreign Affairs of the Visegrad Group Countries stated that the EU should support the democratic process in Belarus by making travel easier – through a reduction in visa fees and the waiving of visa fees for young Belarusians⁴. In the European Parliament there is a signature collection campaign supported by many Eurodeputies, calling for a reduction in visa fees for Belarusians.

It can be stated that there exists large scale support for the reduction of visa fees. Currently specific steps must be taken that will enable political declarations to become tangible. Poland should take an active role in convincing at least some EU members to reduce visa fees for Belarusians, and even waiving visa fees for extensive groups. The example of Serbia clearly shows that this type of action can be successful. Before the elections in Serbia, on the 6th of May 2008, 16 countries of the EU⁵ decided to waive visa fees for all Serbian citizens for whom it is possible. The European Commission estimates that this will affect more than 80% of Serbs travelling to the EU countries⁶.

⁴ Joint Statement of the Ministers of Foreign Affairs of the Visegrad Group Countries, 23.04.2008, Czech Republic.

⁵ Austria, Cyprus, the Czech Republic, Denmark, Estonia, France, Greece, Spain, Lithuania, Luxembourg, Germany, Slovakia, Slovenia, Sweden, Hungary, Italy.

⁶ http://www.diplomatie.gouv.fr/fr/pays-zones-geo_833/serbie_443/union-europeenne-republique-serbie_5258/octroi-visas-aux-ressortissants-serbie-autres-pays-balkans-occidentaux-06.05.08_62290.html.

2. Support for the liberalisation of visa policy towards Serbia

Poland's decision not to join the EU members which waive visa fees for Serbian citizens is incomprehensible. Poland should support all activities and proposals towards the liberalisation of visa policy for the Balkan States. Such a policy would be invaluable for the relations between Poland and countries of that region as well as Poland's endeavours for the liberalisation of the UE visa regime as regards Eastern Europe. This is also why Poland should as quickly as possible release Serbs from their obligation to pay visa fees.

3. Implementation of all feasible solutions in accordance with the Schengen as regards our Eastern neighbours.

Issuing multiple-entry visas, long-term visas, waiving of visa fees

Poland should make the most of the mechanisms which the Schengen agreement gives, above all, the opportunity to issue multiple-entry and long-term visas. It appears from comments made by people applying for visas that such visas are issued too rarely.

The exercising of these mechanisms is actually encouraged by the EU, which in a non-paper dated December 2007 states that not all of the potential that exists within the framework of the existing legal system, which could simplify the process of issuing visas, is utilized by member countries. The Commission calls for better work organization at Consulates, states that: *a better use by Member States, already today, of the existing flexibility under the present Schengen-acquis (e.g. issuing of multiple-entry visas and asking bona fide travellers for fewer supporting documents) would certainly contribute to solve some of the outstanding difficulties*⁶. It also urges countries to issue a larger number of long-term, five-year visas, to travellers with a so-called positive visa history.

Multiple-entry or long-term visas would to some degree ease the crowds of people at

Polish Consulates. Current regulations allow for the waiving of fees for specific groups of people, but as in the case of long term visas this alternative is not practised as much as it could or should be.

In this context a greater transparency regarding the process of issuing of visas is also an imperative. This is important as the lack of clear procedures and regulations to a major degree account for the negative opinions surrounding the visa system – even more than regarding the system restrictiveness. In this respect Polish Consulates are poorly perceived after the extension of the Schengen area. Visa applicants complain at the lack of relevant information, the lack of clear criteria applied to the issuing of various types of visas or waiving visa fees. Problems are also caused by the constantly changing obligations as to the required documents. The creation and implementation of a consistent, effective information system which meets the needs of those applying for visas should take place as soon as it is possible. At the same time lack of transparency and appropriate information is used by middlemen, who often in return for help in obtaining visas demand amounts far exceeding the already relatively expensive visa.

Local border traffic agreements

The European Commission in the mentioned non-paper calls for the signing of agreements which will allow so-called local border traffic. Such agreements should not be regarded as a panacea to all problems concerning border traffic, although they are undoubtedly a beneficial solution for residents of border areas.

For this reason it is essential to rapidly implement agreements with Ukraine and sign such agreements with Belarus and Russia. Priority must be given to the solving of difficulties with the agreement with Ukraine, which has met with certain reservations by the European Commission, as well as hasten negotiations with Belarus and Russia. It is worth taking advantage of the experience of the other EU countries that have either signed agreements regarding local border traffic, or are close to doing so. It must be remembered that the challenge is not just the signing of such an

⁶ Non-paper. Expanding on the proposals contained in the Communication to the European Parliament and the Council on "Strengthening the ENP" – COM (2006) 726 final of December 2006.

agreement but also its effective implementation. There must be ensured an efficient issuing of documents required to cross the border as part of border traffic, which will not additionally reduce the effectiveness of the already overloaded Polish Consulates.

National visas

A relatively large sphere of activity is available to member countries by national visas which entitle the holder to enter and stay only in the territory of the issuing State. The first such element is the level of the visa fee. Currently a Polish national visa costs 60 euro, with the exception of visas for Ukrainians and Belarusians whose visa fee has been reduced to 35 euro. It is worth considering why the privilege of a visa fee of 35 euro does not include the citizens of Russia, Moldova or at least Georgia, to whom there have been many declarations of support in other areas.

The argument has often been raised that, within the Schengen territory there is pressure, to limit the number of national visas. However statistics concerning the issuing of national visas by Schengen countries clearly show that there are countries who issue more than just a few of these visas. In Spain for example, national visas account for more than 25% of all visas issued in 2007, in Italy and Portugal they account for 16-17% and in Belgium around 11%.⁷ This is one of the reasons why Poland could exceed the 3-5% threshold of national visas, which is often shown as the European norm.

4. A “Road Maps” for Eastern European countries leading to visa-free travel.

Poland should finally strive to the creation of “road maps” for Eastern European countries,

resulting ultimately with visa-free travel, similar to that obtained by the Balkan States. The maps for these countries underline the matters which require actions from them, divided into four issues – document security, illegal migration, public order and security as well as external relations and fundamental rights. A provisional condition is also the appropriate implementation of Readmission Agreements and the Visa Facilitation Agreements. Depending on how advanced these steps are the European Commission is to propose a date when visas can be waived.

At this moment a priority should be work on such maps for Moldova, Russia and Ukraine. Maps should state clear and specific criteria which the countries must fulfill in order to achieve visa-free travel.

• Conclusion

The implementation of these postulates may reverse the all too visible trend, of gradually deteriorating travel conditions to Poland for Eastern European country residents. Poland’s visa policy should support our neighbours. The first three issues – namely the reduction of visa fees for citizens of Belarus, support for the liberalisation of visas for Serbia and the implementation of all feasible solutions in accordance with the Schengen should be regarded as short term goals. The fourth issue – the creation of a road maps leading to visa-free travel – should not be regarded as long-term, but rather actions in this matter should begin immediately so that the road maps can come into existence as quickly as it is humanly possible.

⁷ Exchange of statistical information on uniform visas issued by Member States’ diplomatic missions and consular posts. Council of the European Union, Brussels, 08.04.2008.