

Master of Arts Thesis

Euroculture

Palacky University (home)

Jagiellonian University (host)

May 2011

**European Border Control and Migration problems in the
Eastern Neighborhood: the case of Moldova**

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Declaration

I, *Andrei Fedoreev*, hereby declare that this thesis, entitled “*European Border Control and Migration problems in the Eastern Neighborhood: the case of Moldova*”, submitted as partial requirement for the MA Programme Euroculture, is my own original work and expressed in my own words. Any use made within it of works of other authors in any form (e.g. ideas, figures, texts, tables, etc.) are properly acknowledged in the text as well as in the List of References. I hereby also acknowledge that I was informed about the regulations pertaining to the assessment of the MA thesis Euroculture and about the general completion rules for the Master of Arts Programme Euroculture.

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Introduction

In the times of rapid social, economic and political changes when globalization is viewed as inevitable development for the modern world, debate on migration became one of the hottest issues that split societies, academic world and political elites as no other. European Union is in the heart of the debate. Positioning itself as a global player, becoming one of the poles of attraction for the global migration trends and after major enlargement waves to the east, the debate on migration peaked on the social and political agendas throughout Europe paralleled by the search for identity and the actual limits of European Integration.

The freedom of movement established at an unprecedented level within the European community for its own citizens was paralleled by strengthening border controls and limiting the same freedoms for outsiders. Within the last enlargement to the east in 2004 and 2007 the new European neighbors woke up disconnected from their historical and cultural allies. Imposed mobility restrictions changed migration patterns and had an impact on cross border communications for countries in Eastern Neighborhood. Ukrainians started to face tight mobility restrictions and visa requirements for Poland, Slovakia etc, the same happened to Moldova in relation to Romania. The following order raised social frustration and claustrophobic sentiments in these countries. This new dividing wall between new member states and its eastern neighbors strengthened the image of “Fortress Europe” (Trauner & Kruse, 2008).

It also launched political and social debates in these countries on free visa regimes and the right of free movement within EU along with the citizens of the EU. The problem could be tracked by witnessing long lines in front of the EU consulates, especially Romanian consulate in Chisinau and Polish Consulate in Kiev and Lvov. At the same time these countries are included in the Eastern Partnership Agreement within European Neighborhood Policy which seeks to build a friendly neighborhood and promote social, economic and cultural cross-border cooperation. I find these goals contradictory to the ongoing development at the eastern border of EU when travel to EU is restricted and rights to work are limited for eastern European neighbors.

As a result my research question derives from the above mentioned developments and namely questioning what type of migration control and border regime is in construction at the EU's eastern border? Do we witness a development of a hard or soft

border regime? What are some of the implications of the emerging EU's border regime towards Moldova? What visa regime should EU develop towards eastern neighbors and specifically Moldova? The method developed to answer these questions lies in finding the factors that are influencing the hardening of the European border. On one side we need to understand the nature of the ongoing debate on immigration and border regimes in European Union and see whether the current regime helps EU reach its objectives of protecting the area of Freedom, Security and Justice. Secondly, we need to review the implications of the new border regime on Republic of Moldova by understanding the local Moldavian context. Thirdly, create a conceptual link between two and get a clearer picture on the ongoing developments and future of the immigration and border regime. My research is challenged by the scarcity of such conceptual linkages as most of the research is usually focused on one of the above mentioned sides. At the same time research sets to understand what can be possible improvements in the area of mobility restrictions towards Moldova.

My approach is interdisciplinary, mainly rooted in socio-political sciences with connections to economic side of the question, partly touching geopolitical and law perspectives in order to reach a comprehensive answer. I am not going to limit myself to one theory but use different perspectives from different fields.

Structure of the Thesis:

Thesis is structured in 3 chapters following the above described logic. This research does not intend to cover all the aspects of the debate on migration and border control but focus more on those parts that are important for understanding the eastern European border context. The following structure follows a classical logic by zooming in from the general and empirical discussions towards a specific study case.

The first chapter is setting up the framework by analyzing empirical outline available for understanding the nature of the European borders and debate over migration control. A general background on the concepts of border and migration will be given as well as the conceptual part of the discussion on free movement will be analyzed. Setting the background will then help to understand the European vision of external borders and move into European immigration context on the basis of available migration data. Pro-immigration and anti-immigration debate arguments which have impact on border control and migration policies will be discussed and critiqued. The

analysis will continue by reviewing the latest rise of the right wing parties and examining their support base and culminate with the assessment of the cost and efficiency of the developing border regime.

The second chapter seeks to move towards Eastern Neighborhood dimension, and specifically to the case study of the Republic of Moldova. I will analyze the relationship between Moldova and EU in the area of movement of people and problems at the border taking into account Moldova's recent aspirations to achieve visa free regime with EU. There are many reasons for choosing Moldova. As one of the main exporters of migrants in eastern Europe Moldova represents a challenging case for European Union due to mainly 3 reasons: first one is related to Moldova as a source of illegal immigration, second is its relationships with Romania and the latest mass-granting of Romanian passport, third is the question of breakaway region of Transnistria which is going to be discussed in the last chapter.

In the third chapter I am going to analyze the other important aspect for understanding the nature of the European border regime and namely by analyzing the data related to the difficulties and challenges faced by people in Moldova in getting visas to EU. I am going to review consular visa practices in Moldova, statistics and people's stories in their relationship with the "EU external border". This analysis will help to understand some deeper people-to-people aspects of the limiting EU mobility restrictions.

The forth and the last chapter of the thesis is going to be devoted to the ongoing visa dialogue between Moldova and EU starting from Moldova – EU Action Plan to Eastern Partnership Agreement(EPA). Within this dialogue the question of the breakaway region of Transnistria is going to be placed. Finally Moldova's visa liberalization road map achievements are going to be discussed together with things to be done, culminating with a series of recommendations for future EU-Moldova border regime with an emphasis on visa policies and mobility issues.

CHAPTER I

Why Borders and Visas? European Immigration Challenge

According to United Nations estimations, European Union receives every year over 2 million immigrants expecting to have an increase of over 40% in the next 40 years (UN, 2007). EC stressed that “between 2010 and 2030 at current immigration flows the decline in EU’s 25 working age population will entail in the number of employed people of some 20 million” (EC, 2005). European commission paper warned on how negative effects can be in relation to competitiveness of EU and internal economic growth. In parallel to these realities European Union is restrictive towards new migration waves by imposing tight visa restrictions upon Non-EU citizens and is investing major resources in increasing border control by involving new technologies, actors and methods and restricting the access of the foreign labor to the market. In this chapter the focus is going to be on the rationale behind growing restrictive attitude towards immigrants and going to encompass a review of European border context and some major developments, motives behind growing anti-immigrant attitudes and rise of right wing parties, and assess the efficiency of the developing border regime in protecting the Area of Freedom, Security and Justice.

1.1 European Border Context. Setting Conceptual Framework

Simultaneously with the EU Enlargement academic interest related to borders increased steadily. As suggested by Newman, in last two decades borders became a business like no other (Newman, 2006). Drawing attention from so many fields we now have many definitions that link border to different processes of bordering, control, identity building, freedom of movement etc. It is also caused by the changing nature of borders which are no longer viewed as physical lines that divide territories but rather as multidimensional construct.

Historians point out that borders were largely used as a military defense to protect from foreign armies and as an economic tool and commercial regulation so that using borders to control migration flows is very recent function (Andreas, 2003). This function is related to the selection of desired migrants and exclusion of undesired ones for reasons of security, protection etc. The selection function of the borders was discussed by Eva, who states that borders create the division between what is in and what is out as well as who is allowed and who not (Eva, 1998). Controlling migration is

a recent function of the state in itself. As a result controlling mobility flows became one of the main functionalities of the modern states and warranties of the public order. As Miles and Thranhardt suggest, it is not so much about controlling mobility, as policing economic, political and social insecurities related to these mobility flows (Miles & Thranhardt, 1995).

Tholen in his account to track the changing border of European Union claimed that border control evolutionary became part of the stateness which led to creation of national border control agencies, passports and visas, increase in number of actors and technologies involved (Tholen, 2010).

There are a large number of studies relating the issue of bordering to the problem of state sovereignty and claiming for the state's sovereignty ownership over borders (Walters, 2006; Schain, 2009; Castellino & Allen, 2003). Abizadeh challenges the liberal and democratic approaches and concludes that none of the states has the right to unilaterally control its own borders. He reviews the contradicting liberalist open border approaches with democratic approach focused on the group's self-determination and right to control its destiny and character. He concludes that because the "demos of the democratic theory is unbounded, the regime of boundary control must be democratically justified to foreigners as well as to citizens" (Abizadeh, 2008: 37).

Political science links the nature of borders to the concept of power and power relations. As viewed by Ganster and Lorey borders are subjected to the power relations of a certain community who are able to determine, remove or impose the lines of separation depending on the political environment (Ganster & Lorey, 2005). Special attention was devoted to the problem of EU border security and its rationalities (Hills, 2006; Tholen, 2010.) In contrast to these hard approaches, in literature on globalization borders are treated as a vanishing reality collapsing under the pressure of open market and other aspects of globalization (Blatter, 2003; Albert, 1995). As most of the liberal, liberal-egalitarian thinkers who advocate for a more open border also agree that there should be some degree of control. Newman suggests that "for all disciplines, borders determine the nature of the group (in some cases defined territorially), belonging, affiliation and membership, and the way in which process of inclusion and exclusion is institutionalized" (Newman, 2006: 147).

In the ethical debate over migration Carens suggests that the modern system is a lot like medieval feudal one because as in the medieval times citizenship is assigned at birth and determines ones chances for success. Reviewing liberalist and liberal egalitarian perspectives over migration he suggests that being born in a rich western state is like being born as feudal in medieval times and citizenship today is the same practice of bounding people to the land at their birth. He concludes with an open question “If feudal practices were wrong, what justifies the modern ones?” (Carens, 1992:26). At the same time defenders of hard borders point out the alarming growth rate of the migration into EU undermining social welfare, public order, labor market balance and cultural identity (Browne, 2002).

The clash between soft and hard border approaches is evident. This remains to be a simplistic dichotomy but at the same time it has a certain value related to the present development of the EU’s eastern border. One of the major challenges related to the study of this process is setting the conceptual framework and defining the approaches.

Soft and hard border approach

As a conceptual framework for our analysis we are going to use some already established theories. Zielonka in his research focuses on 3 main dimensions of EU borders: degree of openness (open/closed), mode of governance (national/supranational), and types of functions (Zielonka, 2001). In my research I am going to focus on the controlling migration flow function of the border which is linked directly to the question of openness and restrictiveness of the EU borders. Zielonka developed two opposite scenarios and symbolically called them “Westphalian super - state” and “Neo – medieval empire” which better describe the complex EU model.

According to the Zielonka’s model we can get a more clear conceptual picture of the European border regime of either gated Fortress Europe or a more open Europe which Christiansen and Jorgensen named “Maze Europe”(Christiansen and Jorgensen, 2000: 74). We can put at test these concepts and see which one is more suitable for the present and developing situation.

Table 1. Contrasting model of the future EU system, (Zielonka, 2001: 510)

<i>Westphalian Super-state</i>	<i>Neo – Medieval Empire</i>
- Hard and fixed external borders	- Soft border zones in flux
- Relatively high socio-economic homogeneity	- Socio-economic discrepancies persist without consistent patters
- A pan-European cultural identity prevails	- Multiple cultural identities coexist
- Clear hierarchical structure with one centre of authority	- Interpenetration of various types of political units and loyalties
- One single type of citizenship	- Multiple citizenships with different sets of rights and duties
- Absolute Sovereignty regained	- Divided sovereignty along different functional and territorial lines
- Redistribution centrally regulated within a closed EU system	- Redistribution based on different types of solidarity between various transnational networks

In the case of Fortress Europe with a Westphalian model applied to our eastern European context we should observe strict mobility restrictions, tight visa regulations, strong separation between us and them, restricted migration policies, high degree of control of who gets in and as a result a hard border. For Zielonka a Maze Europe would be less territorial where “cross border cooperation would flourish and the inside/outside divide will be blurred” (Zielonka, 2001:518). We can also add to this Open Europe picture: coordinated mobility with less restriction, open immigration policies, soft visa restrictions or no visas at all. Zielonka’s model will help us understand the ongoing changes at the EU border by reviewing the above mentioned features. Nevertheless, we should be aware that the reality is much more complex and this model is a simplification used for conceptual purposes. We should also distinguish between internal and external control. I am going to focus on external border control as means of

controlling migration flows which includes control outside of the state and include visa regulations, carrier checks and physical borders itself.

My insight goes deep into EU motivations of having such a fortified control system trying to understand whether this system is efficient and whether the assumptions on which it is build are viable. It is clear that immigration debate has a great impact over the formation of the soft or hard border. When discussing immigrants in this paper I focus mainly on labor migrants, legal or illegal, not taking into account asylum seekers. The topic of asylum seekers deserves to be addressed in a separate research. In the eastern European context¹ labor migrants constitute the majority of the migrant population. At the moment they are part of the major debate on migration rooted in some economic considerations and fears related to labor market and welfare abuse. These issues are going to be addressed in the following analysis of the pro and anti immigration debate in Europe.

1.2 Pro and anti-immigrant debate in EU

While public and political spheres are usually portraying immigration in dark colors there is enough research proving the economic benefits of migration. There were launched studies as early as in 1984 about the economic benefits of the soft border approach and liberalized movement of people. The study implemented by Hamilton and Whalley shows that liberalization of the world market would lead to the doubling of the world's GDP (Hamilton & Whalley, 1984). Studies related to globalization and free movement scenarios portray liberalization of immigration policies as one of the main tools fighting inequality and poverty, immigrants are using better their skills in developed countries which makes them more productive which lead to the economic gain of the host country and home country by remittances (Rodrik, 2002; Martin, 2003). Iregui argues that even a soft liberalization of the labor market would foster the development of the poor countries as remittances represent a much better solution than aid as it ends up directly into the people's pockets and can be used right away in livelihood needs or entrepreneurial activities which in the end would decrease the causes of migration as a whole (Iregui, 2003).

¹ By eastern European context we understand the direct eastern neighbors of the European Union members of Eastern Partnership Agreement, namely Moldova, Ukraine, Belarus.

It is difficult to assess from the economic point of view how many people would migrate in case of a more liberal EU border regime. Public opinion assumes that migration flows in such a case would be out of control and western European countries would be flooded with people from underdeveloped countries. We cannot ignore some obvious indicators related to the world's poor but at the same time the fears related to liberalize border regime seemed to be fueled by some exaggerated predictions. The history of expansion of European Union can give certain valuable lessons. Every round of European enlargement was viewed as potentially dangerous for the national labor markets and fears of mass immigration from southern European countries then from east were expressed. As it was proved many of these fears were not grounded (Kunz & Leinonen, 2002). Yet most of the western European countries imposed restrictions on the access of some European states to the labor market and welfare systems.

Today these fears are expressed in relation to African migrants, eastern Europeans and other migrants outside EU. When analyzing the potential migration flows from Northern Africa, Zohry argues that even though there is enormous number of young workers in these countries many of them would seek to migrate to Europe for better opportunities, many of them would be disillusioned soon, others would work for a while and again look to return, in result the migration flows would stabilize by themselves (Zohry, 2005). International Organization for Migration's (OIM) report on the potential gain from the liberalized migration flows concludes that fears over migration flows are exaggerated. As a result it would have little impact on people who are seeking to migrate from the poor countries but it would only reduce the risks they are exposed to and namely to smugglers and human traffickers (Pecoud & Guchteneire, 2005).

But is not the flow itself that provokes concern but its impact over labor market and welfare represents a worry. Another dimension heavily disputed is the impact of immigrants on the wages of natives. As Borjas argues immigrants tend to push the wages of natives down and worsen the living conditions of natives (Borjas, 1999). There is also a considerable amount of research that proves that there is little or almost no impact of immigrants on wages worsening (Friedberg & Hunt, 1995; Faini 1999) Ugur argues that immigrants are net contributors and both, host and home countries benefit from their activity (Ugur,1995). Faini states that "immigrants played virtually no role in explaining the worsening labor market conditions of unskilled workers" (Faini, 1999: 6).

Academic world is not as divided in this question as public or political sphere. Most of the research is actually suggesting the positive impacts of immigrants on the economy. Friedberg and Hunt while reviewing the literature on economic effects on migration conclude that despite negative popular beliefs there is no economical evidence of the negative impact on native's level of unemployment and a little impact on natives' wages. It is argued that the increase of 10% of immigrants within a population reduces native's wages by most 1% (Friedberg & Hunt, 1995: 42). Israel case is also relevant to support the above mentioned argument. After the fall of Soviet Union Israel received a massive immigrant stock close to one million immigrants from former Soviet Union republics in less between 1990 and 2000. The effect of unexpected arrivals was contrary to anti-immigrant supporters. At the beginning the wages of the natives fell up to 5% but at the same time it caused an investment boom as new arrivals needed new houses, established new businesses caused some businesses to expend. The wages recovered within 7 years to the level of pre-arrival and then economy started growing. It made some authors to conclude that flexible economies can absorb large scale immigration with small cost short term and can profit from it in long term (Legrain, 2007: 131)

In case of highly skilled immigrants the gains for the receiving states can be more easily tracked. Economic reality shows that highly – skilled immigrants are generating higher productivity and have a positive impact on the economy. As a result, European economies are more productive, innovative and generally growing. In spite of the fear of locals of having emigrants stealing their jobs the reality seems to be different. Boswell presents statistics based on the study of Green Card IT immigrants according to which “every highly skilled immigrant created on average 2.5 jobs in Germany (Boswell, 2005: 5). The jobs that are created by immigrants are usually not noticed in European public sphere.

Low skilled migrants are also seem to represent a burden to EU, besides ageing population argument Europeans are highly selective towards their choice of jobs orienting towards qualified and well-paid ones. There are certain jobs that are done mainly by immigrants. Low skilled immigrants in Europe are doing dirty jobs which otherwise would not be done by Europeans or would be exaggeratedly expensive. These low-skilled shortages were supposed to be solved by European Union Enlargement with inclusion of CEE countries together with Romania and Bulgaria but still that did not

solve totally the problem, it created other shortages in new member states. As I am going to talk later about illegal immigrants the volume of illegal immigrants arriving every year suggests that for many states this situation is convenient as it allows them to use the labor and not pay them social benefits. The opening European labor markets to low-skilled labor would help organize this field and would bring substantial economic benefits to the receiving countries (Boswell, 2005). The conclusion drawn for the above mentioned arguments is that immigrants tend to complement skills of natives and fill the gaps in labor markets rather than compete for the same jobs. When debating the immigrant issue usually the causes behind migration are scarcely portrayed.

Academic knowledge about the motivations of people to migrate is rather limited due to mostly economic and social determinist approaches in analysis of the phenomena. Most widely used approach is push and pulls theory where push factors are determined by the home countries situation which impacts willingness of the individual to emigrate and pull factors referred to the demand of immigrants from the receiving country (Faini, 1998; Borjas, 1999). Some of push factors are scarcity of jobs, opportunities and medical care, stagnant economic and financial situation, lack of political or religious freedom, political persecution, natural disasters etc. Pull factors are related to job opportunities, economic gain, medical care, better living conditions in general, religious freedom and security from any type of persecution, better education opportunities, family ties etc. Economists agree that economic motivation seem to prevail as the average income per capita in receiving OECD states is more than a half higher compared to the sending countries (Boswell, 2005).

In European debate over migration welfare is considered to be one of the main poles of attraction for immigrants. Concern over the immigrants' use of the welfare is usually expressed. Welfare abuse is one of the main outcomes criticized by the defenders of the hard border approaches.

Immigrants and the welfare state

In spite of general perception that immigrants are behaving like parasites within the welfare state, the research on migration patterns done by the research group from University of Leuven proves different. The research argues that immigrants are very sensitive towards labor market changes and react accordingly. Conclusions suggest that immigrants are choosing the country depending on the labor demand; they are reacting

on economic demand and labor shortages in less than a year. Colonial linkages and cultural ties are also important but economical reasons seem to prevail. This study debates another important misconception; immigrants are usually not attracted by the social welfare but by the economic opportunities they have in the receiving country (Hooghe *et al.*, 2005). The research seems to be logical when looking at the eastern European realities. Why a migrant who pays around 2000 - 5000 Euros to get in EU try to claim welfare benefits which would allow him barely survive in the host country. In addition, in most of the western European states the access to the welfare is restricted. Only Sweden seems to have more open welfare policies while other states seem to limit immigrant's access to the welfare (Boeri & Brucker, 2005:639). Another argument of pro-immigration is low fertility rates, early retirement and high rates of inactive population relying on the same welfare.

Milton Friedman stated that "it's just obvious that you can't have a free immigration and a welfare state" (quote, Raico, 1998) while Geddes argues that immigration is not a bigger challenge to the welfare state compared to political decision and demographic trends (Geddes, 2005). United Nations report concludes that migration would balance ageing population and actually help to solve this problem as most of the immigrants arriving are young and net contributors to the state. Besides contributing to the solving of the ageing population problem which is a disputed statement soft border policies can reduce shadow economies and make employees and workers contribute more to the welfare (Boswell, 2005).

Reviewing these arguments it is logically to ask why then European Union is keeping moving towards a hard border and why immigrants are viewed so negatively in EU. Firstly, it seems that some of scientific realities are not easily passed to general public and politics. It is a communication problem among scientific world and general public, and question of interests from the political side as well which is exploiting the topic of immigrant for the political gain. Secondly there is a gap between policies, outcomes and sometimes initial incentives of the policies. Despite official political discourse European Union states cannot reduce drastically the inflow of immigrants due to mainly economical reasons (O. Hofirek et al, 2009).

Another dimension of the problem is related to the integration of immigrant into the host societies. This question is not within the purpose of this research but is very important for the understanding the overall situation of the European migration debate.

The reason why it is not as relevant for the eastern European context it is because of cultural and civilization ties between eastern and western European countries. It is rather high share of illegal immigrants from these countries which represents a concern for policy makers. Eastern neighbors are considered to be of the main exporters of illegal immigrants and one of the main challenges for securing the common area of freedom, security and justice. The problem of the illegal immigrant in this region plays a key role in the negotiations over the liberalized movement of people which is viewed skeptically by some member states (Dimitrovova, 2010).

1.3 The problem of Illegal Migration

First of all it is important to understand some of the scientific consideration of the problem of illegal migration. Clandestine migration is a pretty recent phenomenon and usually claimed as one of the main reasons for restrictive mobility policies and hard border. The necessary juridical base for the classification of the legal or illegal migrants is less than a hundred years old and even up until today is filled with ambiguities. The study of illegal immigration is heavily under-theorized as the discrepancies of understanding of illegal immigration vary across the countries and regions (Cvajner & Sciortino, 2010). The term of clandestine migration was used for the first time in 1930's by British authorities to refer to unwanted Jewish migration into Palestine and by Dutch authorities referring to Chinese inflow of immigrants. But it was only in 1980's and 1990's then the term became widely used and referred to all types of "unwanted migrants" as undocumented, illegal, irregular, and clandestine migrants (Duvell, 2008). Duvell in his attempt to define immigration suggest that clandestine migration includes clandestine exit, journeys or entry, residence, and employment. He points 4 types of clandestine migrants: 1. Person that clandestinely crossed the border of the nation state, 2. Person who overstayed his visa or residence permit, 3. Person who is staying legally in the country but involved in the employment activities not in accordance with the visa requirement thus undermining his immigration status. 4. Person born to illegal immigrants who is becoming illegal immigrant himself (Duvell, 2008: 487)

The causes of illegal immigration are mainly rooted in the economic demand. Illegal immigrants as it happens mainly in the case of eastern neighbors are the same immigrants in search for job opportunities. They are also filling certain demand in the labor market and shadow economies. Ambrosini affirms that factors leading to entry and employment of illegal immigrants are rooted in economic convenience of

businesses and families of employing unauthorized labor, support from compatriot networks, embedded liberalism of democratic states and the high costs of controls and expulsion. He claims that the “mismatch between political restrictions on labor mobility and the economic demand for manpower produces pockets of irregular immigration” (Ambrosini, 2008: 538.) Main fields of employment for illegal immigrants are in agriculture, construction, tourism, cleaning, household care, elderly and children care etc. Jobs related to elderly and child care for example where most of the Moldavian women are employed have developed firmly in the last 2 decades leading to decreased pressure from the families of the western countries to perform this tasks by themselves and allowed them to focus on their own carriers. Traditional division of labor within the families in the first world suffered a change which allowed the demand for cheap care service to grow (Anderson, 2000).

According to different sources each year between 400,000 and 600,000 thousands illegal immigrants are arriving into European Union through different means (Broeders & Engbersen, 2007). According to Clandestino project the number of illegal immigrants residing in EU is between 1.9 to 3.8 million, compared to Duvell’s recent estimation of between 5 to 7 millions, but most of the official data fail to give a more precise numbers as illegal immigration by definition is almost impossible to count (Duvell’s, 2008; Clandestino, 2009). The data available at the moment only suggest the ongoing trend of illegal immigration in EU is not falling as expected. Regularization programs launched by some western states can give us some more insight into possible numbers. During such programs launched in 1990’s and 2000’s in France, Italy, Belgium, Greece, Spain and Portugal almost 3 million migrants were legalized (Broeders & Enbersen, 2007: 1596.) Taking into account this big numbers it would be logically to ask what were this millions of illegal immigrant doing in the European Union. As research shows some major EU industries were able to profit out of the cheap illegal labor.

Illegal immigrants are people employed in different sectors of European economy contributing both, to the local economy and their home economy by remittances. While some end up being involved in the illegal or criminal acts the majority remains to perform tasks, duties as any other immigrants but without having any social, political rights and being an easy target for different exploitation mechanisms and criminal groups involved in smuggling and trafficking. As research shows most of them seek for legalization of their status as some of the countries show a tolerant attitude towards

illegal immigration and give the opportunity to be regularized. The fail of the states to fight illegal immigration remains a debatable issue but as our review suggest is a logical response to the demands on the labor market in certain countries. Major construction projects in Western Europe profited from the illegal immigrants labor, it allowed construction companies to save on costs and execute the overall project with less money. In the competitive market of services illegal immigration generally allow companies to reduce costs and make savings. The analysis of this dynamics made Ambrosini to conclude that “Clandestine employment, especially in the case of immigrants who cannot claim any rights because they are irregular, offers considerable cost savings and helps to put public finances back on track” (Ambrosini, 2001.)

The levels of tolerance vary considerably throughout EU which points out once again the divisive attitudes towards immigration within member states which is reflected in the policies.

Table 2. The level of tolerance of regular and irregular migration throughout European Union, (Clandestino 2009: 16)

Category I

Tolerant to regular migration
Tolerant to irregular migration
Tolerant to irregular work
Countries: Italy, Spain

Category II

Tolerant to regular migration
Intolerant to irregular migration
Tolerant to irregular work
Countries: UK, NL – till 2004

Category III

Tolerant to regular migration
Intolerant to irregular migration
Intolerant to irregular work
Countries: Germany, Austria, UK-after 2004

Category IV

Intolerant to regular migration
Tolerant to irregular migration
Tolerant to irregular work
Countries: Poland, Czech Republic, Slovakia, Greece

Category V

Intolerant to regular migration
Intolerant to irregular migration
Tolerant to irregular work
Countries: N/A

Category VI

Intolerant to regular migration
Intolerant to irregular migration
Intolerant to irregular work
Countries: Norway, Denmark, Sweden

According to the same source while political discourse is filled with intentions to combat irregular migrations the policy outcomes seem to favor it. Common European themes in the political debates relate to the ‘game numbers’ accompanied by the threat scenarios which help in justification of spendings, restrictive policies and help gain points in front the electorate for their demonstration of effective governance. Game

numbers is related to the use of numbers related to immigration in manipulative way (Clandestino, 2009).

It became highly politicized issue with a lot of room for speculations and manipulations which could be easily fueled towards restrictive migration measures as a whole. Some authors link the rapid increase in measures of fighting illegal immigration with the raise of anti-immigrants attitudes and the linkages of delinquency rates with immigration (Garcia, 2004). A survey in 2003 showed that in most European countries citizens perceive immigration as a major source of insecurity; while in Greece 92% of the people consider that immigration was one of main causes of the increased crime rate (European Commission Justice and Home Affairs, 2003). It is rather logical to ask whether restrictive policies are the outcome of the public manipulation by political forces, especially the right wing parties or the rise of right wing parties is the outcome of growing anti-immigrant societal attitudes.

1.4 Anti-Immigrant Attitudes and the rise of right-wing parties in Europe

The issue of right wing parties is heavily debated and presented in the literature together with the analysis of their support base and performance over time. Some research links the support base to the economic downturn and point out to the irregularity of the public support for right wing parties while others point out the ongoing growing trend of support (Brug & Fennema, 2009; Brug & Spanje, 2009; Lahav, 2004).

In the last 3 decades Europe saw the rise of radical right parties, which campaign anti-immigrant policies and pointing out the negative effects of immigration on local economy and national identity. Radical right covers a large area of parties related as extreme right, new radical right, right -wing populist etc. These western European parties have many differences in their ideologies and inspirations, visions to the economic and social development but one thing is common for almost all the parties: anti-immigrant platform (Fennema, 1997). While western European radical right is exploiting the niche group of anti-immigrant supporters the same parties in central and Eastern Europe have a different rhetoric routed in nationalism, anti-EU sentiments and anti-Semitism. The reason for that lays in the small amount of immigrants these countries received so far (Brug & Fenema, 2009).

There is enough research to understand certain dimensions of radical right support and predict a possible dynamic of their evolution. We should make a distinction between just people expressing their anti-immigrant sentiments and the supporters of the radical right parties but the motivational base seem to have much in common. Economic considerations are the most common in analysis of anti-immigrant sentiments and link the immigration flows with the decrease of wages and social benefits for the native workers (Borjas, 1999), as a result natives competing in the same labor market are motivated to support anti-immigrant campaign. Some research found that manual workers, mainly low-skilled and those with low educational background tend to express anti-immigrant sentiments. Other researchers conclude that racial and ethnic prejudice is the main determinant of anti-immigrant sentiments especially where is a high number of immigrants in a certain community. Anti-EU sentiments and political ideology were also found important as well in determining anti-immigrant sentiments (Lahav, 2004; Kinder & Sanders, 1996; Fetzer, 2000).

Kessler and Freeman made a detailed analysis of the anti-immigrants sentiments based on the review of the public barometers in the European Union. The results are quite suggestive. One of their findings suggests that there is a link between the share of the unemployed and anti-immigrant sentiments which increase proportionally with the unemployment rate. Their study shows a clear connection between migration flows, economic situation and anti-immigrant opinion. Old and conservative individuals, manual workers or self-employed with low education mostly tend to oppose immigration while those highly skilled and having a high income do not tend to show anti-immigrant attitudes. Another finding of the research is that negative attitudes towards labor migrants fell between 1990 to 2000 from 22.1% to 16.8% and concludes that as economic situation is worsened the share of people with anti-immigrant attitudes is rising and vice versa (Kessler & Freeman, 2005). Another statistical research adds that retired people also tend to express anti-immigrant sentiments while not realizing that immigrants are contributing to their pensions (Boeri & Brucker, 2005). As it is put in the European Barometer we know that mostly anti-immigrant attitudes are related to the belief that immigrants pose a fiscal burden, abuse the welfare, steal local jobs, impact the rate of native unemployment, and have a bad impact overall on economy and social cohesion (Eurobarometer, 2002). Bridges & Mateut come with statistically based research which is basically proving these assumptions within European Union countries with an added conclusion that these attitudes are not the same towards all

immigrants. Colored immigrants are viewed more negatively. This research argues that Europeans are willing to have restricted immigration policies and strengthen control over the borders (Bridges & Mateut, 2009).

The economic determinism is present as well in academic explanations of the support base for the radical right parties. In 90's Betz uses the "losers of modernity" metaphor to describe the supporters of the right wing parties. He considers that manual workers with low education tend to lose their jobs because of invention of other means of production and competition from lower paid immigrants; they fear rapid changes imposed by globalization and for that reason oppose opening borders (Betz, 1998.)

Another popular but still deterministic explanation is in the protest vote. Arzheimer studying anti-immigrant attitudes and extreme right parties' popularity finds that the interaction between immigration, unemployment and political factors are much more complex. The popularity of these parties is unstable which might suggest that anti-immigrant sentiments are often a sign of "protest" towards labor policies and other. He proves that protest might be the general sign of discontent with the political elites (Arzheimer, 2002). The main feature of the protest vote is its opposition to political elites, as radical right parties are usually in discontent with the political elites and receive these votes (Brug & Fennema, 2009).

More recent explanations are having its roots in the islamophobic discourses expressed by some radical parties. O'Connell concludes that beside economical concerns those of the integration of immigrants hit the top of the agenda. The problems of national identity, ghettoization of minority groups become important even in societies where economical situation seems to be acceptable, as Germany and Netherlands (O'Connell, 2005). The problem of integration of immigrants became popular and frustrating for Europeans as most of the European approaches to integrations as multiculturalism and assimilation did not reach expected results. The "other" is unknown; the "other" is different and integration of immigrants into local societies is a great challenge in most of European countries. Achieving multiculturalism in its non-conflictual form is a far more complicated goal in the real world than in theoretical paradigms.

The success of radical right parties in Europe seems to show a certain dynamic within European society. Recently in 2009 elections in Netherlands, Party of Freedom

led by the Geert Wilders became the third leading party in Netherlands with 15% of votes. Wilders position is very restrictive towards Islam, he warns that Islam is a Trojan Horse in Europe, violent religion willing to take over Europe at some point. He argues that Islamic culture did not adapt in any way to Dutch culture and pose a threat to national identity (Wilders, 2008). In 2001 Denmark elections the Danish People's party got over 12% of the votes with 22 seats in the parliament. The party is anti-immigrant and anti-European and positions itself as a party which will not accept any multi-ethnic society. Progress Party in Norway received almost 15% of votes in 2002 elections campaigning for anti-immigrant policies and reducing immigrant annual quota down to 1000 people. In Belgium Flemish Bloc party advocated for the return of African and Turkish immigrants back home to their countries, it positioned itself as anti-immigrant party and got some good results in regional elections while getting 10% in 1999 national elections. The party was later declared as racist organization by the Belgium Supreme Court. Phenomena noticed by O'Connell is suggestive, in wealthy and egalitarian countries with more positive attitudes towards immigrants radical right parties achieved a certain success (O'Connell, 2005).

The question whether political anti-immigrant rhetoric influences the public perception or vice versa has been a largely debated issue but with no comprehensive answer. Legrain argues that immigration is one of easiest issues to manipulate and speculate and is used by all political forces to gain support for restrictive policies and border control spending (Legrain, 2007). From the reviewed data and today's context of the debate on migration it seems that radical right wing parties are going to continue to be influential on European political arena. Some experts argue that even during the financial crisis radical right parties had a good result in the polls and are going to continue to be important players (Brug & Fennema, 2009).

But it is not only right wing parties which are pushing hard border approaches, mainstream European politicians are also part of it. Between 1990 and 2004 there were 92 reforms in national migration policies in EU-15 and 7 out of 10 were having a restrictive character, mostly these are related to the increasing procedural obstacles for visa application, work permit applications and making the family reunification procedure more difficult. For the main part the entry became more and more difficult while fortifying the border became one of the main priorities for EU. The policies developed in the last decades suggest of rather growing exclusionary tendencies related

to neighbors of European Union (Boeri & Brucker, 2005). The developing policies in the recent decades reflect to some extent the above mentioned developments.

1.5 Development of the EU immigration, visa and asylum policy

EU's external border policy was often accused of vertical and horizontal fragmentation, overlapping coordination and continuous multiplication of actors, agencies and modes of control. Balzacq and Carrera when discussing the EU Immigration, Border and Asylum Policy stated that it is "fraught with national fears, rival ideologies and competing political sensitiveness" (Balzacq & Carrera, 2002).

The main challenge in addressing the composite policy of immigration and border control is due to its implications over other policy areas as Regional Policy, Neighborhood Policy, Neighborhood and Enlargement, Justice and Home Affairs. Berg and Ehin while critically assessing European legal developments pointed 3 main policy paradigms under the single market program and their implications for the external borders. First paradigm related to the regional policy emphasizes European Union strategic goal to reduce inequality, exclusion and division at its borders. The political discourse under the third paradigm implies the politics of conditionality towards EU neighbors and focused on "friendly neighborhood" objectives of promoting economically and politically stable neighboring environments (Figure 1). Promotion of these objectives was envisaged through a system of stick and carrots in which the successful pro-European democratic reforms in neighboring countries were rewarded with soft border incentives, namely visa facilitation agreements (Berg & Ehin, 2006).

While second policy paradigm is going to be analyzed more closely in the next section it would be important to mention that EU is often criticized for lack of coordination and of a common immigration policy. Taking into account the diversity of interests and approaches to the issue of immigration it is difficult to imagine at the moment a single policy but some steps were taken to move some of the competences to intergovernmental and supranational levels. First attempts to move immigration policies into supranational competences were during the Treaty of Amsterdam which moved the area of immigration, visas and asylum into first pillar of community competence (Balzacq & Carrera, 2002: 4).

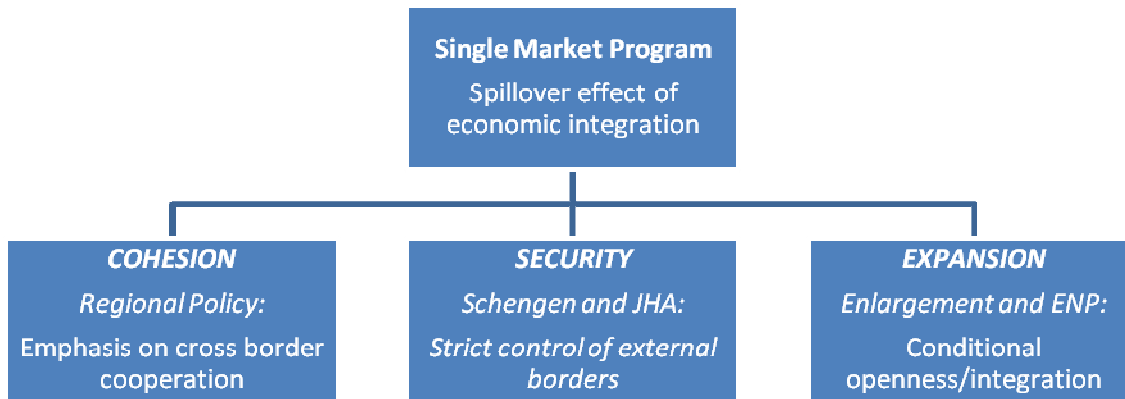


Figure 1. Three Policy paradigms and their implications for EU External Borders (Berg & Ehin, 2006: 57)

Some stipulations are important to mention in the light of our analysis. Article 63.3 in the EC Treaty stipulated the need for the European Council to adopt the following measures:

“a) conditions of entry and residence, and standards on procedures for the issue by Member States of long term visas and residence permits, including those for the purpose of family reunion.

b) Illegal immigration and illegal residence, including repatriation of illegal immigrants” (EC treaty, 2002)

Tampere Conclusions of the European Council addressed the European Commission and set the deadlines for the proposal for the “A Common EU Asylum and Migration Policy”. Structure of the future policy was placed under 4 titles:

“I. Partnership with countries of origin

II. A Common European Asylum System

III. Fair Treatment of third country nationals

IV. Management of migration flows” (EC, 2006).

The elaboration of the proposal was postponed many times and seriously criticized. It was in 2004 when European Council set up a 5 year agenda under the Hague Program Strengthening the Area of Freedom, Security and Justice. There was clearly stated a need of “Comprehensive approach, involving all stages of migration,

with respect to the root causes of migration, entry and admission policies and integration and return policies” (EC, 2006.) Under Hague program European Commission set ten priorities in regard to the field of Freedom, Security and Justice:

- “Strengthening fundamental rights and citizenship
- Fighting Terrorism
- Defining a balanced approach to migration
- Setting up a common asylum procedure
- Maximizing the positive impact of immigration
- Developing integrated management of the Union’s external borders
- Striking the right balance between privacy and security while sharing information
- Developing a strategic concept of tackling organized crime
- Building a genuine European area of justice
- Sharing responsibility and solidarity” (EC, 2006; Spatari 2006).

The most recent development came together with Lisbon Treaty which posted the area of Immigration, asylum and border control in Article 3 of Title I of the Common provisions of the TFEU which specifies that the Union should offer its citizens the area of Freedom Security and Justice. Due to the fact that immigration affects many areas of policing as migrant are users of public and private services Lisbon treaty establishes the field as one of the most important areas of policy making in EU. The voting procedure in area of legal immigration was moved from unanimous voting to qualified majority which shows a stronger dynamic towards supranational mode of governance over borders (Roots, 2007). At the same time Article 79 (5) of the Lisbon Treaty specifies that the number of immigrants coming to work is at the discretion of the member states. The fear of losing sovereignty is still an issue in the construction of modern Europe. Roots in his analysis of the Lisbon treaty concludes some technical changes were made rather than substantial, but Lisbon Treaty provided tools for further “development in the harmonization of immigration policies” (Roots, 2007: 279).

One of the main areas of harmonization within this period which achieved a certain degree of success is related to visa policies. Short-term travel regulations were steadily moved from national competence towards the common EU visa policy. Any applicant for visas to EU even for short term is perceived within the risk of immigration for which reason visa policies should be always viewed in connection to immigration policies.

Visa Policy within the area of immigration, visas and asylum

Second policy paradigm presented in Figure 1 relates to the hard Schengen border² approach and is mainly related to the development of the EU visa policy. Cohesion objectives of the first and third paradigm come in contradiction with the security concerns and strict mobility restrictions under the second paradigm. Security threats are associated with terrorism, illegal immigration, organized crime, human trafficking and smuggling. Visa policy is used mainly to tackle these issues outside of the EU borders.

EU visa policy constitutes one of the main tools of the external border control to protect the common area of Freedom, Security and Justice. It is first of all a part of the external border policy. Since Amsterdam Treaty in 1999, when Schengen acquis was incorporated, Common EU visa policy was developed to ensure the security within the union and protect the freedom of movement within the Union. The common visa policy was developed, modified and harmonized throughout the EU programs since 1999, namely the Tampere (1999-2004), Hague (2004 - 2009) and Stockholm program (2010-2014). In 2001, European Union established a “black list” of countries subjected to visa policy and “white list” of countries which were exempted from visa requirement. Nowadays the black list includes 128 countries including the eastern neighbors (Moldova, Russia, Ukraine and Belarus). The main criteria for evaluation were related to issues related to illegal immigration, reciprocity, public policy and security etc. According to the Schengen Convention holders of diplomatic passports, civilian air, sea crew members, holders of laissez passer were exempted from visa requirement (Council of European Union, 2001:3). Regulation No 1931/2006 allowed member states to sign agreements on small border traffic with neighboring states which allows people living within neighboring border area to travel into the Union with no visa. At the same time holders of the border traffic permit can travel into the territory of the member state within a distance up to 50 km (Council of the European Union, 2006).

In the area of external border management a series of actions were taken to secure the Union from the outside threats. Ensuring effective external control became a priority

² Schengen Agreement was signed in 1985 by Germany, Belgium, Netherlands, Luxembourg and France. It stipulated the elimination of the internal border controls and establishment of common regulations on management of external borders, police assistance and cooperation in criminal matters, and establishment of the Schengen Information System. At the moment Schengen area consists of: Belgium, Czech republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal Slovakia, Slovenia, Spain, Sweden, Austria. The list is added with 3 non-EU states (Switzerland, Norway, Iceland). Ireland and United Kingdom are out of the Schengen Convention but take part in some amendments of the acquis.

for the Union. In 2004 European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was established. Its main tasks included coordination of operational tasks of the member states in the area of border management³. In 2006 the Schengen Border code governing the rules of movement of people across the border was adopted while the funding for the External Border Fund for the period of 2007-2013 reached 1.82 billion euros (EC, 2007).

Another improvement was reached by increasing the cooperation between the border management and the consulates of the Member States in the third countries by creating the legislative and technical for the exchange, objective set within Hague program (Commission of the European Communities, 2005).

A series of actions were taken in harmonizing the consular procedures for issuing short-term visas (up to 90 days). In 2005 a Common Consular Instructions documents was established with detailed rules, requirements, and regulations on issuing this type of visas for visitors into EU. According to CCI, visas are considered to be “authorization or decision taking the form of a sticker affixed by a Contracting party to a passport, travel document or other document which entitles the holder to cross the border” (Council, 2005:5). CCI also stipulated the list of documents the alien has to present in order to be granted a visa according in accordance with the purpose of travel.

Most recent decision taken in the area of visa policy was the adoption of the Visa Code which is an upgraded version of the CCI. It contains common rules of visa practices for all 25 members of the Shengen Agreement. Some of the stipulations have the purpose in improving consular practices:

- Long-stay visa issued by a Member State allows the applicant to move freely within the territory of the member states for up to 3 months within a 180 days period
- Elaboration and use of the unified application form
- Starting from April 2010, the motivation of the visa refusal has to be provided to each applicant together with the information on the appeal procedure.

³ FRONTEX, <http://www.frontex.europa.eu/>, accessed on December 1, 2010.

- Issuing long validity visas for frequent travelers. This regulation provides the opportunity for frequent travelers to obtain a multiple entry visa with up to 5 years validity
- During the first application for Schengen visa applicant needs to provide biometric data including photograph and digital fingerprints.
- Equal treatment of applicants is ensured. The deadline for visa issuing is established at maximum 2 weeks and in case of the Visa Facilitation Agreement follows the instructions according to the agreement⁴.

While this amendment seems to increase transparency, harmonize the regulations and offer better opportunities for frequent travelers, the real impact of its implementation is too early to assess. Some of outcomes will be discussed within the third chapter of the thesis.

Another important realization of the Common EU visa policy is the opening of the Common Application Centre in Chisinau in 2005. The center offers consular services for applicants to 14 European countries and will be discussed more in detail later in the thesis⁵.

The above analysis suggests a dynamic of convergence towards a Common EU Visa Policy and its main decisions since the Amsterdam Treaty when it was moved under the first pillar of the community competence. At the same time the issues related to long term visas related to work are at the discretion of the Member States. This fact suggests a certain reticence towards moving the issues of immigration towards supranational competence (Roots, 2007).

In spite of growing number of regulations Visa policy was often criticized for its inability to tackle main security issues of EU concern. It was also argued that Visa restrictive policies are the inefficient tool in controlling migration flows and rather drives certain category of migrants to bypass these regulations and chose illegal means to get into EU (Dimitrovova, 2010). Visa restriction is part of a larger movement towards securing the border. Together with the actual fortification of the border it drives

⁴ Europe Press Release MEMO/10/111/, EU Visa Code, accessed on December 15, 2010
<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/10/111&type=HTML>

⁵ Common Application Centre, http://cac.md/index_en.html, accessed on November 1, 2010.

to the idea of a gated community. In light of our research it would be important to understand some of these developments.

1.6 Tightening the border control. What are the real costs?

How much control?

Today the border between western countries and its poor neighbors are fortified, technologically improved, digitalized and strictly controlled by increasing number of patrol agents. Twenty five richest countries in the world spent around 25-30 billion dollars every year for the protection of their border (Martin, 2003). Citizens of the following 25 countries enjoy basically borderless world as they enjoy low restrictions in traveling, working or settling in the rest countries of the world. The freedom of migration became one of the privileged rights of the rich states which continue raising inequalities between states and its people (Barry and Goodin, 1992; Neumayer 2006). New surveillance technologies are introduced like X-rays, systems that measure body heat or air movement within the trucks, biometrical instruments which focus on person's physical features and include fingerprints, iris scanning, facial patterns voice recognition etc (Broeders, 2007). EU is one of the leading actors in border securitization.

As suggested by Tholen the developing European border regime implies multiplication of borders, actors involved, data and technology and it is one of fastest growing areas (Tholen, 2010). EU spends 0.7 billion a year for the protection of its Area of Freedom, Security and Justice growing at a pace of 16% a year Establishment of Frontex and investments into technological advancement suggest that EU highly concerned over the security of its borders. The process of exporting the border is also another dimension of control. EU consulates within countries in eastern neighborhood are the first border encountered by the potential migrants. Getting visa to EU in eastern neighborhood is considered a time consuming and complicated process which is highly selective. Applicants need to gather documents that would prove their ties to the home country, financial stability, and provide all data related to their travel, which in the end is not a guarantee of them getting a visa. The actual EU border is another step followed by the checks in the country of arrival and ended by the return check in the home country. Beside supranational actors, private parties started to be involved as airline and

transport companies as well as governmental and public institutions of the countries of origins are employed (Tholen, 2010).

Tholen gives a review over data analysis devices which are used by EU in managing migration: 1. The Schengen Information System which is used for multiple purposes mainly containing information about persons wanted for arrest, surveillance or check, those that are refused entry etc. 2. Eurodac which determines which country is responsible for the asylum seeker by comparing finger prints of the asylum seeker and illegal immigrants. 3. The Visa Information System which contains all the information regarding the visa application, refusal, extension etc. In addition, information regarding travel arrangement of the applicant are collected (Tholen 2010: 267).

Summarizing the process of securitization of the EU's border Brohmann defines EU's measures into external and internal control, he considers external controls: entry visas policy, border patrol reinforcement, control at departure points (airports), agreements and cooperation with countries of origin and transit (readmission agreements); internal controls are related to employee monitoring for the detection of irregular migrants but this measure is considered highly unproductive and frustrating for the employees (Brochmann, 1998). Zanfrini in his account to understand the imbalance between internal/external controls concludes that it is political in nature. He argues that politically is a more opportune decision to direct the control over the external border and external threat as illegal immigrants rather than focusing on internal measures which might affect employees and citizens (Zanfrini, 2004).

European Union ensured another filter of protection by involving transit countries and establishing "buffer zones" (Collinson, 1996). While freedom of movement of capital and goods is seen as basic requirement for the development and globalization, the restrictive policies towards movement of people are perceived as necessary measures of protection from illegal immigrants, organized crime, ensure public order, protect the welfare and labor market from the invasion from outsiders and more importantly ensure national solidarity, protect its culture and national character. Some experts argue that these developments in heavy investments towards human resources and technological equipments in border control is a result of terrorist threats and counterterrorist measures (Hills, 2006). Some imply that this response of political elites to the growing negative attitudes towards immigration and restrictive policies is a healthy outcome (Duvell, 2008; Broeders & Engbersen, 2007; Ambrosini, 2008). But

the questionable part of these developments lies in its efficiency and the human costs of the fortified border.

The human costs of border control

There is a series of researchers skeptical and critical over developing border control measures. Based on the interviews with senior police officials, Groenendijk concludes that professionals in the field are skeptical over the new measures in fighting crime and illegal immigration (Groenendijk, 2003). One effect of strengthening control is that instead of keeping people out it motivates those who are already in to stay and secure their long-term legal status (Legrain, 2007).

In his research, Legrain argues that tight border controls and restrictive migration create many barriers for the immigrants and once they got in they don't want to go through that again. As a result, instead of going back to their home country they look for the ways to ensure their status in receiving country and bring their families in (Legrain 2007). This is the same with Moldavian immigrants in European Union who once got illegally in EU searched for the ways to ensure their legal status. Numbers over illegal immigration are suggestive in this sense. Still every year hundreds of thousands of illegal immigrants are crossing the EU border and we do not have information and on how many people got into the hands of smugglers and traffickers and turned to slavery, prostitution, begging. Diversification and tightening of border control leads to development of new smuggling methods and routes, it also leads to the increased price people have to pay to smugglers for their services (Tholen, 2010:272; Broeders, 2010; Andreas, 2000).

The human costs of border control are highly contested issue by different human right groups and NGO's around the European Union. The violence recorded at the borders of different states seems to be omnipresent. But the scale of the violence exercised at the borders of European Union should be a major point of concern for European authorities. The analysis of some realities of the European border made some experts argue that 'fortress Europe' is a hegemonic projects exercising high degree of violence at its borders and forcing some people to 'become borders'(Raj, 2006). Analyzing a series of facts related to deaths caused by border patrols at different points of entry, or those cause by immigrants themselves by taking the risk of swimming through the channel between great Britain and France or trying to jump over the wall

between Spain and Morocco or boat accidents in the Mediterranean region, she comes to a conclusion that European border is not just “a ‘non-place’ but it is very real, violent and constitutes a hegemonic projects of the state” (Raj, 2006: 521).

One might argue that above mentioned analyses seem to be simplistic and determinist a portraying European border guards as criminal structures. In reality states are empowered to protect their borders and it would be difficult to imagine a highly protected European border without casualties. Border guards are exercising their attributes and are justified by the international law and are not wrong acts as proclaimed by International Law Commission’s Articles on the responsibility of the states for Internationally Wrongful Acts (General Assembly Resolution, 2001). The main concern is expressed in their efficiency, while maximizing the technologies and methods of surveillance the number of illegal immigrants in their attempt to cross the European Border did not decrease. The numbers related to the casualties at the border are difficult to monitor as there is no reliable data and as suggested by the researches some of the data is not made public. Official numbers show the growing number of casualties. Between 1993 and 2000 there were about 2,083 deaths recorded while between 2000 and 2006 there were more than 4,279 death which is double size compared to previous period. This data is mostly related to deaths while attempting to cross the border: drowning, asphyxiation in trucks etc. Such deaths officially are not considered to be caused by border patrol but the linkage between increased control measures and deaths is obvious. In reality the numbers could be much higher than that (Spijkerboer, 2007). The data on casualties and incidents at the border remain scarce and only periodically became issue for public debates in newspapers and European media.

On the other hand Spijkerboer argues the number of interceptions increased, only in Spain between 2004 and 2006 there were 67,000 interceptions of illegal immigrants form African countries but that does not change the overall picture as the number of irregular immigrants is still high which suggest that small and big scale smuggling “companies” are able to find new ways of getting into EU. It is argued that the ongoing changes and improvements made for the protection of the EU border did not decrease the number of illegal immigrants but increased the number of deaths and death related casualties (Spijkerboer, 2007; Raj, 2006).

It is logical to assume on the revised data and research that enforcement of the border control and tight mobility restrictions might not help fighting illegal migration,

tackling the issue of migration in such a determinist and reductionist way seem to bring no viable results.

Closing remarks. Illusion of control

European Union seems to portray signs of the developing contradicting approaches. On one hand it is a fortified border and increased border control measures, and more restrictive migration and visa policies. On the other hand it is the desire to build a friendly neighborhood and enhance cross-border and cross cultural communication and export European values. The second will be discussed in the next chapters via Moldavian study case. As we have seen some of the motives behind these restrictive policies are misunderstood in nature and do contradict the economic reality. Immigrant waves are the response to some labor demands within European Union and closed gates do not stop people from climbing over “fence”. According to the reviewed data we can draw the conclusion that building a hard border is not a sustainable solution for managing migration flows as it proved to be inefficient in controlling illegal migration and a narrow solution to a complex issue. Fortified border and strict visa policies create visibility of the control and illusion of safety. In reality it seems that restrictive migration policies seem to favor smugglers and traffickers which seem to be the main profiteers of the ongoing developments. While trying to fight crime the policies seem to favor it.

Political decisions seem to have more impact on the policies than economic realities. At the same time this political decisions are backed up by a certain public support and anti-immigrant attitudes. The future does not seem to be easy for European Union but projects like European Neighborhood Policy and Eastern Partnership agreement can be valuable experiments for the EU in achieving the same goals of ensuring its area of Freedom, Security and Justice through other means, namely soft border approaches. In order to get a clearer picture a case study on Moldova is going to be analyzed. The causes and implications of the EU hard border are going to be discussed in the light of latest EU enlargement, Moldova’s migration problem and its aspirations for liberalized movement for its citizens.

CHAPTER II

Republic of Moldova, EU Neighbor Experience

Republic of Moldova was one of the countries to have been affected from the European Union's eastern expansion. Citizens of Moldova starting from the early 90's could travel freely to most of the countries in Central and Eastern Europe and Baltic region. Moldavians used to travel freely to Poland, Hungary, Romania, Baltic countries etc. After the last enlargement wave in 2007 when Romania joined European Community and imposed visa restrictions on Moldavians the problem of movement peaked on social and political agenda. It fueled the 'Fortress Europe' image and claustrophobic sentiments in Moldova as getting an EU visa became a difficult and time consuming process. Recently, Moldavian government launched a series of liberal reforms and established the visa free regime with EU as its one of the main mid-term priorities. The problem is more complex taking into account Moldavian large scale immigration to EU in the last 12 years, with large share of illegal immigrants. It imposes challenges in securing the EU's eastern border as Moldova is considered one of the transit countries for human trafficking and smuggling. It also has an unresolved territorial conflict of Transnistria, self-proclaimed republic on the eastern bank of the Nistru River. In addition to the above mentioned border related issues Moldova is considered one of the poorest countries in Europe with embedded corruption and democracy lacunas. As a result this part of the thesis is going to encompass the most important issues related to EU mobility restrictions towards Moldova. It is going to cover latest EU-Moldova relations related to migration and border policy, analyze Moldavian labor exodus and asses possible scenarios of the liberalized visa regime with EU. Additional attention would be provided to Moldo-Romanian border and Romanian passport granting to citizens of Moldova. This chapter seeks to analyze and asses the most important factors which are going to influence free visa regime dialogue.

2.1 Moldova's Migration problem. Will they all leave to EU?

In the ongoing and future dialogue over free visa regime the problem of Moldavian immigration problem will be at the core of the negotiations. Moldova experienced major labor exodus in the recent 12 years which rose concern in European countries. Moldavian government did not interfere much in this process as immigration became a solution to country's economic problems. It was also argued that the outflow

of the mainly young and active population with democratic views helped the establishment of the communist party rule from 2001 till 2009. With a nostalgic political discourse over the Soviet Union, which appealed mainly to older generations, communist party gained full control over the governing the country (Jandl, 2003).

Moldova suffered several economic and social shocks following its independence in 1991. Losing the breakaway region of Transdnistria meant not only a territorial and human dispute, Moldova lost its industrial and energy potential (EC, 2004). Following the first difficult years after independence first wave of mass-emigration was a reaction towards the economic regional crisis of 1998 which hit Moldova hard. During 1998 – 1999 exports fell by a half, agricultural production fell by 20% and industrial by 25% and around 80% of the population lived below the poverty line which made Moldova the poorest country in Europe (UNDP, 2003: 231).

Moldova had a high density of population, especially in rural areas and small towns. In rural villages collective farms were the main structure for employment during soviet times. This organizational structure collapsed and left major portion of the population with no job opportunities and basically with two major coping strategies: either to migrate into towns or outside the country. Small regional cities were also organized around one factory or enterprise which after the fall of the Soviet Union became noncompetitive.

In the country with mainly only one pole of attraction for job opportunities, namely the capital Chisinau, immigration seemed to be the logical outcome. As a result, low standards of living, scarcity of jobs, low wages and political and economic turmoil of the post soviet transitional period created the necessary conditions for the initial exodus. Later research argues that the exodus continuing in early 2000 was not only because of push factors but also associated with pull factors due to the establishment of the Moldavian migrant communities in the host countries (Ruggiero, 2005).

Game of numbers

The data over the number of Moldavian immigrants abroad varies according to different sources. Due to the share of illegal immigrants and lack of reliable data clear numbers of immigrants abroad is still undetermined. Private and public estimations vary in between 350,000 and 1,000,000. While some earlier studies argue for numbers between 350,000 – 600,000 (Munteanu, 2002; Gheorghiu, 2006); others cite much

higher numbers of 600,000 up to 1,000,000 (Ruggiero, 2005; El-Cherkeh, 2006). The methodologies of counting also differ. Some researchers counting the numbers of citizens leaving and entering the country during one year suggest that 50,000 citizens migrate every year (Spatari, 2006).

In 2004 Department of Migration and some research centers already warned that Moldova reached 600,000 and more immigrants are expected to leave (Ruggiero, 2005). In research done by CBS AXA in 2005 more than 119,000 families expressed their intentions or preparations to send one family member abroad. The research concluded that migration potential was at about 690,000 people which at the time was of the survey was 46.8% of the economically active population out of 1.6 million. Another CBS-AXA study shows that the trend of 50,000 Moldavians leaving every year was common till 2007 and then stabilized counting in total 340,000 (CBS-AXA, 2009). Popescu and Wilson on the other hand suggest that numbers can reach up to 800,000 with between 350,000-500,000 migrants residing in EU (Popescu & Wilson, 2009).

Official numbers presented by different state agencies seem to contradict each other. According to the National Bureau of Statistics in 2008 there were 343 thousands Moldavian immigrants abroad while during the elections in 2009 Central Electoral Commission announced an official number of 627,959 citizens being abroad with the right to vote (CEC, 2009). It means that the share of Moldavian immigrants abroad remains somewhere between 35-50% out of economically active population. These numbers are alarming and in case Moldova wants to build a sustainable independent economy it will need to tackle its emigration problem and build necessary conditions for the emigrants to return.

Migration trends

Moldavian migration flows are directed mainly in two directions: EU and Community of Independent States (CSI), (mainly Russia). In 2004 more than 60% of the emigrants were heading to Russia, dropping to 44.6% in 2010; with Italy being the main European country to attract Moldavian immigrants with 26% of the share (Gotisan, 2010).

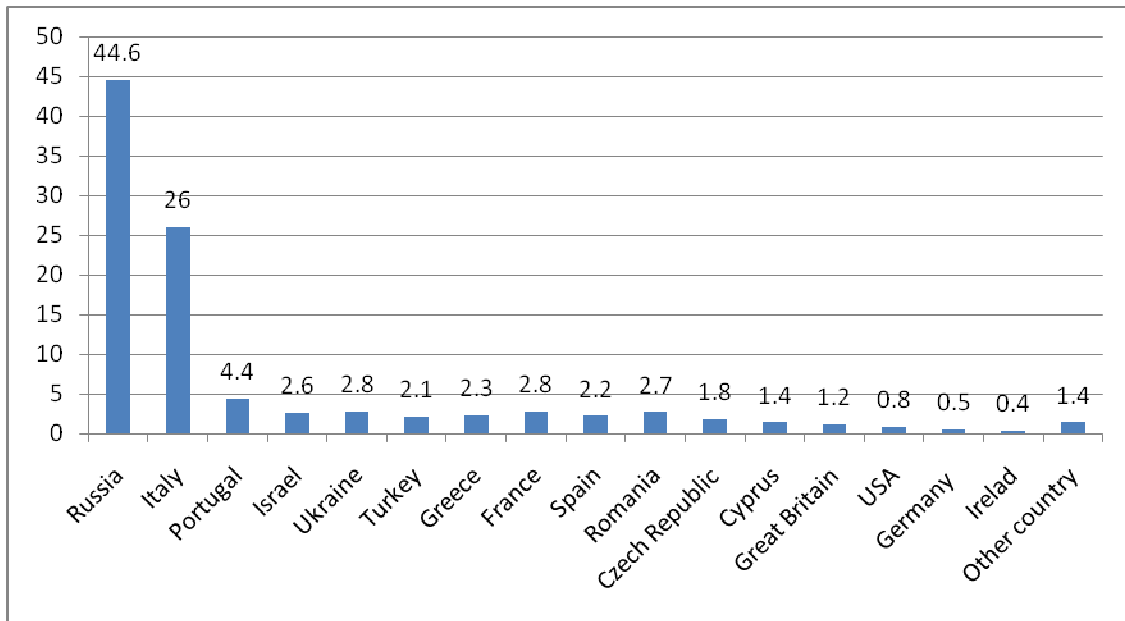


Figure 2. The percentage of Moldavian immigrants per country (Gotisan, 2010)

As we can see in the above chart, the main flow of immigration into EU is directed towards Southwestern Europe to Italy, Spain and Portugal. One of the reasons might be the Latin cultural heritage and the already established networks from the first migrant waves. The second vector is Southern Europe towards Greece and Cyprus and more recent vector targets new member states. Estimations of Moldavian immigrants in European countries are subject to speculations but we can get a general picture of the process. According to the Moldovan Department of Migration, cited by Loghin, about 150,000 reside in Italy, 80,000 in Portugal, 30,000 – 100,000 in Greece, 40,000 in Czech republic, 20,000 in Spain, 15,000 in France, 10,000 – 15,000 in Germany and about 7,000 in Cyprus (Loghin, 2006).

Seasonal or permanent?

Research findings suggest that one household from three has an emigrant, with about 40% of them being seasonal (going abroad for several months a year). A major research on the profile of emigrants done by CBS-AXA concludes that 66% of the emigrants are men between 21 and 40. Between 20-25% of them have a higher education and the other majority with secondary education. This data suggest that there is no significant brain drain. Male migrants are mainly migrating towards CSI countries (mainly Russia and Ukraine) and some Western European countries (Belgium, Portugal, Germany) with a demand for physical labor. They are involved in activities such as construction, agriculture, and repair industry. Female migrants are mainly employed in

household care and tourism sector, as well as prostitution in Italy, Portugal, Greece, Turkey etc (CBS AXA, 2005).

European Union seems to attract educated emigrants pulled by higher salaries and opportunities but only about 27% of them are employed according to professional or educational background (Gotisan, 2010; El-Cherkeh, 2004).

Another categorization of Moldavian emigrants places them in 3 types:

1. *Long term employed* which constitute over 40% of the emigrants, mostly young between 21 and 40, residing mainly in EU countries.
2. *Seasonal workers* which again rise up to 40% and target mainly CSI countries, mostly men with lower educational background employed in construction and agriculture.
3. *Trade Tourist* – about 20% comprising mainly people from the urban areas involved in trade (CBS – AXA, 2005, Dirun, 2006).

The main concern of the European Union is expressed over the illegal numbers of Moldavian immigrants which are difficult to cover. Back in 2005 Munteanu, expressing the view of Moldovan Department of Migration, suggested that 90% of the Moldovan emigrants are illegally residing in their host country (Munteanu, 2005). One out of four emigrants entered the European Union illegally, while others overstayed their tourist visas or by other means. More recent studies suggested that 1/3 of the emigrants are illegal mainly in CSI countries while in EU situation changed. The share of the illegal emigrants fell due to the regularization programs launched by the European states, about 65% of the illegal emigrants who were irregular in 2006 got the regular status by 2008 (OIM, 2009). As a result most of the respondents of the CBS – AXA study proved to acquire legal status on average within 1 to 5 years from the date of entry. Today it is considered that approximately 80% of emigrants residing in EU are legal due to the above mentioned regularization programs and efforts made by emigrants to legalize (CBS – AXA, 2006; OIM 2009).

Above mentioned data shows another outcome of the EU's hard border approach in the fact that immigrants heading to EU seek to ensure residence and regularize their status compared to those in CSI countries which rely only on seasonal stay. Difficulties in crossing the European border motivate Moldavian emigrants to secure their status in

the host country. Such an attitude is obvious when looking on the travel spending to get to the country of destination. The cost of travel to CIS countries is around 100\$, being visa free, while illegal overstay in CSI country is a common practice.

Compared to CSI countries, an average trip of the migrant to EU is around 3,600\$, when time limitations in getting visa apply the price varies between 2,500-3,500 Euros paid to different middleman, smugglers and other (OIM, 2009). Due to the recent border fortification and the difficulties related to border crossing the prices for the smuggling services increased. Some qualitative studies on immigrants give some more detail. An interviewed immigrant who migrated to Portugal in 1998 paid 900\$ for the trip. He continued to work a couple of years in Portugal without a working permit and returned in Moldova in 2003. He was preparing to live again in 2004 but the price requested by the middlemen was 12,200\$ (Ghencea & Gudumac, 2004).

Interviews conducted with the emigrants being in Moldova at the time of research suggests that only 6,4% of them envisage the permanent move while 67% seek to save enough financial resources and return to Moldova (CBS – AXA, 2005). At the same time among general public the willingness to migrate remains high, 25% of the respondents would migrate permanently while 30% on seasonal basis. The most alarming numbers are among young generation up to 30 years old. The majority of the young people (73 %) would leave if they had an opportunity with and 43% willing to do it on permanent basis (Ruggiero, 2005).

Another set of data gives a different dynamic showing that the recent trend shows the lowering of the number of people willing to migrate, while about 62% of respondents expressed their will to leave the country only 14% planned to move permanently in 2008 falling from 15,6% in 2006. This data gives a dual image over the emigration process. From one point of view the desire to migrate remains high, especially among young people. Lack of job opportunities and low wages motivates high portion of young people to migrate. At the same time the majority of immigrants seek to work seasonally and save for future projects in the home country (OIM, 2009).

The decision to leave the country is mainly to satisfy the household consumption needs: food, clothes, and other house commodities, and is shared by 44% of the migrants. Another 21% seek to repay the debt while other 19% planned to save the money for bigger investment projects as: house, car, wedding or funeral etc. It cannot be

considered as the most sustainable financial planning. It is regrettable that only 11% plan to spend it on health and education, and only 1% in business activities related to agriculture, farm animals, minibuses etc (CBS-AXA, 2005).

It is clear from the above mentioned data that Moldova will have to tackle thoroughly its problem of mass emigration in the context of its European integration aspirations and negotiations on visa free regime. As data shows from 2007 onwards the migration trends stabilized and Moldova has to develop a new approach towards dealing with emigration issues based on developing necessary conditions for their return in order to maximize the positive impact of migration. It is difficult to imagine that migrant trends can grow more than it is today of 35-50% out of the economic active population. While some western media expressed concern over the possible mass migration flows to Europe this fact finds little evidence in scientific realm⁶.

Moldova is at the stage of exhausting its labor migration potential. At the same time as data shows many Moldavians see emigration as an option; most of them express the will to migrate seasonally. In case such conditions are created we should expect the lowering the number of permanent migrants. In this context migration flows managed carefully can contribute positively to both, home and host country.

2.2 The impact of migration, dependency on remittances

Economic impact

In spite of negative social impacts, emigrants were the main promoters of the Moldavian economic recovery and are fully responsible for keeping the Moldavian economy moving. The remittances sent by the emigrants represented high stake of the local GDP, it made World Bank place Moldova on the second place after Togo in the world on the volume of remittances sent home(Legrain, 2006).

The amount of remittances represents a difficult task to count. A high share of Moldavians prefers to send money in cash via informal channels (maxi taxi drivers etc). Amount of people relying on these services decreased over time from 20% in 2006 up to 12% in 2008. High stake if migrants send money home via friends, relatives, member of networks or by themselves. Again these sums are impossible to detect but as research

⁶ Spiegel Online, *Entering the EU through the back door*, <http://www.spiegel.de/international/europe/0,1518,706338,00.html>, July 13, 2010

shows the share of such money transfers also declined from 32% in 2006 to 24% in 2008. As a result in 2008 Moldova had approximately about 36% of the money transfers as not countable over non-taxable channels. Data over the general volume of remittances is also scattered but the most accepted numbers represent about 1.5 billion in 2007 which rose up to 1.9 billion in 2008 which represent 31% of the Moldavian GDP (OIM, 2009).

The 2009 survey showed that the average amount of remittances sent home by migrants increased from \$1,296 in 2006 up to \$1,848 in 2008 (OIM, 2009). Earlier findings suggest that, on average, emigrants earn about 543\$ a month which varies depending on the status of the immigrant and country of destination. Migrants to CSI tend to receive less. Permanent migrants tend to earn more at about 741\$ compared to seasonal of 409\$. Study suggests that the earnings of the seasonal migrants increase due to the adaptation to the local labor market, language and cultural adaptation etc. The vulnerable group out of these represents the illegal emigrants as they tend to send less than regular migrants (Ruggiero, 2005).

. More recent studies prove this assessment as the households which have a migrant tend to buy more assets than those with no emigrants. Fifteen percent of households with an immigrant bought a car during 2006 – 2008 compared to 9% without, and 2,1% bought a house compared to 0,8% of the households without having an emigrant (OIM, 2009). As a result remittances helped many Moldavian households to come out of the poverty and make it possible for many household to increase their level of life (Pinger & Luecke, 2007).

This proves a great input Moldavian emigrants had for the national economy as the constant inflow of financial resources helped developing the economy, kept the national currency stable throughout this period and decreased the budgetary pressures. Remittances also have played a major role in the increasing quality of life of the recipient families by increasing its welfare. On average remittances constitute between 35 and 60% of the recipients family income. Most of the families tend to use their remittances on the basic consumption needs; after those are met next level of consumption implies buying a car, electronics or renovating the house. Another portion of families in the second stage of the remittances cycle once the basic needs are met chooses to make savings for future projects related to education, investments in housing, business. It allowed more families to finance the studies at university which

would be difficult to imagine through other means (CBS – AXA, 2005; Ruggiero, 2005).

On the other hand, spending mainly directed towards consumption cannot be a viable solution towards the general economic situation in the country. With a tiny 4% share of the remittances resources invested in business activity shows an alarming situation in the economy and lack of a proactive approach towards of the government towards this situation. Mainly, it relates to the business environment in the country which remains poorly managed, corrupted and with underdeveloped regulatory framework which prevents many of the emigrants to restrain from business activities. Emigrants also represent the share of the population which is more aware with the difficulties related to starting their own business. OIM research shows that emigrant households tend to have more information over the business environment in the country. The main reasons not to start a business relate to the perceived risk of starting a business, fear that it would not be profitable, high taxes and official fees, bureaucracy and corruption. Some of the collected interviews during the research shed more light on the subject:

“After my wife had left, I started a small business. But it turned out to be impossible: high demands, high taxes...I couldn't register the company because I needed too much money. As soon as you register, have a stamp and a bank account, the tax authorities come along and you have to pay them, but the profit does not come at once.” (Man, 36, wife in Italy)

“I have a market stall. Checks take place at least once a week, sometimes even twice or three times a week. It is not necessary to give them money. They also take the things you sell....” (Women, 34 years, husband in Italy). Excerpts from the interviews collected during OIM research (OIM, 2009: 33).

Global Economic Crisis

Global economic crisis also had a role on the emigrant situation in Moldova but not a determinant one as remittances continue to be the driving force of socio-economic life in Moldova. In the first 10 months of 2010 Moldavians sent home 1,1 billion dollars, 30% less than in the same period of 2008. Economic crisis forced many citizens to return to Moldova. Another study done by OIM on socio-economic impact of the global economic crisis finds that most of the returned emigrants came back for family

reasons, about 57% and more than 80% do not seek to return to host country. Sixteen percent of the returnees lost their jobs and about 10% complained on the salary cuts in the host country. As a result, about 26% of the returnees were affected by the economic crisis in the host countries. Most affected sector represents construction as 54% of returnees were working on construction sites, while another 14% in the household care (OIM, 2009).

This data suggest that the number of Moldavian returnees can increase as economic crisis worsens and some European governments take more restrictive stand towards immigration. As an example can be the Czech Republic which due to the crisis stopped the issuance the working permits for the citizens of Moldova, Ukraine, and Mongolia. On the top of the lowering the salaries Moldavian get in the host countries which impact their possibility to afford housing, the growing number of returnees is not a surprising fact.

Social impact

Labor exodus produced in Moldova in the last 12 years had a major social, economic and political impact. Family separations were affected and there is a generation of youngsters grown without one or both parents. As data up until today suggests most emigrants are married and the size of the family does not seem to influence their decision to migrate. As a result emigration is associated with high emotional costs, family risk as it increases the chance of divorce or separation and a damaged relationship between children and parents, and sadly child in some cases. While approximately 70% of the households reported on the increased income due to remittances one third of them mentioned emotional stress. More than 40% reported emotional stress for parents and about 22% complained on lack of parental care (OIM, 2009).

Another area is the development of different smuggling and middleman providers of migration service. All these activate illegally and emigrants become victims of different scams and pressures and human trafficking. Women trafficking mostly for prostitution purposes are one of the most painful issues in Moldavian society. Data available is very limited as not many persons end up addressing to the police or assisting organizations. International Organization for Migration reported more than 1,000 people victims of trafficking between 2000 and 2003 (Jandl, 2003.) The

perception of the country was also seriously damaged as a place where women are ready to practice prostitution as the only means to survive⁷. International media portrayed an image of a country with desperate people. With this image abroad Moldavian government should also consider changing its image abroad and promoting successful emigrant stories, support migrant community cultural centers and devote more effort to support and protect its citizens abroad.

Brain Drain and social development

Brain drain is considered another outcome of the present labor exodus. As some authors tend to describe it as less significant other studies show that it might be a worry (Ruggiero, 2005; OIM, 2009). Twenty-one percent of the emigrants represent the highly educated portion of the society with a university degree. Most of the highly educated migrants tend to look for permanent migration and choose the European states vector (OIM, 2009).

As stated by Pinger, emigration is the most beneficial if it is temporary and, as the above analysis shows, Moldavian emigrants constitute a major labor source for the development of Moldova in case of return. This can lead to knowledge and technology spillovers as Moldavian emigrants are going to import skills, knowledge and ideas from the host countries (Pinger, 2007). It can boost innovation and create a market of ideas for development. Moldavian emigrants participated actively in the recent country elections and most of them report high degree of attachment to the home country⁸. In this situation it is important to design respective policies to maximize the positive impact of migration and ensure not only the link between immigrant and host country but close create viable 'bridges' for his return based on job opportunities, improved business environment. The question of migration will be at the core of the discussion on liberalized movement between Moldova and EU and without comprehensive strategies to tackle the issue of migration free visa regime might have little positive impact on the socio-economic development.

What policy solutions can improve the existing situation?

⁷ The Independent, Independent Appeal: help the children left behind, <http://www.independent.co.uk/news/appeals/indy-appeal/independent-appeal-help-for-the-children-left-behind-2160539.html>, December 15, 2010

⁸ Participation rate in Moldova and embassies abroad, <http://politicom.moldova.org/news/vezi-rata-de-participare-in-tara-si-pestehotare-214263-rom.html>, 28 november 2010

Moldavian government needs to be more pro-active in dealing with the problem of migration within its negotiations on visa free policy. Without significant efforts to improve internal situation in the country and creating a viable environment for the immigrant return a softer European border can hardly be envisaged.

Some steps were already taken. In April 2010, Moldavian Government presented its development project to European Donors. “Rethink Moldova” received almost 2.5 billion in investments and donations for the period of 2010 – 2013. Such openness and will to invest in Moldova was noticed for the first time in the history of the republic. This fact creates a possibility for viable economic and investment reforms. At the same time much more needs to be done in improving the investment environment in Moldova for the development of the small and medium scale business. Many migrants complain on the systematic abuses, corruption and heavy bureaucracy while developing their own business. Improving the regulatory framework and creating more incentives for migrants to invest their money in business activities can reduce the number of people dependant on remittances and boost the overall economic development.

Structural changes are inevitable as improving business environment can attract more emigrants to return and at the same time reduce the brain drain and motivate highly skilled professionals to look for opportunities at home. As the analysis shows migrant households are more likely to start a business but at the same time they are more aware of the risks involved which hinder their investment potential. Improving business climate and fighting corruption as suggested by the emigrants can play a major role in maximizing the positive impact of migration. Bureaucracy has to be simplified as well. Many migrants complained on big number of documents and requirements to be fulfilled in order to open their business. This is a very important de-motivating factor. Simplifying the process of registering the business, tax payments, annual reports might motivate more migrants to get involved in business activities.

Moldova should improve its relations with the main host’s states of Moldavian immigrants. While there was achieved some progress in negotiations with Portugal and Italy, relations with other states are poor in this regard. Moldavian government achieved to set a quota agreement with Italy for 1,500 migrants for legal employment a year (El – Cherkeh, 2005). Further efforts are needed to maximize the quotas for legally employed Moldavians in order to reduce the share of illegal emigrants and create the suitable environment for the legal employment. Such quotas on the top of visa free regime might

reduce the share of firms and companies providing illegal employment for emigrants, as well as reduce the risks of human trafficking and smuggling. By focusing on creating more possibilities for legal employment and travel into EU for Moldavian emigrants it can reduce social costs of migration and ensure that their rights are protected in the home country. In this regard more effort should be channeled towards promoting the firms, companies and agencies providing legal employment. Such agencies should be responsible for the informative side of the question in order to make emigrants fully aware of the opportunities, costs and risks of migration and help make an informative decision. In 2004, there were more than a hundred such firms serving only 2,000 Moldavians (Spatari, 2006).

It is clear from the first chapter review that some European countries are reticent towards low and medium skilled migrants but creating a framework of the temporary work programs can significantly improve the situation and benefit both, home and host countries. Such negotiations can be held within the future European mobility partnership. There more to be done in the area of assisting Moldavian communities and citizens as a whole. More diplomatic tools need to be developed for this. The second major receiving country in European Union, Portugal, did not have a Moldavian embassy up until recently. Moldavian citizens needing assistance had to travel to the nearest embassy in Madrid. Moldavian government needs to ensure more diplomatic presence in the places with high density of Moldavian emigrants.

Within the growing attention Moldova received in the last couple of years from foreign investors the country is in rather peculiar situation. Implementation of investment projects and the growing rate of foreign direct investments requires as well qualified workforce. Moldova needs its emigrants back to ensure further development and continuous inflow of the foreign investments (OIM, 2009).

In the end Moldova's potential for economic growth can be considered to be high. In a country with an educated youth, bilingual population and big amount of population with emigration experience, with the proactive management of emigrational flows and a strong political will oriented on ensuring a proper business environment, a proper standard of living and the prospective for growth can be achieved. Unless these standards are not achieved Moldavian migration problem might not be solved in the nearest future and can jeopardize the mobility partnerships with European Union.

Recently Moldavian migration issue is not the only one in the light of negotiations of visa free regime. Beside Moldavian migration issues Moldova was hardly affected after Romania joined EU and imposed visa restrictions on Moldova. Romania was one of the main destination countries for Moldavian for work, vacation and visiting the relative. The issue culminated in 2007 and pressured Moldavian government to foster visa liberalization dialogue with EU.

2.3 Building walls between neighbors, the experience of being an EU neighbor: Moldo-Romanian border saga.

From the bridge of flowers to visa curtain

Moldova and Romania have strong cultural and historical ties. Republic of Moldova was part of the bigger principality of Moldova, one of the three Romanian principalities. Between the first and second World Wars Moldova was part of the united Romania later being incorporated in Soviet Union. Moldova and Romania represent the same ethno-cultural space with more than 65% of the Moldavian citizens speaking Romanian (Spatari, 2006). For Romania the separation between two states during the soviet rule was seen as a sore period. Often in the public and political discourse Romanian leaders describe the regrets over the dramatic destiny of the two brotherhood countries separated by the divide. It is viewed as historical injustice done to split Romanians into two different countries. A more comprehensive description of the station is incorporated in the Romanian president Basescu's statement over the relationship with Moldova, he named it "one single nation – two separate states" (Administration of Romanian President, 2007). This is an attitude which is often debated but has a ground to exist.

After the fall of the Soviet Union the communication between countries was reestablished within the new framework. If before 1991 the border crossing was impossible the most liberal border regime between two countries in Europe was established at that date. In the first day when the border crossing was allowed about 240,000 people visited the neighboring country marking the event later called "the bridge of flowers". It raised high expectation over the possible unification which did not happen (Avram & Mueller, 2008).

Before Romanian EU integration process "bridge of lowers" was an everyday border reality between two countries. It was enough to have the countries identity card

to cross the border. Great majority of Moldavians were traveling to Romania for trade purposes, visiting their family and relatives, vacations etc (Arambasa, 2008). Due to these liberal policies people-to-people relations flourished during this period at all levels of society (Avram&Mueller, 2008). This liberal approach to borders was common in Eastern Europe taking into account liberalized border between Ukraine and Poland before EU accession. It made some experts argue that before EU expansion borders in the eastern neighborhood were not seen as a barrier, especially between nations speaking the same language (Anderson, 2000:6).

In parallel to Romanian efforts to join EU, border regime was tightened. Starting from 2001, Moldavian citizens were obliged to carry passports, an act that has been already seen as somewhat unfriendly. Acquiring passport was seen as expensive procedure and raised concern. The tensions raised throughout next couple of years as Romanian authorities introduced more and more restrictive rules peaking in January 2007 with the introduction of the visa requirements to Moldavians. It fueled frustration and desperation among Moldavian citizens. Some of them reported to perceive the new border regime as iron curtain, while others expressed sentiments of isolation, lack of freedom and frustration portraying the present regime as one pushing Moldova towards becoming an isolated and inhabited island. The number of Moldavians traveling to Romania fell by 20% (Arambasa, 2008).

From 2007, people from different regions of Moldova had to plan a trip to Chisinau in order to apply for Romanian visa, which was a heavy bureaucratic procedure undermined by long queues and lack of management of the applicant flows.

Local and Romanian media reported about tragic incidents, turmoil and frustration expressed around the Romanian consulate in Chisinau. In November 2007 a woman with a small child was injured while the mass agglomeration in front of the consulate when about 700 people came to get their visas. Many of the people had to sleep in front of the consulate to be able to catch the front row for the next day (Cotidianul, 2007). Another reports mentioned the stories of people fainting in the crowd, fights between applicants, noise and frustration within the crowds as an everyday reality and other stories of people spending days in front of the consulate to be able to get in. In this mass turmoil a lot of criminal groups established their activity by providing alternative visa services (Protv, 2008).

Romanian accession created some trouble to people intending their travel to countries which had no embassies in Chisinau. A citizen intending to travel to Spain still has to get Romanian visa in order to travel to Bucharest to apply for the Spanish one. It was a time consuming and costly procedure. The attitude of the Romanian Border patrol also changed due to constant attempt of the Moldavian citizens to cross the border illegally. In the first 3 months of 2008 approximately 300 people were caught trying to cross the border illegally via different means such as: false passports, hiding in different means of transportation (Avram & Mueller, 2008). The attitude of the patrol became stricter in the line with European Union border standards.

Situation slightly improved in last year as 2 new consulates opened in Balti and Cahul and the agreement on cross-border petty trade was signed. It allows citizens living within 50 km of the border of Romania to travel to Romania with a special cross-border permit. This permit is seen by the European Union as a great mobility incentive but in reality citizens having this permit can travel only within border area 30km into Romanian territory. It is also discriminatory as the freedom of some is reached at the expense of others. The impact of this incentive is limited as it covers a limited territory and a select group of people⁹.

As a result it is logical to assume that EU's goal to avoid creating the diving walls and promote cross-border communication and cultural exchange in its neighborhood didn't reach its objective within the Moldo-Romanian context. The memory of the liberal and open border regime between Moldova and Romania before Romanian accession is still strong. Today's regime in contrast with EU's intentions creates impediments to people-to-people contacts and restrains the cultural exchange. It appears to be disappointing and hard to understand in case of 2 countries which share common cultural heritage. Two countries enjoyed 15 years of liberalized freedom between restrictive soviet and EU's policy. It was difficult to travel in Soviet times and it is difficult now after the EU's enlargement. Image of Romania was also affected due to these restrictive policies as a result it created tensions between two countries at the political level.

European political discourse about the European eastern enlargement and the desire to share the benefits of enlargement with the neighbors from the point of view of

⁹ All about small border traffic, <http://www.timpul.md/articol/totul-despre-micul-traffic-la-frontiera-5199.html>, November 27, 2009

movement of people seems to be less of the benefit and more an impediment. From the point of view of people standing in front of the Romanian embassy willing to visit their relatives such restrictive policies appear to have an “iron curtain” image.

Lifetime alternative to visa free-regime with EU: a Romanian passport

The paradox of the mobility restrictions towards Moldova is in the alternatives Moldavians found to tackle these limitations. While Moldova has no visa free regime a major part of the population of Moldova found a way to get into EU without a visa. The law on the Romanian Citizenship no. 21/1991 allowed the possibility of regaining Romanian citizenship for those who lost it under conditions out of their control which is considered to be the Soviet Union occupation of Moldova (Damian, 2007). This law also allows the descendants of former citizens to request citizenship. Paralleled by Moldavian modification of the Citizenship Law, which recognizes the right of Moldavian citizens to have double citizenship it becomes evident that visa restrictions can be avoided by acquiring the Romanian citizenship (Jandl, 2003).

The data over the official number of citizenships granted to Moldavian citizens remains split. According to some researchers accompanied by different independent investigations around 100,000 Moldavians received Romanian citizenship between 1991 and 2005. Closer to the date of Romanian integration into EU the number of applications for Romanian citizenship boomed. People were assaulting local postal offices trying to send their requests of Romanian citizenship. It was argued that more than 800,000 people in a country of 3.6 million applied for Romanian citizenship, and many more to come (Avram & Mueller, 2008). European sources give even more alarming numbers. BBC article suggests that almost 1million Moldavians were granted or going to be granted the citizenship in the nearest future as the procedure was simplified. While for some it is a chance to look for a job in EU, for others to see the world, for third it is a chance to visit their relatives in Romania or settle there. As one interview lady suggested “Moldovans feel Romanian, because you can’t just forget many centuries of common history and say we have nothing in common with Romania”¹⁰.

With 80% of ethnic Romanians in Moldova, Romanian authorities claim that Romanian citizenship is a way to solve historical injustice to the people of the same

¹⁰ Alarm at EU passports for Moldova, <http://news.bbc.co.uk/2/hi/8029849.stm>, may 4, 2009

nation while some polls express a different view. In a survey carried out in 2005 about 48% of respondents expressed their will to acquire Romanian citizenship out of which 85% explained their will due to the right to travel and work in EU and only 14% expressed their desire because of nationalist feelings towards Romania. Another qualitative study held within the Moldo-Romanian border area shows that 42% of the respondents already applied for a Romanian citizenship while 72% suggested that they would like to have the Romanian passport. More than 60% motivated that Romanian passport would allow them to enter EU, 52% said that they need passport for entering Romania as well and only 14 claimed to feel like a Romanian (Arambasa, 2008) It is clear out of the above mentioned data that not so much the feelings of belonging motivates Moldavians to apply for the citizenship but rather the freedoms and rights the Romanians passports gives within the EU space.

On the top of that another 150,000 of Moldavians already have the Bulgarian citizenship. If the worst or better said realistic expectations are going to be fulfilled then around 1 million up to 1.3 million of Moldavians will have a citizenship of EU in nearest future. It is going to be almost 1/3 of the total population which can jeopardize the Moldavian statehood and pose challenges to Moldavian authorities. In such case Moldova risks to lose the major part of its mobile and economically active citizens (Arambasa, 2008).

The issue raised concern in European Union which made different public media criticize Romania for massive granting of the citizenship to the poorest country in Europe. Some note that Romania allows Moldavians to get into EU via the back door¹¹. While some argue that this process is destabilizing, it is not the first time European Union deals with such situations: Spain granted 500,000 citizenship to the descendants of those went on exile during the civil war. The EU representative for Moldova Kalman Mizsei suggests that the real solution to the issue is to allow Moldavians travel without visa into EU (BBC, 2009). The same opinion was expressed by the former speaker of the parliament today's leader of the democratic party of Moldova, Marian Lupu, who

¹¹ Spiegelonline, Entering the EU through the back door, <http://www.spiegel.de/international/europe/0,1518,706338,00.html>, July 13, 2010

stated that 'The requests for Romanian citizenship will continue to pour in until the restrictive visa system imposed by the EU on Moldovan changes'¹².

As we have seen in the above analysis the issue of mobility restrictions towards Moldova has its own original context due to the Romanian EU accession and the Romanian passport granting. The new border regime disrupted the ties between two neighboring countries which share common culture and history. At the same time EU can be pushed to grant free visa regime due to concerns over massive citizenship granting to Moldavians. Indeed, with the restrictions in place Moldavians will continue applying for Romanian citizenship. One string to pressure Bucharest to stop this process would be the Romanian negotiations over joining Shengen area. EU can use Shengen negotiations as a tool to pressure Bucharest to limit its massive granting of Romanian citizenship. But that might not solve the matter as the tension at the border will continue to rise. It can be considered as a limited solution to the problem.

¹² 300,000 immigrants secure backdoor route into Britain, <http://www.thisislondon.co.uk/news/article-23369745-300000-immigrants-secure-backdoor-route-into-britain.do>, May 10, 2006

Chapter III

EU mobility restrictions: Consular Sadism

The boiling issue

EU Visa policies¹³ represents one of the main tools used by European Union to secure its area of Freedom, Security and Justice, fight illegal immigration and control migration flows. For Neumayer, states use visa restrictions in order “to manage the complex trade-off between facilitating the entrance to their territory by passport holders from certain countries for economic and political reasons and deterring individuals from other countries for reasons of perceived security and immigration control” (Neumayer, 2008:1). At the same time visa policy is one of the main constituents of the hard border. In previous sections we discussed the impact visa restrictions had within the Moldo-Romanian context but the problem of visas to Schengen countries is older. Moldavians face a lot of difficulties in getting visas to European Union countries. Today Moldavians need visa for all 27 member countries and experience lengthy, often subjective and humiliating procedures of getting an EU visa.

The first wave of concern and complaining on the harsh visa policy was noticed in Balkan countries which raised public campaigns against EU visa policies in the region. In 2005 International Crisis Group released a report on the state of EU visa restrictions calling them as frustrating and humiliating towards citizens of Balkans. It concluded that Balkan citizens had to experience the consular sadism in order to get an EU visa. Consular sadism implied heavy bureaucratic requirements, lengthy procedures, second-class treatment, and exaggerated costs (ICG, 2005).

EU image was affected more when local media started to report on people's stories in their attempt to get an EU visa. One of such stories is of local folklore band with 22 years of experience “Goce Dalcev” from Macedonia which requested visas to attend the music festival in Great Britain. When getting to the embassy visa clerk asked the group to perform their dance to ensure the authenticity of the request. Clerk's aesthetic standards were not met as the choreographer and some of the main dancers did

¹³ EU visa policy covers short-term visas up to 90 days stay in the Union; long-term visas are at the discretion and regulation system of the member states.

not receive a visa. The ensemble in the end could not travel to the festival and performed the dance once again in front of the embassy as a part of the protest against humiliating visa procedures¹⁴. That was not a singular episode of visa denial towards public figures. A series of stories swept the public discourse as some of the respectable Balkan writers, musicians, NGO activists, researchers, business people struggled with EU visas experiencing humiliating treatment and unmotivated visa denials¹⁵.

Strict visa policies and consular sadism are the main outcomes of the EU hard border on people-to-people contacts. While assessing the visa policy it made European Commission to conclude that “the length and cost of procedures for short – term visas is a highly visible disincentive to partner countries and an obstacle to many of the ENP’s underlying objectives” (EC, 2006). In case of Moldova this subject remained unnoticed within public and academic realms up until 2007 when the long queues in front of some European consulates and Romanian consulate raised a major debate.

Consular Situation in Moldova

Moldova being a small country does not have all the embassies of the European Union members. Up until 2007 in order to get a Spanish or Portuguese visa the Moldavian citizen had to travel to Bucharest in order to apply. Nowadays, after Romania joined EU Moldavians have to get Romanian visa first and then travel to Bucharest to get the above mentioned visas. Spain and Portugal remain one of the most important countries for Moldavian migrants. This procedure is time consuming and implies major spending. The situation improved after the opening of the Common Application Centre in Chisinau in 2005 which is issuing visas to 14 countries members of the Schengen Agreement¹⁶.

In 2007 Moldova and European Community signed the Visa facilitation agreement which decreased the visa fee from 65 to 35 euros, reduced the time for visa issuance to 10 working days and waved visa fees for 15 social and professional groups

¹⁴ Protest dancing in front of the British Embassy, available at <http://www.pressonline.com.mk/?ItemID=38CF9B79AE0D4F41A7F38A88B08F2F99>, July 2005,

¹⁵ A compilation of consular sadism stories is available on: http://needvisa.net/index.php?option=com_wrapper&Itemid=8, viewed on December 5, 2010

¹⁶ Common Application Centre in Chisinau is issuing visas to following countries: Austria, Belgium, Denmark, Estonia, Finland, Greece, Latvia, Luxembourg, Netherlands, Slovakia, Slovenia, Sweden, Switzerland, and Hungary.

and overall eased the issuance of short-term visas (up to 90 days)¹⁷. It also supposed to facilitate the issuance multiple entry visas for citizens who are traveling often to EU¹⁸.

The agreement was contested due to its limited approach. Unlike visa free travel achieved by Serbia, Montenegro, Macedonia, Albania and Bosnia during last 3 years Visa facilitation agreement divided the citizens of eastern neighborhood in two categories: those who are entitled to privileges and those who are not. It raises the issue of discrimination. The majority of the population applying for visas are not entitled (Trauner & Kruse, 2008). Another major problem is that the Facilitation Agreement does not influence on long-term multiple entry visas. That means that citizens who received many EU visas before have to apply every 3 to 6 months for a new visa. The price for visa which is 35 Euros does not include the spending applicants has to face for travel to Chisinau and back, issue and translation of certain documents etc. Visa Facilitation Agreement tackled superficially the problems related to visa application as the question of rationale behind keeping the visa regime was not challenged.

In order to better understand the visa problem in Moldova next sections are going to focus on some parts of the Visa process and review opinion surveys done by Batory foundation and other research institutes which provide quantitative data on the subject. In addition to that author conducted 20 email interviews on the topic of EU visa problems in Moldova where respondents were asked to share their experiences of getting a visa to EU. The interview included 4 questions about their background and 5 open questions where applicants could express their opinion upon visa costs, documentation needed, the way they were treated at the embassy, and asses their overall experience at the consulate. It was conducted in November 2010. The questions did not provide any answer choices as it was at the discretion of the interviewers the limit of their answer, what details to provide and what question to answer or structure their answer in one essay. The main goal of this qualitative method is not to gather statistics or numeric data which is already available from Batory Foundation studies but to reveal some of the specifics of the visa procedure and give people opportunity to express their opinion in an open form. This research is qualitative and comes as a support to already existent quantitative data. One of the main shortcomings of the

¹⁷ It benefits members of certain occupations as truck drivers, researchers and academics, business people etc with certain travel purposes such as: visiting close relatives, academic events and trainings, medical treatments etc.

¹⁸ Visa facilitation Agreement between Moldova and European Community, available at http://www.chisinau.diplo.de/contentblob/1840194/Daten/142306/Acord_facilitare_eng.pdf, July 2007.

research is the small sample size. This research does not seek as much to be representative as to be the first attempt to document the stories at the embassy which was never done before for Moldova, reveal some of the specifics and support the existent quantitative data.

The sample includes young Moldavian citizens between 21 and 31 years old who at least once applied for an EU visa, 45% of them obtained a graduate degree, other 45% hold bachelor degree and 10% have finished elementary school. Ninety percent of the respondents are from urban area while 10% from rural. Forty percent of the respondents were still students, while 40% worked in private sector and 20% were workers in non-governmental organizations. The focus on young people is based on their migratory potential as this age group is considered to have the highest will to migrate thus more mobile. The research also includes mostly educated people as this group is the main supports of European integration and has higher potential to travel and migrate to EU.

3.1 The headache of getting a Schengen Visa

Documentation procedure

In order to apply for visa citizens of Moldova from any location in the country have to travel to Chisinau in order to be able to apply. The list of documents needed vary according to the purpose of travel. Beside general requirements such as valid passport, application form, health insurance and a passport sized photos next list of requirements goes more specific:

- a letter of employment confirming the position of the applicant, his monthly salary and stating that he has a vacation during the period of travel to EU, in case of students a confirmation from university is needed with the student card;
- old passports and the photocopies of all previous Shengen and US visas (if any);
- plane/bus/train ticket reservation both ways.

Plane and bus reservations are the most challenging requirements as the travel tickets bought in advance in most of the cases are non-refundable. In case of applicants with the bought plane ticket a visa refusal can end up with a major waste of financial resources (CAC, 2010).

Next stage represents the specific documents varying on the purpose of travel. In case of tourist visas details over the travel plans are requested with detailed routes, places and dates on the top of fully paid hotel reservations. A confirmation of the reservation has to be issued by the hotel and sent by fax or email. Proof of the financial means have also to be presented together with the proof of residence in Moldova. In about 30% of the cases consulates require additional documents which would prove applicants commitment to the home country such as confirmations of ownerships of different means, family situation etc (Batory, 2009). In this stage requirements for different consulate vary so that we include those which are most common for the majority of the member states.

There is enough room for subjectivity in the application process. For example it becomes more subjective when it comes to visits of friends and families abroad. In case of friends visits Common Application Center requires a detailed report over the relationship between the person traveling and the person inviting with the detailing on how, when and in what circumstances they got acquainted¹⁹. That is on the top of invitation letter issued by an authority of the Shengen State and the passport copy of the person inviting. This requirement should raise certain privacy concern. It is inappropriate for the applicant to be judged over “the friendship level” and whether their friendship or relationship with an inviting person is important enough to be granted a visa. It is difficult to imagine such an assessment to be objective. Over 5% of Moldavians reported in the Batory study over inappropriate and very inappropriate questions received during interview mostly related to the relationship status (Batory, 2009).

“I wanted to spend Christmas with my German friend and some questions I received during the interview were totally inappropriate over the nature of my visit. They were asking me about the nature of our relationship, how close it is and how is it going to evolve after my trip. It was humiliating to see visa clerk taking notes on my answer and waiting for me to tell more about the relationship as if everything I was saying was not enough. I don’t understand how can you objectively asses something like that and why they do it. It is a violation of privacy.” (Authors interview - Female, 25 years, applicant for German visa)

¹⁹ In case of family visit a proof of family ties is requested.

About 79% of the applicants for an EU visa in Moldova suggested that they received verbal questions during their application (Batory, 2009). It suggests a high degree of subjectivity in the assessment of application.

Some EU consulates go further in their requirements. Belgium for example for such type of travel requires a certificate of family composition issued by local authority and the salary certificates of the inviter for the last 3 months²⁰. Italian embassy asks for applicants to present the certificate that proves that they did not change their first name and last name during their lifetime²¹. Such a confirmation seeks to prevent illegal returned immigrants or criminals to change their names and try to get into EU again but it would be needless to say that in case someone wants to migrate illegally he can buy the certificate on the black market.

This long list of requirements usually requires time to prepare and is costly as the documents are usually needed to be translated and legalized by the local authority. While some respondents find the list reasonable and not as time consuming the majority of the respondents to the interview suggested that the list is too long and time consuming. The average amount of time is between 1 and 2 weeks to get all the documents prepared. Obviously the burden of getting all the papers ready depends on the purpose of visit. In cases of business, sport or cultural events the list is not any shorter²².

²⁰ In case of invitation to Greece a number of other documents are needed: “-The invitation from the closest relative issued by the police department in Greece and translated in Greece at the notary office into English, Russian or Romanian. - The copy of the inviter’s tax declaration. - The copy of the inviter’s residence permit and passport. - In case the inviting person is married to the citizen of Greece, the certificate of family composition translated into English, Romanian or Russian should be attached to the file” http://cac.md/form_vize_en.html.

²¹ Italian embassy in Chisinau, http://www.ambchisinau.esteri.it/Ambasciata_Chisinau/, accessed on December 10, 2010

²² On the top of general requirements needed for a visa the following requirements are established in case of business travel:

- “The official invitation in original and a copy.
- The copy of the Certificate of Registration of the inviting company.
- Confirmation of the existence of business relations (contracts, transportation orders).
- Certificate of Registration of the invited company issued by the State Chamber of Registration of the Republic of Moldova (original and a copy).
- Confirmation of hotel booking.

In case of sport event the following list of documents is required:

- Invitation from the country of destination comprising all the relevant data, signed by an authorized person, indicating who covers all the expenses (original and a copy).
- Certificate of registration of the sports association and the statute of host association.
- Certificate of registration of the Moldovan sports association and the proof regarding membership in the sport club.
- Verbal Note from the Ministry of Education that would confirm the presented data.
- Sportsman card (original and a copy).
- Confirmation of accommodation.

In case of cultural event the following documents are needed:

Even though Common Application Centre was one of the main tools to reduce procedures length and bureaucracy the research shows that it requires more documents than other consulates in Chisinau. On average CAC requires up to 6.2 documents per applicant while other consulates 5.3 per applicant (Batory, 2009). It also creates frustrations taking into account that the embassy reserves the right to request additional documents or return the applicant.

This long list of requirements represents the first filter as it demotivates the traveling right from the beginning. As a result firms offering such letters are flourishing. A number of travel agencies also offer visa services as suggested by the respondent.

“The application was done by the travel agency. If I were to apply on my own I think I wouldn’t have a chance to get the visa, since they require such things like invitation from an EU citizen which i cannot provide and I think the simple confirmation of funds availability for traveling would not be enough” (Authors interview – Female, 23, Visa for Spain)

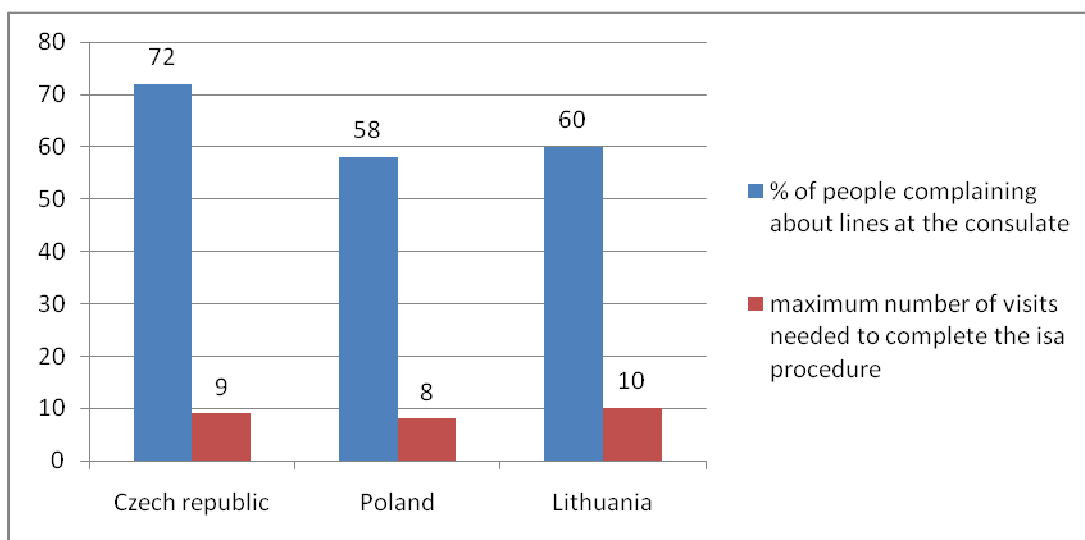


Figure 3. Percentage of people complaining on lines in front of the embassy and the number of maximum visits needed to obtain a visa (Batory, 2009)

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- Qualification certificate (diploma) proving the cultural activity (original and a copy).
 - Invitation letter in original stating the name, location and time of the cultural event and the role of the applicant in the given event.
 - Proof of personal financial means or a confirmation from the inviting organization about the coverage of expenses related to the trip.
 - Confirmation of accommodation” (Common Application Centre, www.cac.md, 2010)

Some statistical data on procedural length is available. The main determinants of the procedures length in eastern neighborhood were related to total time spent in line, number of visits to the consulate, verbal questions during interview and the number of documents required. It takes from 6 days for Great Britain to 23 days for Czech Republic to issue a visa, with more than 60% of respondents complaining on the time they needed to spend in line.

A great number of applicant in the eastern neighborhood (Ukraine, Moldova and Belarus) reported that they needed more than 2 visits to get their visa, it happened in case of 33% of applicants for Czech visa, 27% for Finland, 23% Poland. As we can see in table new member states have major problems in managing consular tasks as in case of Czech republic 72% complained on lines at different stages of visa application and there were cases registered of people turning back 9 times to obtain a visa. At the same time respondents suggested that high quality information available on the internet, treatment and professional attitude can significantly reduce ease the procedural length (Batory, 2009). As a result we see that the number of documents is a constituent of the visa obtaining burden in line with other impediments.

The costs of an EU visa

It was argued that many of the requirements represent a financial risk for the applicants such as travel and hotel reservations, funds which cannot be retrieved many times and others such as the proof of family and relationship ties which are subject to subjective interpretation of the Consular professionals (Batory, 2005).

In Moldova there are “agencies” which can arrange an EU visa for the applicant for considerable financial input. Some earlier estimation can give us a clearer picture of the prices for an EU visas.

- For visa obtained in 2 days – 2150\$
- In one to two weeks – between 1,700 – 1,900\$
- In one month - 1600\$ (Gheorghiu, 2006)
- Between 2000 – 3500 euros for an EU visa (Gotisan, 2010).

Moldavian police caught in December 2010 a traveler on his return with a false visa. While it was observed on his return he stayed in the Schengen area for about 3

months. The declared amount proves the above mentioned estimation; he spent 1,500 euros²³ to get the Schengen visa.

Thirty five Euros for an average Moldavian represent a considerable part of his salary and represent a much higher disincentive on the top of hassle and trouble related to the visa procedure (Spatari, 2006). The same opinion was expressed by the majority of the interview respondents who considered the costs to high on the top of price needed to pay for other documents, their translation and legalization.

Attitude towards applicants

Both statistical studies conducted by Batory Foundation in 2005 and 2009 show that the main determinant of their visa experience represents the respectful attitude towards them throughout the application process. One of the findings argues that protection of the applicant rights and dignity is much more important to the Eastern Europeans than other factors of the application process such as procedural length, complexity, and costs (Batory, 2005; 2009).

Every applicant for visa in eastern neighborhood is perceived as a potential immigrant and is assessed within this perspective. On the one hand this attitude is motivated by the experience of Moldavians mass-emigration. On the other hand it is in the principle of the consular staff job to provide equal and respectful attitude towards all applicants

“At least in Moldova, it seems that the starting point for them is to suspect every applicant of wanting to violate the migration rules of their country. Thus they work the logic back from that assumption in each case. It makes every applicant feel like a crime suspect for the duration of visa application process. That needs to change. Visa is no more than an instrument to control the migration flows, not to intimidate people, so it should be treated this way by all involved, especially by the consulate staff”
(Authors interview, Male 27 years, CAC)

“Every time I apply for a visa I am perceived as a potential criminal. I am working for a national NGO and received already many visas, I proved many times that I am not an illegal immigrant and I do not intend to migrate

²³ A Moldavian caught with a false visa, <http://unimedia.md/?mod=news&id=22473>, December 9, 2010

but every time I apply for a new one I am treated as desperate citizen ready to sacrifice everything to get into EU. I already refuse sometimes the trips just not to go through the whole thing again” (Authors interview, Women, 29 years French, German visa, applied also at CAC.)

Inappropriate treatment of applicants is noticed within 3 stages of the application process: scheduling an appointment, while application at the counter, when getting a visa. During all 3 stages applicants expect to receive information and guidance and their concerns answered. Many applicants need assistance with the filling the application forms or questions regarding the use of visa, validity and visa type differences. The quality of information received by the applicant and the treatment impact his attitude towards the overall experience (Batory, 2009).

“I have obtained a total of 16 visas up until today. Some were easier than others. My experiences include being sent back for more documents which were not originally required, waiting in line despite a previous appointment and being treated with disrespect and arrogance. I was refused visa once. It was at the Common Visa Centre and the country I was applying for Hungary. Despite conforming perfectly with all requirements and application process when I came to get my passport at the end of a 10-day waiting period, I was told that I have been refused for "providing inaccurate information to the consulate", a statement I had to sign - otherwise I could not receive my passport back. When I asked what exactly was the reason for refusal I was told that the consulate does not provide such information. My further request to talk to someone else, or the consul, was refused too. I felt humiliated, I felt like they were suspecting me to be one of those stereotypes of the region (of Moldova), like prostitutes, traffickers or illegal immigrants, etc. At that moment I already had 10 previous visas in my passport(s) and a stable job in Moldova with good income.” (Male, 26 years. Authors email interview, November 2010)

Over 34% of the applicants for Lithuanian visa from citizens of eastern neighbors countries received reported to get bad or vary bad treatment while filling the application

and receiving their visa²⁴. Over 31% reported the same attitude from Czech Republic consulate staff and 9 % from Poland.

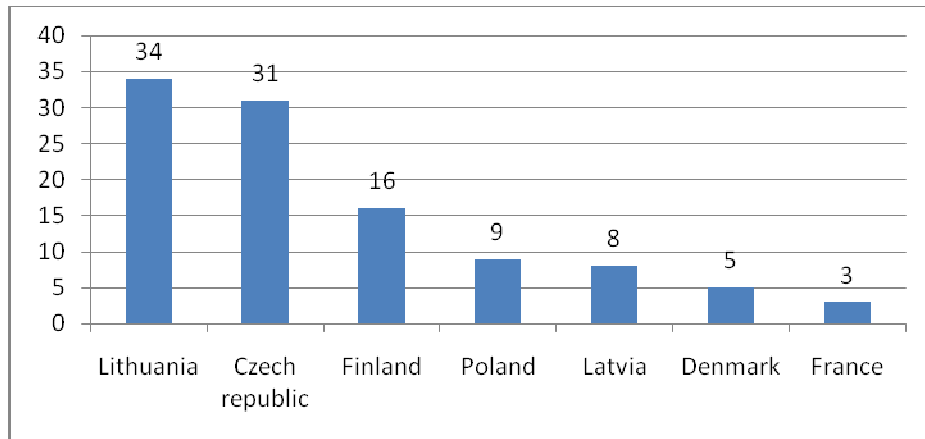


Figure 4. Percent of people considering to receive Bad and Very Bad treatment at the European Union consulates in Moldova, Ukraine, Belarus and Russia (Batory, 2009)

The most criticized skills of the consular staff were professional attitude, ability to inform and language skills. It is in the principle of their job to offer professional assistance to all applicants involved.

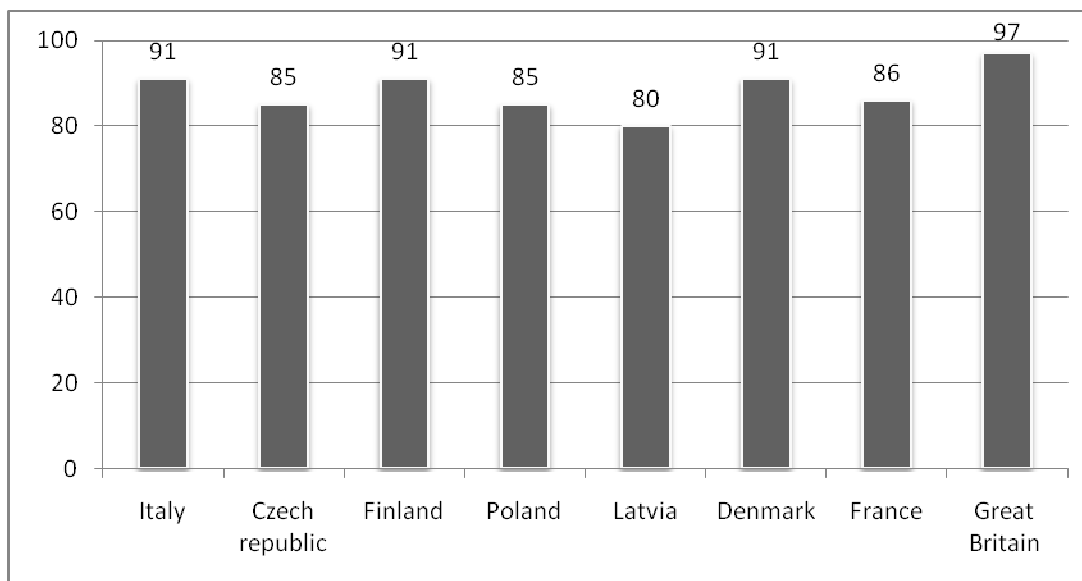


Figure 5. The percentage of applicant who consider to receive good or very good treatment during the visa application process (Batory, 2009)

²⁴ In our context by countries in eastern neighborhood represents the countries within Eastern Partnership agreement which are direct neighbors of European Union, namely: Moldova, Ukraine, and Belarus. By Eastern Neighbors we understand countries which are direct neighbors of European Union in the eastern part, namely: Moldova, Belarus, Ukraine, and Russia.

The consulates to register the best reviews upon good treatment seem to be the ones of old member states. It was reported that the consular services offered by the old member states improved between 2005 and 2009 while those of the new member states worsened. The best result was registered by Great Britain where 97% of applicants reported good and very good treatment. The results show the overall improvement of consular service throughout time and suggest that some countries start to pay more attention towards its consular services and improve its services. As a result France, Great Britain and Italy and some other old members are on top of the lists in applicant's treatment as suggested by respondents.

Batory Foundation studies use very general determinants of the consular staff attitude and treatment. It should be noted that it helps to create a general picture but there is a need to go more into detail of what exactly people are complaining about. This part needs further research and was partly touched within the interview author conducted. Some of these give more detail upon some problems people encountered during the process which are not within the variables used (during filling and application for visa and receiving visa).

"I am working for an international company and had to go for business forum to Italy for a couple of days. This was a great opportunity to visit also some of my friends for which reason I requested my visa not for 7 days which the business forum had to take place but for 10. Visa clerk asked me why I need 3 days more and after hearing my answer he suggested me to apply for another visa at my return. My visa was opened exactly for 7 days and it is difficult to understand why they refused to cooperate and give me some days more as if those 7 days were not enough for me to migrate. Because of that I didn't visit my friends whom I haven't seen for more than 5 years. Why it is so difficult to give people little more freedom?" (Authors interview – Female, 31 years, Italian visa)

"I was going for a student conference in Poland which had to take place for 7 days in Wraclaw. I wanted to use this chance to be able to travel for one more week, see Krakow and some other cities around. Visa clerk started insulting me telling me that i don't need to go anywhere else beside Wraclaw. By the end I got it only for 7 days with no explanations. It is so difficult to get into EU, and they limit it so much so that even if you get a visa it will be tight " (Authors interview, Male, 23 years, Polish visa)

The above raised question was not covered within the Batory research but deserves attention in further studies. It raises another important question. While it is difficult to get an EU visa in the first place it seems that in some cases visas do not give much of freedom to travel but on the contrary, limit it. People who are traveling to different conferences, trainings and meetings which are between 5-10 days, obviously might request their visa for more to use this opportunity for personal purposes. Their trip already implied high costs for visa, travel and accommodation, coming back in the home country and applying for another visa of personal purposes implies very high costs. Why consulates refuse to cooperate in some cases remains unclear because it goes beyond the main purpose of visas, to control migration flows and prevent illegal immigration for which purpose one-day visa would be enough.

The treatment of applicant should be considered carefully as it is one of the determinants of the image of EU. As we have seen it is far from the intended standard. For many visa clerks and the consulate is the first contact with the European Union, by not improving professionalism of consular staff and paying more attention to respecting dignity of applicant EU risks to damage its image.

The problem of multi-entry visas

Another point of concern for today's visa regime with Moldova is the issue of multiple entry visas. Taking into account the difficulty of the visa application process it is logical to assume that people traveling more often to European Union would be favor of multiple entry visas. Visa facilitation agreement tackled this issue. It stipulated the issue of multiple entry visas for certain categories of citizens which are traveling often to EU with maximum duration of 90 days and validity of 180 days.

Some recent data shows that the implementation of this stipulation had a very limited impact and was implemented poorly. Most of the consulates are reticent in granting visas for longer validity. Between 40 and 50 percent of all multiple entry visas granted for citizens of eastern neighbors are valid only for one month. In case of Moldova there is a difference between the attitude of the new and old member states. According to the recent data in 2009 there were 155,542 Schengen Visas issues for Moldavians not taking into account visas for Romania and Bulgaria²⁵. Only 16% of

²⁵ Ukraine on the visa map of European Union, http://novisa.com.ua/en/analytic/?analytic_id=35, September 18, 2010

visas issued by new member states are multi-entry while only 1% of visas issued by the old member states are multi-entry. The majority of them have a limited validity. On average for only 15% of multi-entry visas issued for eastern Europeans are beyond 6 months, 10% are between 1 and 3 months while the rest are less than a month (Batory, 2009).

The fact that the member states are reticent towards issuing multiple entry visas for longer terms is raising doubts over the practicability of the multiple-entry visas itself. Such type of visa doesn't bring much value in case it is not for longer periods which at least should be 3 months up to one year or even 3 years.

EU visa restriction towards Moldova has to be tackled

“.....I think there is a portion of young students, researchers, and activists etc who saw Europe only on Euronews. Europe expects us to develop and Europeanize but how we are supposed to do it if we are kept like in cage.” (Authors interview – Male, 25, CAC)

From the point of view of people's experiences at the consulates of European Union members and especially members of Schengen Area the visa procedure seems to be disappointing. Easing and making these procedure more efficient should be the main concern of the member states in order to effectively manage migration flows and not damage the image of European Union. From the above analysis a contradictory image appears, while promoting a friendly attitude towards its neighbors people of the eastern neighborhood seem to face harsh restrictions and humiliating procedures while trying to visit EU. As most of such procedures are set under umbrella of security and protection their effectiveness is under question. Restrictive policies are a great push for “black” business which can help applicants with visas for astronomic sums of money. Their flourishing is one of the main sign of ineffectiveness of today's visa procedure of European Union. The long list of requirements needed for a visit to EU discourages travel, are time consuming and imply additional costs for applicants. It gets wearisome when applicants have to gather the documents every time they apply for visa as the issuing of multiple entry visas is limited. It creates disappointment and suspicion about whether indeed European Union seeks to establish friendly contact with people in the eastern Neighborhood.

Chapter IV

Moldova – EU visa liberalization dialogue, what to expect?

4.1 From Moldova – EU Action Plan to Eastern Partnership

Visa liberalization dialogue was almost non-existent within the first 14 years of Moldavian independence and relations with EU. The situation changed by signing EU-Moldova action plan within the framework of European Neighborhood Policy for the duration of 3 years in 2005. For the first time visa dialogue was institutionalized and recognized by the parties as an important aspect of the Moldova – EU relations. It also envisaged a clear purpose of visa facilitation agreement. It set the ground for a series of actions in the area of visas to facilitate the movement of Moldavians to EU and vice versa. At the same time visa dialogue was in the shadows of other priorities within the Action Plan mainly related to democratization of institutions of republic of Moldova.

The specificity of this document was in its duality. It offered the possibility of a more broad and deep relationship without closing the door for Moldavian aspirations to join EU. At the same time the document did not envisage a clear perspective for integration. According to this document Moldova received support for solving its territorial conflict with breakaway region of Transdnistria which is an important issue for visa liberalization dialogue and which became a European problem once Romania became the new EU border.

The document also stipulated the assistance in reorganizing administrative structures and adapting them to European standards as well as “ensuring respect for the freedom of the media and the freedom of expression” (IAP, 2005:02). Within the Moldova-EU Action Plan main effort was channeled towards the process of democratization and liberal reforms as well as border security.

As stated earlier one of the main agreements signed in relation to migration was the Visa Facilitation Agreement in 2007 which followed the signings of the readmission agreements of illegal immigrant in 2007 between Moldova and EU countries²⁶. Experts argued that visa facilitation agreements were used as foreign policy tool to pressure governments to follow democratic reforms and sign readmission agreements. Visa facilitation agreements were seen to balance the negative effects of eastern enlargement

²⁶ Moldova unilaterally abolished visas for citizens of European Union starting from January 2007.

and compensate the loss of short term travel opportunities for the people at the border regions (Trauner & Kruse, 2008). Even though as we discussed in earlier chapter the impact of the agreement was rather limited it can be considered an important step towards liberalization negotiations.

Another key success within this period is considered the establishment of the EU Border Assistance Mission to Moldova and Ukraine which aimed at combating illegal emigration and contraband with a special focus on Transdnestrian segment. EUBAM ended up to be a successful mission in increasing the security at the eastern border and improving the professionalism of the Moldo-Ukrainian custom services(Prohnychy, 2007).

In 2008 Moldova signed a Mobility Partnership Agreement, an experiment of European Union designed to remove economic and social motives for illegal immigration. This initiative received little attention in the academic circles in Moldova as it is also early to analyze the implications. It might be also due to the visa liberalization dialogue which monopolized the discourse and overshadowed the mobility partnership agreement.

Moldova was recommended to adapt its law towards European standards in the subject related to criminalization of illegal migration. There was set a Moldova's National Action Program on Migration and Asylum Issues to deal with the migration issues. Cooperation between Moldova and EU went further in sharing information on migration flows and creating an electronic database to monitor the flows (IAP 2005: 21).

It would be important to mention the growing interest of Moldavian population towards European integration throughout this period. Moldova became a country with the highest support for European Integration compared to other countries within Eastern Partnership. In search for a sustainable model for development, according to national polls, Moldavian population sees EU model as the most appropriate for Moldova. According to a national poll more than 70% of population wants Moldova to Join EU while only 1/3 would vote for Moldova's integration into NATO According to the same report the majority of population associate EU with economical prosperity , freedom of movement for work, study and travel, democracy, peace and social protection. For the majority of population Moldova's EU integration would mean the end of a long-lasting

territorial conflict and would bring new prospects for the development. The population was poorly informed about the implementation of IAP and the process of European integration which lead to many speculations and misinterpretations. The majority of population, 35%, considers that it would take 10-15 years for Moldova to join EU while political elites speculated on much smaller numbers (IDIS, 2008:15).

From the point of view of political dialogue the main achievement within IAP increased trust and cooperation between Moldova and EU, visa dialogue received much more attention than in other period at the same time the border became harder than ever before. While enhancing border control and monitoring, the only soft stipulation is related to the dialogue over visa facilitation which could not solve the problem of visas even after ratification. With signing readmission agreements and increased cooperation in the area of illegal immigration IAP contributed to the hardening of the border for the citizens of Moldova. While softening some areas of visa dialogue such as visa costs European countries proved to be reticent towards the visa-free dialogue. Moldova could not achieve the same treatment as Balkan countries which received specific Road Maps for free visa regimes in 2008.

Eastern Partnership Framework - a prospect for visa liberalization?

Eastern Partnership Agreement is considered as the 'boldest outreach' of the European Union into the Russian vicinity (Nash, 2009). Initiated by Poland and Sweden it was signed in May 2009 in Prague by leaders of 6 countries participating in the program: Moldova, Ukraine, Belarus, Georgia, Armenia and Azerbaijan. Five cooperation pillars were prioritized: Political and Security, Borders and Trans-Borders movement, Economic and Finance, Environment and Social. Issues related to cross-border cooperation and other people to people cooperation's were having lower priority and mentioned as the last.

The EAP was designed to strengthen politically and economically the 6 countries of "strategic importance" where "Shared values including democracy, the rule of law, and respect for human rights will be at its core, as well as the principles of market economy, sustainable development and good governance." (Euobserver, 2009). The project did mention trade liberalization, assistance with institution capacity building and approximation of countries legal systems to European *acquis communautaire*. Visa liberalization dialogue for the first time was envisaged as a long term perspective

achieved gradually via strong cooperation in all above mentioned areas and Road Map implementation.

According to the vision of European Commission expressed in 2008 such a dialogue has to be initiated after all preliminary stages are fulfilled. The first two stages were related to Visa Facilitation agreements and readmission agreements which were fulfilled. The third stage related to elaboration of the road map and its implementation. Throughout 2009-2010 Moldova launched a diplomatic campaign for fostering the visa liberalization dialogue and achieved the “Green light for visa liberalization dialogue” expressed in October 2010 and a road map in December 2010. (Euobserver, 2010). Road Maps with the same focus as the ones for Balkan countries are expected to be implemented by Republic of Moldova. Road Maps encompass mostly technical and legal requirements and according to the experience of Serbia and Macedonia are fulfilled within 18 months, in case of Moldova 3 - 4 years is a more realistic term taking into account also political, economic and social situation in the country.

But in case of Moldova there is also another dimension which impacts the dialogue and is different compared to the situation of Balkan states. Specifically it is the Russian factor in the region and its support for the separatist republic of Transnistria.

4.2 EU visa liberalization within Russian sphere of influence

Eastern Partnership was associated with a geopolitical outreach to the east and a sign of exhaustion of the EU in its enlargement endeavors. Geopolitical sides of the EAP are important in the context of our discussion as Moldova is considered by some experts under Russian sphere of influence. EU and Russia are two competing soft powers in its common neighborhood. In this particular case soft power is related to the ability to get the desired result through attraction while hard power is related to using payments and political and economic offensive (Popescu, 2005).

European Union is the actor trying to use its soft power in motivating its partners, but there is the other side. With most of the agreements and programs launched in Eastern Europe were institutions oriented than focusing on people-to-people exchanges. On the one hand it is soft power directed via political channels addressing political, institutional actors and on the other it is a hard border restricting mobility in the region and undermining the EU image. Restrictive mobility restrictions and specifically visa policy is seen as the main undermining factor of the EU's soft power in the region

(Popescu & Wilson, 2009; Gotisan, 2010). While being criticized by Russia as the EU’s interference in Russian sphere of influence, eastern partnership is also an alternative development path offered to eastern neighbors in spite of the Russian one. Russia on the other hand is offering free visa travel and lower gas prices and remains as the main destination for the migrants from the eastern EU neighbors. It is an alternative for citizens in eastern neighborhood which has tangible incentives for travel and work in Russia. The geopolitical battle in eastern neighborhood received major academic interest lately.

Popescu & Wilson suggested that “eastern neighborhood is blighted by three different types of crisis”. The first is the crisis of weak statehood, in case of Moldova this weakness is related to Transnistrian conflict and also its historical lack of statehood as it has never been an independent country before 1991. The second is the Russian economical recovery and political will to rebuild its sphere of influence. This goal is usually achieved in supporting dictatorial loyal regimes, undermining statehood by supporting separatist regimes and economic blackmail with Russian natural resources (gas, oil). The third type of crisis is the global economic crisis, as states in the neighborhood might fall into failed economies. All these three crises are vivid in Moldova’s case. They conclude that EU might lose the battle for hearts and minds in the eastern neighborhood as it provides more bureaucratic approach without any tangible benefits for the citizens of the eastern neighbors compared to Russia which is using soft and hard tools to keep these countries in its sphere of influence (Popescu & Wilson, 2009:2). The state of two competing powers in the region is presented in the following table.

Table 3. Russia’s and EU most effective levers in Moldova (Popescu&Wilson, 2009)

Russia’s most effective levers	EU’s most effective levers
<ul style="list-style-type: none"> - Economic sanctions - Gas supplies - Free visa regime - Pro-Russian political forces - Transnistrian gas debt - Military presence in Transnistria - Russian mass media 	<ul style="list-style-type: none"> - New Association Agreement - Visa liberalisation - Deep free trade prospects - Conflict resolution in Transnistria - EU Border Assistance mission - Inclusion in southeast European regional initiatives - Promise of macroeconomic assistance

The efforts to solve the territorial conflict over the breakaway region of Transdnistria will have a major impact on softening border policies in the region and will play a key role in visa liberalization dialogue. Transdnistrian conflict is about 100 km from the European border of Romania and represents a security threat from this perspective. European Border Assistance Mission already helped Moldova to secure its eastern border but still much more needed to be done, namely solving the conflict. The nature of the conflict is not ethnical or religious and has mainly political reasons (Popescu, 2005).

It made experts argue that today's democratic developments in Moldova and benefits of EU assistance can be a magnet for citizens in Transdnistrian region. Up until now unification of the country was not perceived as a promising one for the population in Transdnistria. Being a poor region the perspective of joining Moldova was not seen as promising, as Moldova itself has its major economic problems. The gradual openness towards EU, improving leaving standards and the right to visa free regime could be one of the main soft tools to solve the conflict As a result EU can play a major role in solving by assisting Moldova in increasing its attractiveness (Popescu, 2005). If solved, it can be considered one of the major successes of the Eastern Partnership.

Even though EPA was criticized for its limited approach towards eastern neighborhood it also can prove to be a successful project in case both actors engage in the political process. It can also consolidate EU's soft power in the region in case visa liberalization and free trade agreements are achieved. Visa free regime can constitute a substitute "carrot" instead of EU integration and become a major incentive for democratic reforms. Experts argue that Moldova can be a success story which can prove eastern partnership as fertile project (Gotisan, 2010). It can become a model for the rest of the region²⁷. Granting of the visa free regime can become a tangible outcome for eastern countries and a great motivator for pursuing democratic reforms.

In order to ensure Moldova as success story some major steps need to be done: a) continue institutional reforms and democratization efforts by maximizing the benefits of EU assistance (EU plans to send senior policy advisors and increase aid to 223 million euro for technical assistance within the period of 2011 to 2013), b) take a more pro-

²⁷ "Stefan Fule: Moldova can become a model", <http://unimedia.md/?mod=news&id=20116>, June 7 2010.

active stand towards fighting corruption, c) Increase its trade potential by ensuring high quality standards of its future products to be exported on the European market within the envisaged Free Trade Agreement between Moldova and EU, d) Monitor the experience of the Balkan states in order to prevent possible challenges related to visa overstays visa abuse etc (Gotisan, 2010; Popescu & Wilson, 2009).

4.3 Visa liberalization Road Map for Moldova.

Being initiated in November 2010 Visa liberalization dialogue with Moldova is going to take a form of a specific Road Map which should guide the country and help expert's assess the readiness of Moldova for free visa regime. The road map was already developed for Moldova at the end of 2010²⁸. Moldavian government took a pro-active stand towards the roadmaps. Compared to other eastern neighbors as Ukraine and Belarus, Moldova did not wait for the roadmap to start the reforms. It got inspired from the Balkan experience and started implementing the requirements from 2008. This fact might foster the dialogue as some major progress was already established.

Up until today Moldova already registered certain progress within all four areas required by a Road Map. Visa liberalization dialogue is set within four main chapters borrowed from the experience of the Balkan States:

Chapter I Document Security

- Moldova started to issue biometric passport from 2008 and from 1st of January 2011 Moldova will issue only biometric passport which comply with the European standards
- New modes of securing personal data are implemented by Moldavian side. All citizens' data is stored within "State Register of Population", which is secured and encrypted while issuing of identification documents is centralized and secured by PIN system.
- A series of Moldavian state agencies received access to the Interpol System and specifically to the Stole/Lost Travel Document Database: Border Guard Service, Ministry of Internal Affairs, Information and

²⁸ Visa liberalization Map approved for Moldova, declared by Prime Minister Filat, <http://unimedia.md/?mod=news&id=27536>, dec 17, 2010

Security Service. Access was granted also to 11 border checkpoints and police stations within Transdnistriean segment.

- The Law on protection of personal data was approved in February 2007.

Chapter II Illegal Immigration, readmission:

Besides signing readmission agreements with the European Union Moldova made some other steps within this block:

- Moldova is moving towards Integrated Border Management System within the EUAM mission to Moldova which would mean the compliance with European standard in managing Moldavian border. All Moldavian border checkpoint were equipped with biometric devices as well as the “Fixed and mobile Communications Network for Border Service” was implemented.
- In 2008 Moldovan Border Guard Service signed the cooperation agreement with the European Agency for Managing Operational Cooperation at the External Borders of the EU member-states (FRONTEX). A new Cooperation plan was approved for the period of 2009 – 2011.
- In March 2009 Moldova passed a new law on Asylum in accordance with *Acquis communautaire*.

Chapter III. Public Order Security

- Moldova joined main international agreements on fighting international cross-border crime²⁹
- In 2008 International Organization of Migration assisted in creation of the Centre for Assistance and Protection of Victims and Potential Victims of Human Trafficking.
- Moldova is on the way of implementing the recommendations structured by the Group of States against Corruption (GRECO)

Chapter IV External relations and Fundamental Rights:

²⁹ This includes: *UN Convention against trans-national organized crime; Protocol against Smuggling of Migrants by Land, Sea, and Air; Council of Europe Convention on action against trafficking of human beings, Council of Europe Convention on laundering, search, seizure, and confiscation of the proceeds from crime on the financing of the terrorism; UN Convention against transnational organized crime.*

- Republic of Moldova starting from 2006 approved an Action Plan for supporting Roma Minority including educational, social and economical measures.
- Republic of Moldova established a series of institutions responsible for human rights protection and minority rights³⁰.
- Republic of Moldova became a party of important international documents related to human right protection³¹.

As we have seen Moldova achieved certain progress by following the Balkan Road Map. This pro-active approach of the Moldavian Government can be considered opportune as it will minimize the length of the future official Road Map offered to Moldova. Much more needed to be done when comparing the experience of Balkan states. The main actions to be completed include: - Reform of the Border Guard Service and professionalizing it as well as developing and implementing modern communication and monitoring infrastructure; Harmonization of the State Border Law according to the European Union regulations; Continuing signing of the readmission agreements with CIS states(Russia, Georgia etc), Balkan states and remaining European states - Great Britain, Denmark and Ireland; continue constructive dialogue with EUBAM over the securing the Transdnistria segment of the Moldavian border in order to fight illegal immigration, trafficking and smuggling, continue diplomatic talks with the states of European Union in order to prevent any possible challenges related to visa liberalization in the main receiving states³².

From the above analysis it is clear that visa free regime is an achievable perspective, argument which is also based on the Balkan countries experience which achieved visa free regimes with European Union. One of the main differences and at the same time challenges in this dialogue is also the fact that Moldova has to negotiate and convince each member state before being able to enjoy visa free travel. In this situation the issue might get stuck within the political negotiations as some states are reticent towards visa liberalization with the neighbors.

³⁰ Such institutions include: Parliamentary Committee for Human Rights, Interethnic Relations Bureau of the Government of Republic of Moldova, Coordinating Council of the ethnic-cultural organizations, Centre for Human Rights.

³¹ Republic of Moldova joined: Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, UN international Convention on the elimination of all forms of racial discrimination, Council of Europe's Framework Convention for protection of National Minorities.

³² The above analysis of the achievement and recommendations of the Moldavian Road Map Implementation was based on the Victor Chirila and Cristian Ghinea (2010) assessment report and Report on the key Road Map achievements.

France, Denmark, Belgium, Great Britain, and Luxembourg are the main skeptics of the visa liberalization. As Moldavian migrants trends suggests the share of migrants in these countries is insignificant as well as impact Moldavian migrations waves had on these countries Moldavian Government will have to work hard and bring rationale arguments to convince these skeptics to agree on free visa regime (Chirila & Ghinea, 2010).

4.4 Recommendations for future EU border regime with Moldova

As we have seen in our analysis today's EU border regime with Moldova is restrictive and creates impediments for the people-to-people dialogues as well as it undermines EU's soft power in the region and affects the EU image for citizens of Republic of Moldova. Current visa regime appears to be frustrating and undermining EU's efforts to achieve a friendly neighborhood. A series of improvements need to be made to meet the currents challenges.

- *EU should consider a more systematic and open approach towards migrants*

Rather than increasing restrictive policies, fortifying the border and creating an illusion of safety European Union should take a more proactive stand towards immigration and develop policies which would manage migration flows to benefit both: receiving and sending countries rather than gate itself and then being challenged by the waves of illegal immigrants.

- *More use of Visa Liberalization "carrot"*

Taking into account that European Union is not envisaging enlargement within the Eastern Partnership visa liberalization can be the main tangible offer that can foster Moldavian Government to pursue liberal reforms. It is also the most tangible offer for the citizens of Moldova. In this case EU and especially certain EU states (France, Denmark, and Luxemburg) should take a more proactive stand towards visa liberalization.

- *Improving consular services*

Taking into account that visa liberalization with Moldova can be achieved within next 2-5 years if all parties agree, up until then European Union should consider upgrading its consular services and making them more efficient. Lines in front of EU

consulates suggest that EU should develop a better administrative system to manage the applicants flow more efficiently.

- Reducing the number of documents needed for visa

Even for a short trip to the Union there is a need of long list of documents which is time consuming and creates a lot of barriers. Some requirements as fully paid roundtrip tickets and hotel reservations present high financial risks for applicants taking into account that visa are not guaranteed even if all requirements are met. Reducing the list of bureaucratic requirements will foster the issuing of visas and create more opportunities for Moldavian citizens to travel as well as it will reduce the share of the black market specialized in falsifying documents such as invitation letters.

- Reducing the costs of visas

Thirty-five Euros for Moldova is a high price on the top of other costs applicant has to suffer (translation and legalization of the documents, etc). Visa price should reflect administrative cost and not become a product.

- Eliminating Consular Sadism

There is a high share of applicants complaining on disrespectful, second class treatment while applying for visas. Applicants rate their experience according to the measure in which their dignity was protected. It seems that in many cases attitude towards applicants seem to be frustrating, as applicants have to face personal sometimes intimate questions, prove their “non potential emigrants” status and face subjective assessment of their personality and application. This situation has to change while consular staff has to receive more training on dealing with applicants in a respectful manner.

- Issuing long term visas for trustworthy applicants

For applicant who proved to be reliable and did not break any visa amendments or laws in the host country a new type of visas should be envisaged. For such people long term visas with validity of over 1, 2 or even 3 years should be envisaged. It would also be a good incentive for applicants to respect visa rules and promote best practices.

Today applicant even with positive visa history have to apply at least every 6 months for a new visa, by going through the same time consuming and fatiguing procedures.

- More open negotiations on migration quotas with Moldova

It is clear that visa liberalization without discussion over the immigration matters is a limited step. A new set of policies should be developed to benefit both EU and Moldova in this area. While Moldova has already migrant quotas with Italy applying the same strategy towards other countries would increase transparency, and create more possibilities for legal work. It would help reduce the share of illegal emigrants and reduce the share of the black market offering labor opportunities.

Quota programs can be used within “stick and carrot” policy where in case of positive history Moldova could get higher quotas for its workers and vice versa. In such a way it would make Moldavian Government be more responsible and develop more proactive return policies³³.

³³ Recommendations inspired from Spatari 2006, Gotisan 2010, Popescu 2009, Chirila 2010.

Conclusions

European Union is in crisis of approaches towards issues related to movement of people. Migration policies are fragmented, overlapping between cohesion goals and security concerns. With the growing anti-immigrant attitudes and the rise of extreme right parties it might not get better unless EU comes with clear policy solutions. Such policy solutions should address the labor market needs within certain sectors of economy and security concerns over issues of illegal immigration, organized crime and trafficking.

EU shows the signs of developing a hard border with restrictive mobility freedoms, fortified border and reticent policies towards migrant's access to labor markets. As research shows the steps taken so far are rather limited in addressing these issues. The results show that these steps did not help EU reach its objectives of securing the area of freedom, security and justice rather on the contrary it increased the number of deaths at the borders, while the number of illegal immigrants arriving in EU did not decrease. It created more tension in its relationships with eastern neighbors and increased the image of Fortress Europe in the neighborhood. Managing migration flows instead of gating itself and closing the doors for neighbors can be a more promising long-term solution.

Republic of Moldova is one of countries affected by the hard European border. After the recent enlargement waves Moldavian citizens suffered from the mobility restrictions imposed on travel to Romania and other allies. People-to-people contacts and petty trade had to suffer the most. It created anger and frustration for people addressing the EU consulates for visas. It also led to massive wave of applications for Romanian citizenship and created a challenging situation for Moldavian government which risks remaining without its major part of economically active population. One of the solutions for this situation can be the liberalized visa regime with EU which is the main priority of the Moldavian pro-European government.

The problem of EU visas has to be solved on the example of Balkan countries. Visa policies are the main undermining factor of EU soft power in Moldova. Long and time consuming process created a lot of barriers for citizens to travel to EU. It also leads to a number of humiliating procedures and the development of consular sadism. This

issue has to be tackled step by step culminating with a visa free regime between Moldova and EU.

Moldavian government needs to ensure economic growth and create conditions for its emigrants to return. Free visa regime can help maximizing the effect of migration unless steps are taken in improving business and regulatory frameworks in the country, ensuring the rule of law and increase employment opportunities. Unless these conditions are met Moldova will struggle in negotiations over free visa regime with EU and will not be able to maximize the positive affects of migration. Being dramatically affected by the massive labor exodus it is time for Moldova to attract its emigrants back and create a basis for further development.

Visa dialogue, perceived as the main goal of Moldova in relation to movement of persons, has increased since Eastern Partnership culminating in a road map offer for visa liberalization for Moldova. Moldova already fulfilled some of the technical and legislative requirements and much more needed to be done. Liberal reforms related to democracy and institution building should be continued in relation to European standards.

Liberalized visa regime will prove Moldova to be an eastern partnership success story, and to reduce the exclusionary developments at the border. It can also boost cooperation between two parts in fighting illegal emigration and organized crime. As most all of it activated as a result of restrictive mobility policies.

Free visa regime can increase Moldavian attractiveness and help solving the Transdnestrian conflict, which represents a security threat at the EU border. Being a conflict of political interests rather than ethnic or religious, it can finally be solved within the efforts of all parts involved: Moldova, Ukraine, Russia and EU. Moldova can finally “re-appear” on the European map and become a reliable partner in addressing European issues in securing and protecting the area of freedom, security and justice.

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