

# Analysis of the visa policies of the Visegrad countries

The case of Slovakia

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This analysis focuses on visa policies of the Slovak Republic towards Ukraine (UKR), the only neighboring country of Slovakia (SK) that is not a member of the European Union (EU). In addition to the major focus on Ukraine, the visa policies of Slovakia towards Russia, Belarus and, to a limited extent, Moldova, are also discussed. Together with the states of the Western Balkans, Ukraine represents the priority region of the Slovak foreign policy. We argue, however, that the actual visa issuing practices do not fully correspond with this declared concern. There are three major themes of the current debate on the visa policies of the Slovak Republic towards its eastern partners, especially Ukraine.

First, the Schengen accession in December 2007 meant that the intensity of travel between Slovakia and Ukraine – and to a lesser extent also other East European countries remaining outside of EU – increased. This increase, however, went along with a dramatic change of the structure of travelers in favor of Slovak and EEA citizens. In 2004 the share of Ukrainian nationals out of the total number of travelers crossing the Slovak-Ukrainian border was 73%. In 2008, only 23% of Ukrainian travelers crossed the border and the number continued to decrease in the first quarter of 2009. This situation is very different compared to the years 2000–2001, when Slovakia introduced visa regime towards Ukraine. The introduction of the visa regime by Slovakia made the fall of the travelers

equally significant to the one in 2008, however, the decrease was similar in the case of Slovak and Ukrainian travelers (in 1999 there were 2 925 000 crossings and in 2001 only 801 000 thousand crossings). The current situation shows that Slovakia's entry into the Schengen zone highlighted on the one hand the long-term economic problems of unevenly developed peripheral areas of the country, depending in part on the postsocialist small

commodity trade across the border and temporal migration of the workforce (Slovaks are “invading” UKR border towns for shopping). On the other hand, as the result of Schengen procedures at least some illegal labor migration and petty commodity trade moved further into the grey zone, controlled by the organized groups with possible links to state authorities.

**Table 1: Number of passengers crossing SK-UKR border**

	Slovak nationals	UKR nationals	EEA citizens	3rd country nationals	Total
<b>2007</b>	1 589 284	843 072	49 361	58 463	2 540 180
<b>2008</b>	2 274 378	794 681	256 208	49 722	3 374 989

Source: Bureau of Border and Alien Police of the SR

**Table 2: Number of passengers crossing SK-UKR border (comparison of 1<sup>st</sup> quarters)**

	Slovak nationals	UKR nationals	EEA citizens	3rd country nationals	Total
<b>1. Q 2007</b>	324 921	219 039	8 341	17 386	569 687
<b>1. Q 2008</b>	529 703	217 082	52 044	8 054	806 883
<b>1. Q 2009</b>	450 187	153 264	56 162	13 199	672 812

Source: Bureau of Border and Alien Police of the SR

The second theme is that both, visa and border regimes of the new ‘Schengen’ states after the Schengen enlargement are far from being just technical security adjustments to the standards required by older EU member states. On the contrary, there is a political capital of new member states at stake, after the visa regime showed difficulties for free travel of the citizens of Eastern Europe. In the long run there is a possibility of a significant loss of “political capital” in the eyes of visa applicants, especially in Ukraine, if the visa procedures are not simplified. The Schengen agreement, which defined the free circulation of persons in Europe, established a frontier between the internal and the external, distinguishing between the inhabitants of the EU and non-inhabitants of the EU, some of whom, such as Ukrainians, had formerly benefited from a preferential regime of free circulation. Such a “security” approach seems to be evident es-

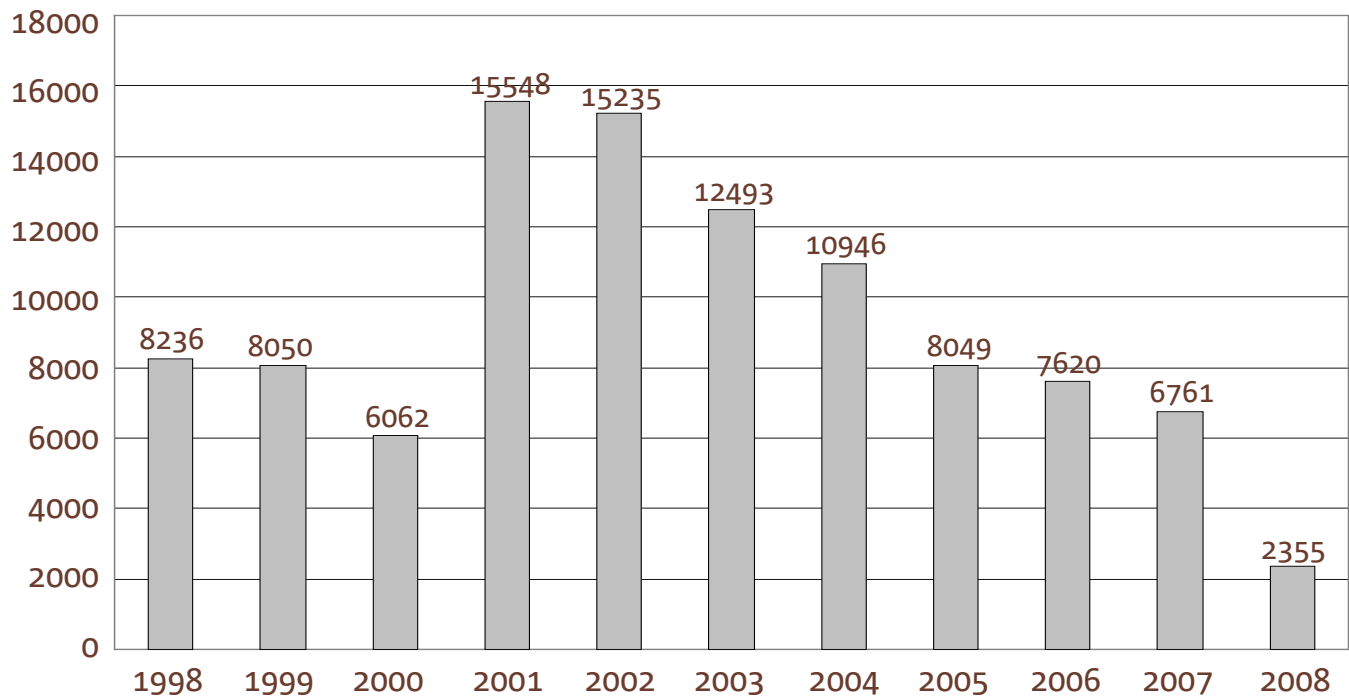
pecially in the case of Slovakia, while Poland, Hungary and Czech Republic are more liberal regarding their approach towards visa policy implementation after the Schengen enlargement.

The third theme concerns the unpredictable outcome of the global economic crisis. The crisis changes migration patterns and also influences the formal regulations of movement such as visa policies aiming to restrict work immigration. At the moment there have not been any new policies towards the movement of people in Slovakia and it is hard to estimate what kind of trends are about to influence migration policies in 2009–2010. However, Slovakia presents itself as being proud of the positive results especially in the area of illegal migration, combating fuel and cigarettes smuggling and “green” border security improvements along the border with Ukraine.

In addition to the restricted asylum and immigration practices, such “security” approach in the field of illegal and petty commodity trade movement makes “hard line” approaches to

be in part driven by and transformed into the foreign policy of the Slovak Republic in the field of visa policy.

**Chart 1: Illegal immigration in 1998–2008 (illegal border crossing + illegal stay)**



Source: Bureau of Border and Alien Policie of the SR

### Statistical data on visa before and after Schengen

As the result of the Slovak entry into Schengen, the number of visa applications at Slovak consulates decreased. The lower number of applicants means a lower number of Ukrainian visitors/tourists to Slovakia and in general also a lower contribution to the incomes of people living in the peripheral border re-

gions. The introduction of Schengen rules also meant the increase of visa fees for the citizens of Ukraine, Belarus, Russia, and Moldova, who also faced more complicated border procedures and new bureaucratic requirements such as new documents and so on. The only modest advantage for visa applicants in 2007 became free movement within the entire Schengen area, if a visa was granted.

**Table 3: Accepted and refused visa applications at Slovak representations in Ukraine**

Year	Ukraine: Kyiv			Ukraine: Uzhgorod		
	accepted	refused	% refused	accepted	refused	% refused
2005	28 169	195	0,69	25 219	1	0,00
2006	32 570	203	0,62	36 160	425	1,16
2007	21 139	270	1,26	23 939	881	3,55
2008	16 908	313	1,82	15 291	1 228	7,43
1Q 2009	1 802	48	2,59	1 551	89	5,43

Source: MFA of the Slovak Republic

**Table 4: Request for visa at Slovak representations by type in 2008**

	Visa A	Visa B	Visa C	Visa D	Visa DC	TOTAL
<b>Ukraine</b>	1	2972	34 395	998	15	38 381
<b>Belarus</b>	0	29	5 212	13	2	5 256
<b>Moldova</b>	2	56	550	16	1	625
<b>Russia</b>	0	66	19 154	102	53	19 375

Source: Bureau of Border and Alien Policie of the SR

After entering the Schengen zone in 21 December 2007, the number of visa applicants in the consulates of the Slovak Republic in Ukraine fell approximately 50 percent when compared to the year 2007. This decrease was a result of discontinuity in Slovak visa policies with the period before Schengen entry, as Slovak authorities started to apply more rigorous controls of applicants, causing outrage especially among the frequent travelers from among the business circles and self-government officials. It is evident that the former approach to the visa regime had been more liberal than the one introduced after the Schengen entry. Schengen accession gave Slovak authorities an opportunity to conduct a “cleaning-up” among the visa applicants and reduce corruption at the Slovak consulates regarding visa application procedures. However, as some sources indicate, there are organized groups operating in the region that

assist the applicants in preparing visa applications on a commercial basis, promising that the visa application will be accepted.

The Slovak authorities also introduced a so-called gradual system, i.e. they began to issue single-entry visas first or multiple entry visas for a short period of time. This is evident especially at the Consulate General of Slovak Republic in Uzhgorod, which issued multiple entry visas for 2 and 5-years for the first time in 2009 (see table 5). The visa fee was amounted to 35 Euro and dissatisfied especially the frequent travelers who had to apply and pay for visa several times. Only recently, towards the end of 2008 and at the beginning of 2009, the Slovak authorities started to issue multiple long-term visa (for one year or longer) for persons considered reliable. The issuing of long-term visa, however, is rather exception than a rule.

**Table 5: Visas at Slovak consulate in Uzhgorod and “gradual approach” in 2008**

2008	I Q	II Q	III Q	IV Q
<b>Total number of applications for B and C types of visa</b>	3 955	3 686	3 526	3 665
<b>Total number of issued B &amp; C types of visa</b>	3 174	3 402	3 508	3 575
type B visa	8	217	416	167
type C visa	3 166	3 185	3 092	3 408
<b>Total number of visa refusals for B &amp; C types (%)</b>	14,36	7,92	5,98	3,46
<b>Issue of multiple entry visas for 1 year</b>	72	50	93	85
<b>Issue of multiple entry visas for 2 and 5-years</b>	0	0	0	0
<b>Issue of free of charge visas (benefits categories of citizens)</b>	850	1 488	1 132	1 220

Source: Consulate General of the SR in Uzhgorod.

Another reason for the falling number of visa applicants was the strict rules concerning required documents. Some applicants, for example, reported that the documents required by the Slovak authorities went beyond the requirements resulting from Schengen practices. It is hard to confirm these findings, especially due to the fact that the Slovak consulates in the meantime introduced more comprehensive rules regarding the number and structure of the documents required for visa issuance. Nevertheless, the Ukrainian citizens continue to complain about the ongoing complicated procedures, still exceptionally high number of required original documents (especially if they re-apply for visa) and so on. Some documents, such as a return ticket or the original invitation letter, can not be technically obtained, especially by ordinary Ukrainian travelers whose visa application preparations and procedure would then take an unacceptably long time (the fax copies of the invitation letter are considered insufficient by the Slovak authorities).

The introduction of individual interviews between officials and visa applicants made the application procedure also longer, especially when considering the need for personal presence of the applicant at the consulates regardless as how far away from the consulate he/she lived. Initially, at the beginning of 2008, the period for visa issuing was more than 30 days. Due to the decrease of number of applications and the introduction of more efficient visa procedures the situation has been improved. The changes made the whole visa application procedure to ten days in the first quarter of 2009<sup>1</sup>.

The high level of visa refusals during the initial stages of the presence of Slovakia in the

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<sup>1</sup> According to the Ministry of Foreign Affairs of the Slovak Republic, the actual time for visa issuing in Kyiv, for example, is between 7 and 8 days.

Schengen area at Slovak consulates in Ukraine, supported by the media and rumors among the inhabitants themselves, caused a negative opinion among the Ukrainian citizens concerning Slovak consular services. Although the situation improved in late 2008 and at the beginning of 2009, it is hard to change this prevalent negative opinion among the Ukrainians, especially in Transcarpathian Ukraine.

Although the number of visa applications in Ukraine decreased significantly, the number of legal border crossings between Slovakia and Ukraine has actually risen between 2007 and 2008. We assume – but this has to be proved by further empirical evidence – that a significant number of applicants apply for a Schengen visa at Hungarian, Polish or other EU countries consulates. The popular opinion in Transcarpathia is that the procedures at Slovak consulate are bureaucratically more complicated, time consuming and more costly than at other consulates.

The decrease of applications after the Schengen enlargement to Slovakia additionally resulted from anti-corruption schemes introduced by the Ministry of Foreign Affairs of the Slovak Republic. These programs were applied at the expense of a higher requirement for labor, time, and control mechanisms of the consular bureaucracy. It is assumed that in contrast to the situation in the 1990s, the influence of illegal groups operating in the clandestine trade of visas has significantly decreased in recent years. Some positive changes towards less complicated procedures such as a comprehensive dossier of documents required for a visa, general proficiency of the officials and so on have been applied at the beginning of 2009. These changes in part resulted from the pressures of the travelers and NGOs. Nevertheless, due to the lack of empirical evidence, it is hard to make any significant conclusions concerning this liberalization.

As the authors of a recent study on visa procedure in Ukraine showed, the Agreement on the Facilitation of Visa Issuance between Ukraine and the European Community contributed to some extent to certain improvements of the situation with visa issuance for the citizens of Ukraine, mostly in “Old Schengen” States<sup>2</sup>. According to the authors, however, there is a lack of mechanisms for direct action as Consulates continue to apply instructions that either ignore certain provisions of the Agreement or interpret its ambiguous provisions.

We identify the major risk for making the movement of people at the Slovak-Ukrainian border easier is the complicated system of visa issuance and asymmetric visa regime in which Slovak citizens are not required to apply for visa when traveling to Ukraine and Ukrainian citizens must conform to Schengen rules. We argue that this might negatively impact cross-

border movement, cooperation and good relations between Slovakia and Ukraine, especially on a regional level. The eventual change of attitude of Ukrainian officials regarding an asymmetric visa regime for EU countries might represent the most significant possible negative impact on cross-border movement. As the result of this possible reaction, the dramatic fall in border crossings as witnessed in 2000–2001 might occur again.

Concerning other countries, Russia and Belarus, the trend with visa issuance in December 2007 showed stagnation and eventually a decrease in the number of applicants after Schengen rules came into force. The fall of applications after Schengen entry, however, was far less dramatic in the case of Russia and Belarus than it was in the case of Ukraine despite the fact that the visa policies towards any of these countries before Schengen entry were similar.

**Table 6: Visas in Russia**

Year	Russia: Moscow			Russia: St. Peterburg		
	Accepted	Refused	% refused	Accepted	Refused	% refused
2005	18 144	0	0,00	1 753	0	0,00
2006	17 856	52	0,29	2 098	2	0,10
2007	16 613	15	0,09	2 465	0	0,00
2008	17 377	112	0,64	1 979	1	0,05
1Q 2009	1 587	19	1,18	194	0	0,00

Source: MFA of Slovak Republic

**Table 7: Visas in Belarus**

Year	Belarus (Minsk)		
	Accepted	Refused	% refused
2005	5 636	2	0,04
2006	7 126	12	0,17
2007	5 622	50	0,88
2008	4 993	39	0,78
1Q 2009	552	7	1,25

Source: MFA of Slovak Republic

<sup>2</sup> Public monitoring of visa issuance by the EU consular establishments in Ukraine, Center for Peace, Conversion and Foreign Policy of Ukraine; presented in Kyiv on September 26th, 2008.

The bulk of travelers from Moscow or St. Petersburg consist of businesspersons and tourists. The majority of Russian travelers come to Slovakia by plane. This further excludes large parts of social groups that can not afford this mean of transport. Another minor reason for the low level of visa refusals among the Russian applicants might have also been the pro-Russian attitude of the Slovak government that consists of party coalition established after 2006. This pro-Moscow attitude had a long tradition in Slovak history as well as in the times of authoritarian rule of the former Prime Minister Vladimír Mečiar in 1994–1998 when Slovakia enjoyed exceptionally warm relations with Russia. In the case of Belarus there is higher number of refusals than in the case of Russia, but the number is far lower than it is in the case of Ukraine. The number of travelers from Belarus who apply for a Schengen visa at Slovak consulate is nevertheless very low. The level of refusals for Belarus oscillates between the levels of refusals in the case of Russia and that of Ukraine.

Concerning the changes of the established visa regime we register some tendencies towards favoring particular groups of applicants like businesspersons, local government officials, cross-border projects coordinators. We hold these changes do not bring benefit for the entire visa system of the Slovak Republic and call for a more open system for Ukrainian citizens regardless of their ethnic origin, political position or economic rank.

### Network of the consulates

In Ukraine there are two consulates of the Slovak republic. The one based in Kyiv and the other in Uzhorod, Transcarpathian Ukraine, established after 1989. Slovakia has specific relations with Ukraine, and Uzhorod represents the major point for visa applications for frequent cross-border travelers. The entire Transcarpathia is the region of origin of half of the

Ukrainian travelers to Slovakia and Czech Republic<sup>3</sup>. In the Russian Federation there are two consulates of the Slovak Republic located in Moscow and Sankt-Petersburg. The only Slovak consulate in Belarus established in 1993 is located at the Embassy of Slovak Republic in Minsk. The Republic of Moldova is served by the Embassy of the Slovak Republic in Bucharest, Romania.

According to the current plans of the Ministry of Foreign Affairs of Slovak Republic, the actual number and location of the consulates in the countries of Post-Soviet region is considered sufficient.

### Past approaches

Taking into consideration the communist past when the access of citizens of communist countries to travel, documents facilitating travel abroad was under strict political and police control, the new travel regime imposed at the beginning of the 1990s on the Slovak-Ukrainian border was broadly understood in Ukraine and Slovakia as an imminent part of individual freedoms under the new post-communist period. Since then free travel of citizens boosted human and cross-border contacts between Slovakia and Ukraine. However, the accession process of the Slovak Republic to the EU since 2000 has been a key factor, which essentially changed the bilateral Slovak-Ukrainian border and visa regimes in terms of legal movement of people between the two countries.

Slovakia thoughtlessly introduced the visa regime to Ukraine and Moldova in 2000. Later on, since January 1, 2001 Slovakia also introduced visas to Russia and Belarus. The official reason was accession to the EU and fulfillment of the requirements of the **acquis communautaire**. Another reason was harmonization of

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<sup>3</sup> More detailed socio-demographic characteristics of the travelers depend on further empirical research that is planning to be carried out in summer 2009.

the visa policy with the Czech Republic that was the first country of V4 that introduced visa to these two countries. Slovakia in that time faced very high unemployment and illegal migration rates. Slovak politicians were afraid that most of the legal and illegal Ukrainian and Moldavian workers from Czech Republic would move to Slovakia. We believe that the “harder” approach regarding visa and migration policies was well calculated by the elites, as it found popular legitimacy among the voters in Slovakia. Last but not least, one has to consider the change of the Slovak foreign policy towards Leonid Kuchma’s autocratic regime after 1998 even though the president of Slovak Republic of that time, Rudolf Schuster, kept warm personal relations with Mr. Kuchma.

In March 2000 Slovak government decided to introduce visas for Ukrainian citizens applied in June 2000. As a result, Ukraine sent a diplomatic note stating that it will withdraw from the bilateral readmission treaty and introduce visas for Slovak citizens applied by the same date. Not only did bilateral Slovak-Ukrainian relations become more problematic in other fields, but an even worse impact of the visa regime introduction was visible on everyday cross-border cooperation. The decrease of travellers across the Slovak-Ukrainian border felt in three-fold fall in 3 times (in 1999: 2 925 000 if compared to 801 000 in 2001). There was also dramatic reduction of bus and train connections causing nearly a total collapse of the cross-border regular traffic. The price for a single Slovak visa was 24 USD.

Considering the collapse, the negotiation groups were created and since March 1, 2001 the new treaty on liberalisation of the visa regime started to be applied. Liberalisation was done by these measures:

- 1) lifting permanent residents of 83 villages on both sides of border from the regular visa regime. Residents of those villages

were granted multiple-entry visas (valid for 1 year within 6 months/stay) for free. The situation of the people living close to border is currently being dealt with by Slovak-Ukrainian local border traffic agreement (see below);

- 2) cancellation of the request for the invitation letter that was part of visa application;
- 3) payment free visa for citizens below 16 years of age;
- 4) introduction of a multiple entry visa for selected groups of applicants (family, education, religion reasons);
- 5) lowering the visa costs to half price for special groups of applicants (culture, education, research, sport).

This liberalization meant also that Ukraine didn’t withdraw from the readmission treaty with Slovakia.

When speaking about Moldova, the situation was very different. A growing number of illegal Moldovans in Slovakia in 2004 led to even more restrictions within the visa regime e.g. the requirement of a 400 EUR deposit at the Slovak consulate (it was returned when the person returned back to Moldova) or an invitation letter that must be approved/stamped by the Bureau of Border and Alien Policie of the SR before giving the application for a visa and so forth.

Together with other nine candidate countries Slovakia completed the accession talks with the EU at the Copenhagen summit in December 2002. Following negotiation talks on Chapter 24 (JHA) of the accession process, the Slovak government approved the document “Concept of alignment of the visa policy of the Slovak Republic with the European Union” on 15 March 2000<sup>4</sup>, in which it stated the calendar for de-

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<sup>4</sup> *Koncepcia zosuladovania vizovej politiky SR s vizovou politikou EU* (Concept of alignment of the visa policy of the Slovak Republic with the European Union) (Bratislava: Government of the Slovak Republic, 15.3.2000).

nouncing the agreements on visa free regime with countries from the EU negative visa list. On the same day the Slovak government decided to denounce the Czechoslovak-Soviet agreement of 1981 on reciprocal travel of citizens and the protocol to this agreement relating to Ukraine and to impose the visa requirements on Ukrainian citizens as from 28 June 2000.

The imposition of a visa regime in June 2000 has significantly affected the number of crossings of Ukrainian citizens through the Slovak-Ukrainian border. While in 1998 the border authorities of the Slovak Republic registered more than 1,7 million crossings of Ukrainian citizens, this figure went down to less than 291 thousand of entries in 2001 which is a reduction almost in 6 times. The figure for 2002 shows a slow growth – 326 thousand of crossings – which is possible to explain by the following two main factors: first a liberalised visa regime entered into force in 2001, and second, improvement of the Slovak consular service in Ukraine and it concerned financial as well as personal reinforcement of the Consulate General in Uzhhorod located closely to the Slovak-Ukrainian border crossings<sup>5</sup>.

The visa regime did not affect so dramatically the travel of Slovak citizens to the territory of Ukraine. Whereas there was an initial drop in 2001 when the Slovak border police registered 54 thousand of crossings of Slovak citizens – which is a figure in 1,4 times, resp. 1,1 lower than in 1998 resp. in 1999, in 2002 the number of crossings of Slovak citizens (76.799) overcame this indicator for 1998 (75.652) and 1999 (62.096). In other words, in 2002 there were more crossings of Slovak citizens through the border with Ukraine than it

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<sup>5</sup> Duleba, Alexander *Slovakia – Ukraine: cross-border cooperation, human contacts and ethnic minorities* in Solonenko, Iryna (ed.): 2004 European Union Accession: Implications for Ukraine's Relations with its Central European Neighbours. Kyiv: EastWest Institute, EuroRegio Ukraine, 2004, 330 s. ISBN 966-8039-40-8.

had been before the imposition of the visa regime. It is possible to explain this fact by the following two main factors: first, the liberalisation of visa regime in 2001, and second, the fee for visas (single entry – 24 USD) was not so braking factor for Slovak citizens in terms of their average incomes as it could be for Ukrainian citizens.

In the aftermath of the imposition of the visa regime, the number of crossings of citizens from the third countries with the non-visa regime with Slovakia through the Slovak-Ukrainian border dropped in 1,6 times and at the same time almost in grew out the number of crossings of citizens from the third visa countries in 10 times. This could be explained by the fact that Slovakia has imposed visa requirements also on citizens of Russia and Belarus as of 1 January 2001 who present the biggest part of third country nationals who cross the Slovak-Ukrainian border. It seems that it is correct to conclude that the visa regime imposed in 2000 interfered significantly with the Slovak-Ukrainian border regime in terms of a considerable reduction of the total number of persons crossing the border and because of a dramatic decrease in the number of crossings of Ukrainian citizens.

Slovakia did not apply for any transitional period in the JHA field (chapter no 24) within accession negotiations with the EU. It met all standards of the first category of the Schengen acquis that consisted of legislative standards and institutional capacity building that the candidates had to implement to the date of their accession, including harmonization of their visa policy with the EU acquis. The second category of the Schengen acquis concerns canceling the controls on the EU inner borders and depends on the ability of every candidate country to accede to the Schengen information system, which is a technical problem having almost nothing to do with the political agenda of the accession talks.

The following are the three main factors that help to explain a willingness of Slovakia to apply the JHA acquis in full by the date of accession: 1) accession strategy of a “catching up with Visegrad neighbours” on the race for EU membership of the new Slovak government elected in 1998 that aimed to build the image of a “good applicant” including, for example the imposition of a visa regime towards Ukraine (Hungary and Poland introduced visa only in 2003); 2) a need for coordination of JHA policy with the Czech Republic in order to preserve an open character of the Czech-Slovak border; and 3) a negative image of Ukraine and Ukrainians in Slovakia<sup>6</sup>.

The reason for a prevailing negative image of Ukrainians was connected with the following two much mediated issues in Slovakia: first, criminal activities of Ukrainian nationals in Slovakia and a “cheap labor force from Ukraine stealing jobs from Slovak citizens”, which was a sensitive issue just in the region of Eastern Slovakia with the highest unemployment rate in the country. The argument of the government that the visa regime with Ukraine will help Slovakia in eliminating criminal activities of Ukrainian nationals and also in protecting the labor market in Slovakia was much more resonant in national debate by tourist lobbyists and small sellers from the bordering regions. Thanks to the above negative trends in the public perception of Ukrainian nationals in Slovakia in the late 1990s, an argument applied by the government in national debate that the imposition of visa regime for Ukrainian citizens would serve as an instrument in successful dealing with the problem of criminal activities and illegal working migrants from Ukraine also played an important role

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<sup>6</sup> Country Report Slovakia. Summary and analysis of results of interviews with national institutions. Feasibility Study for Consular and Visa Cooperation among Visegrad States for Residents of Ukraine and Moldova by Research Center of the Slovak Foreign Policy Association.

in forming Slovakia’s national position on the JHA chapter during the accession negotiations. It confirmed again general obsession of Slovak policies with the issues of security on the expense of the issues of freedom of movement.

It is possible to explain the main reason of the Slovak elite’s strict attitude toward Ukraine in the following way. First of all, the center of political and economic life of Slovakia is concentrated geographically in the western part of the country where the capital (Bratislava) is located. Capitals of Slovakia’s neighbors such as Vienna, Budapest and Prague are located much more closely to Bratislava than relatively far-away Kyiv. Despite the fact that Moscow is geographically much more distant to Bratislava, politically it was much closer to Central Europe. Russia was a political actor that has a political influence in Central Europe, and has the capability to be a player in the political game, while Kyiv at least in the 1990s had not. As already said, this has dramatically changed over the last ten years. In 2004, the Slovak government declared relations with Ukraine a priority for Slovakia’s foreign policy after joining NATO and the EU. In spite of this dramatic change, however, there were not many actual changes in the attitudes of the Slovak political representatives towards Ukraine. Even the smooth liberalization of the visa regime in 2001 was a result of day to day quarrels of frequent travelers, municipality representatives and NGOs.

Since May 1, 2005 the situation has changed when an asymmetric visa regime /no visa for Slovak citizens, no fees for Ukrainian applicants/ was introduced between Slovakia and Ukraine. This visa regime lasted until Slovakia joined the Schengen zone and we can consider this asymmetric visa system liberal when comparing to the one that was applied after Slovakia’s Schengen entry.

The implementation of the requirements conditioned by the Schengen agreement might have been seen as an exception – the questions of the border with Ukraine became the hot issue after the new coalition of Prime Minister Robert Fico came to power in 2006 – however, this Schengen requirement was considered once again as the technical task and security question, not a politically sensitive issue towards Slovakia’s eastern neighbor. The stress on technicalities, bureaucracy and border security in Slovak policies towards Ukraine can be explained also by the fact that Slovakia has the legislation most hostile to the foreigners and immigrants in the EU and the lowest level of issuing the legal residency status<sup>7</sup>.

The generally insensitive attitude towards Ukraine has characterized Slovak foreign policy and public discourse to this day. The similar characteristics can be applied to the actual policies. In spite of the significant improvement of the capacities of the Slovak consulate in Uzhorod, the visa procedure remains rather complicated, especially if compared to the Hungarian consulate in the same city.

As the number of applicants for Slovak visas in Belarus and Moldova is very low, there are no special regulations towards the citizens of these countries. On the level of policies towards these countries, Slovakia generally follows the opinion of its neighbors. The lack of it’s own stance towards Belarus or Moldova among the Slovak political and bureaucratic elites is not surprising when considering the distant attitude of Slovak officials towards Ukraine, one of the two formally preferred regions of the Slovak foreign policy. As mentioned earlier, the attitude towards Russia, including visa policies, shows, on the one hand, a Russophile historical tradition as well as eco-

nomical interests due to the fact that Russian *nouveau riche* tourists and businesspersons are among the most appreciated travelers in Slovakia. Due to the long distance of travel, most of Russian visa applicants use plane as the major mean of transport. This further influences the nature of visa application procedures, especially if compared to the attitude towards poor inhabitants of Transcarpathian Ukraine.

### **Local border traffic agreement**

According to official statistics, the rate of Slovak and Ukrainian citizens crossing the land border was 60:40 in the summer 2007<sup>8</sup>. The majority of those crossing the border were from a very close vicinity to the border (51 per cent lives no more than 50 km away from the border, 28 per cent no further away than 100 km)<sup>9</sup>. For more than one half of all travelers surveyed in the summer of 2007, the major reason for crossing the border was “to further own business interests” which meant especially petty commodity trade. Roughly 16 per cent of travelers visit the family members. The generally low level of tourists has been hit even more by the current economic crisis as well as by high level of prices in Slovakia after entering Eurozone in January 2009 when compared to the falling currency in Ukraine.

The Agreement on local border traffic between Slovakia and Ukraine was signed in 30 May 2008. After being approved by the Parliament and signed by the President, the agreement came into power in 27 September 2008. The first draft was prepared already in autumn 2007. The preparations for signing the agreement had taken much longer than they had in the case of the agreement between Ukraine and Hungary.

<sup>7</sup> Slovakia is the country with the lowest number of legal stay of foreigners in the EU. See [http://www.sme.sk/clanok\\_tlac.asp?cl=4358079](http://www.sme.sk/clanok_tlac.asp?cl=4358079), accessed 20.09.2009.

<sup>8</sup> based on information from Slovak Border Police in So-  
brance.

<sup>9</sup> See “EU Border Monitoring – Slovak-Ukrainian Border” at [www.sfpa.sk](http://www.sfpa.sk).

The most sensitive and complicated parts of the agreement concerned the demarcation of the area of local border traffic. The Slovak representative initially favored 30 km distance from the state border, later they accepted some exceptions for up to 50 km distance from the border. The reasons of stay within local border traffic remain of general character, as it is based on EU legislation: social, cultural as well as justified economic and family reasons. There was not a specific Slovak initiative going beyond general limits of the EU legislation, thus confirming generally insensitive attitude of Slovak officials toward Ukraine.

The analyzed issue was also who according to the agreement qualifies as an eligible person for the special cross-border status. As the agreement states, the eligible persons are the citizens of Ukraine and Slovakia, the people without citizenship and the third country nationals who hold permanent residency status in the border area for at least three years as well as family members of the above mentioned people such as husband/wife, children under 21 years of age and the husband/wife of these persons, if they have lived in the border area for the period longer than three years. The duration of stay in border region is defined for maximum thirty days of uninterrupted stay; however, the entire duration of stay in the area of another agreement party shall not exceed 90 days out of 180 days.

Another hotly discussed issue was article no. 6 concerning the necessary documents for acquiring the status of a person from the border region as well as the amount of fee. According to the agreement, the inhabitant of the border area shall apply with the following documents: a valid passport, two photos, the proofs showing the reasons for frequent border crossing, the documents confirming the permanent residence in the border area. The official translation of the documents into

the language of respective country might be required. The administration fee was agreed upon 20 Euro and shall be paid as a part of submitting process. The fee is not refundable. Fee exception includes the disabled people, children under 15 years of age and persons older than 60 years.

The number of documents as well as a high fee is perceived as the major obstacle for applying for local border traffic status among the borderland Ukrainians. Another obstacle is that in spite of the fact that the status is issued for at least one year (five years maximum), the Slovak official policy is based on a so-called gradual approach – initially, there are shortest possible stays issued. The next application is then based on “achieved trustworthiness” of the applicant and the local border traffic status can be issued for longer period of stay.

It was expected that there would have been between thousands to tens of thousands of Ukrainian applicants for local border traffic status applying after it came to force. It was expected that the bulk of these persons would have been petty commodity traders. This scenario has not been fulfilled and there have been only some dozens of Ukrainian citizens applying for local border traffic status (see table 8). We assume this was caused by the lack of a sensitive approach on the side of the Slovak officials – this attitude contrasts sharply with the attitudes of Hungarian authorities – however, significant limits are also on the side of information about the possibility of applying for local border traffic status in Ukraine (due to the lack of information, applicants rather chose visa than the status of person in local border traffic). The negative opinion about the Slovak “gradual approach” and generally reserved attitude towards Ukrainian citizens might have contributed to the small number of applications for the local border traffic status.

**Table 8: Local border traffic applications at Slovak consulate in Uzhgorod**

Month	Applications	Reason				Issued	Rejected
		Family	Economic	Culture	Social		
IX.08	4	0	2	2	0	0	0
X.08	30	11	13	6	0	1	1
XI.08	49	24	19	6	0	28	4
XII.08	82	19	49	14	0	13	0
I.09	42	7	27	8	0	63	5
II.09	112	24	71	17	0	12	8
<b>Total 6 months</b>	<b>319</b>	<b>85</b>	<b>181</b>	<b>53</b>	<b>0</b>	<b>117</b>	<b>18</b>

Source: Consulate General of the SR in Uzhgorod.

## Movement of people with the selected countries

The bulk of non-EU travelers entering Slovakia come from Ukraine. The Moldovans, Belarusians and Russians form the minority. According to statistics, the Moldovan citizens – and the citizens of Ukraine – represent the highest number of third country nationals whose stay in Slovakia is considered unauthorized. The citizens of Moldova and Ukraine also belong to the nationals whom the entry to Slovakia was refused at the state border most frequently in 2007 and 2008<sup>10</sup>. The reason for these refusals is mostly economic.

The economic crisis imposed new obstacles for travelers. As the numbers for 2009 show,

the crisis did affect the opportunities for legal and illegal work of Ukrainian citizens in Slovakia and the Czech Republic. Considering the worsening of the economic situation in Ukraine and Slovakia, the crisis might bring a pressure on searching for “alternative” sources of livelihood such as smuggling of cigarettes and alcohol. Taking into account the regulations of the labor market, there are no special rules applied regarding the citizens of Ukraine. Some Transcarpathians do work legally and semi-legally especially as building workers in the capital Bratislava or in the border regions of Eastern Slovakia, but the majority of Ukrainian citizens do travel for work to Czech Republic passing through Slovakia.

**Table 9: Aliens granted a residence permit by 31.12.2008 (top 15 countries)**

Country of citizenship	Temporary stay	Permanent stay	Tolerated stay	Total
Ukraine	2 567	2 118	41	4 726
Viet Nam	1 725	789	20	2 534
Serbia	1 591	208	13	1 812
Korea	776	709	0	1 485
Russian Federation	505	961	19	1 485
China	992	479	7	1 478
Serbia and Montenegro	927	147	0	1074
United States	500	325	0	825
Macedonia	130	217	13	360
Croatia	86	248	6	340
Turkey	140	96	3	239
Japan	107	96	0	203
Israel	117	45	1	163
Belarus	64	84	2	150
India	88	39	9	136

Source: Bureau of Border and Alien Policie of the SR

<sup>10</sup> Source: UHCP

In addition to the effects resulting from the economic crisis, since 1 December 2008 the new quota for import of cigarettes and alcohol beverages to EU has been imposed. This affects mostly the cross-border trade with cigarettes (instead of 200, the quota has been lowered to 40 cigarettes). Comparing the border crossings in November and December 2008 showed that the number of travelers fell 30 percent. We assume the demand for visas in Ukraine will decrease. On the other hand, the shopping tourism of Slovak citizens, especially due to the exchange rate between Euro and neighboring currencies favoring Euro, will grow.

We assume the declared support for cross-border cooperation, as it is officially approved by EU and Slovak officials, will increase the number of cross-border projects. This might increase the demand for visas, especially for specific groups of applicants such as project participants, businesspersons, municipality representatives and so on. We assume this will be the only factor increasing the demands for visa in Ukraine in near future.

In relation to the investment into infrastructure and modernization of border points regarding the entry of Slovakia into Schengen, new facilities and high-tech equipment has discouraged illegal trade of ordinary citizens across the border. On the other hand, however, the technical innovations influenced the smooth functioning of travel across the border and ignored the public opinion of the locals on both sides of the border who perceived the modernization of border crossings and green border security as the obstacle for free movement of people. We assume these changes regarding the introduction of Schengen rules had not been made public in the sufficient way in order to prepare the inhabitants of border areas for the changes complicating border movement.

## Policy Recommendations

In spite of the promotion of dialogue between the EU and its Eastern neighbors that continues to invoke the common cultural heritage and the need for co-operation, the actual policies resulting from Schengen rule at the same time pursue firm policies of security and migration which draw a clear frontier. The long-term priority for the Visegrad countries should be assisting Ukraine in its moving from the EU list of “visa countries” to “visa free” list. Although this process will depend much on internal developments in Ukraine itself, there are some odds for taking actions and policies in the JHA field that should be seriously considered and initiated by the Visegrad countries aiming at making the visa regime as flexible as possible in the short and middle-term outlook. This joint enterprise of Visegrad countries can be considered as a part of EU assistance to Ukraine, not least in relations to the current crisis<sup>11</sup>. Especially because of the unpredictability of the crisis however, it is necessary to support as flexible a visa regime towards East European neighbors as possible. The single voice of Visegrad countries, perhaps with the leading position of Poland, regarding a preferential visa regime at least towards Ukraine is very desirable.

Visa policy towards Ukraine has so far been and still is connected in Slovakia with the issue of illegal migration, protection of the EU external border and some other issues that led to a sort of distortion of the very essence of the issue in the Slovak public debate. Thus, an intense debate about the visa regime towards Ukraine with policy makers and public in the V4 countries is needed in order to improve its public understanding. The change of

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<sup>11</sup> see Duleba, Alexander *Slovakia – Ukraine: cross-border cooperation, human contacts and ethnic minorities* in Solonenko, Iryna (ed.): 2004 European Union Accession: Implications for Ukraine’s Relations with its Central European Neighbours. Kyiv: EastWest Institute, EuroRegio Ukraine, 2004. - 330 s. ISBN 966-8039-40-8.

attitude among the officials at consulates as well as sensitivisation of the Slovak public and political elites shall also be applied within information campaign in Slovakia.

It would be worth creating an efficient information system that will ease the bureaucratic procedure and improve the infrastructure of consulate services, such as opening new consulate services in other locations, especially in Transcarpathian Ukraine. One of the possible options would be the issuing of visas – at least for Ukrainian citizens – directly at the border crossing. If Ukraine is to represent the priority region of the Slovak foreign policy, the flexible and fair visa regime shall be given the priority within these declared priorities. An information campaign on visa procedures and local border traffic shall be introduced in Ukraine.

The efficient, fair and flexible visa regime is directly related to the economic development of peripheral border areas. The actual form and speed of this development depends still too much on the decisions taken in Kyiv, Bratislava and other capitals of Europe. Therefore, a higher sensitivity towards the needs of the regions concerned shall also influence the recommendations regarding the visa regime, even though these are the direct responsibility of the nation states. Last but not least, the local border traffic agreement between Slovakia and Ukraine shall be liberalized in order to move forward in regional development.

As far as the technical side of visa procedures is concerned, in the case of Slovakia it should be more frequently issued multiple entry and long-term visas. The first step towards making the application procedure less difficult shall be the cancellation of fees. The low transparency in the visa application procedures, the lack of clear regulations and rules, frequent changes of these rules (such as the list of required documents necessary for issuing visa) shall be changed in order to maximize the fluency of visa procedures and contribute to the positive opinion of the applicants. Initially it would be useful to either liberalize visa regime with one (Ukraine) or more countries, or to apply a less complicated system: once the person has been considered reliable, he/she should be given a multiple entry, long-term visa automatically. Any attempt to change the current visa regime has to include a simplification of the procedure and lessen the number of required documents! There should not be a “better” and “worse” EU country consulate in one city, such as Uzhorod. The procedure shall be equally transparent and similarly fast at all the consulates while approaching the applicants by a fair, equal and uniform manner.

We suggest the situation regarding visa procedures shall be monitored empirically and efficient mechanisms for changing the negative impacts of the regime with state officials shall be found on the basis of this monitoring. The eventual outsourcing of visa services to external private providers shall be discussed in the public, especially regarding the sensitivity of private information as well as economic issues.