



# Open Europe Programme

Warsaw/Kyiv, May 2015

ISBN 978-83-62338-55-9

## Moldova's success story

### The visa-free regime with the EU one year on

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#### Main findings

- The visa-free regime for Moldova, which has been in place since 28<sup>th</sup> April 2014, has not caused increased irregular migration from Moldova
- Its influence on the number of asylum seekers remained moderate and insignificant in comparison to other 3<sup>rd</sup> countries
- The functioning of the visa-free regime between Moldova and the EU has been assessed positively by EU institutions, as well as the governments of interviewed Member States and Moldova
- The visa liberalisation process, focused on adopting and implementing a series of systemic reforms proved its effectiveness
- The example of Moldova is, to great extent, comparable to Georgia and Ukraine. Consequently, visa liberalisation is recommended for Ukraine and Georgia, after the fulfilment of the Visa Liberalisation Action Plan.

## Introduction

Moldova, along with Armenia, Azerbaijan, Belarus, Georgia and Ukraine, is a part of the Eastern Partnership initiative, a framework for the European Union's eastern policy which was launched with the aim of bringing these six neighbouring countries closer to the EU, both in political and economic terms. One of project's most important goals has been to increase cross-border mobility as well as to facilitate and liberalise the visa regime.<sup>1</sup> Although nearly everyone expected Ukraine to be the first country to enjoy visa liberalisation, Moldova was actually the first to achieve a visa-free regime with the EU on 28<sup>th</sup> April 2014.<sup>2</sup> During the first year of the liberalised visa regime, over 460,000 Moldovans have travelled to the EU without a visa.

Prior to this, the government in Chişinău was obliged to conduct around 40 systemic reforms in order to ensure proper migration and border management, including the introduction of ICAO-compliant biometric passports<sup>3</sup> – the obvious conditions for easing visa procedures – but also to fight corruption, money laundering and to ensure international standards in the processing of personal data and protection of human rights.<sup>4</sup> The Republic of Moldova underwent a complex modernisation programme affecting the state apparatus, and in doing so become a good example in some areas for other EaP countries.

The following question, however, now needs to be asked: was the lifting of the visa requirement for Moldovans the right decision, from Brussels' perspective? Has Chişinău benefited from it? Was the "Serbian scenario" (the dramatic increase of asylum applications after visa liberalisation) repeated? This paper aims to examine the functioning of a liberalised visa regime between the Republic of Moldova and the European Union one year after its introduction, and look for good patterns for Georgia and Ukraine, especially with regards to the management of frozen conflicts.<sup>5</sup>

### 1. One year on – The EU's perspective

"Moldova has never been a problem and is not one now [...] in terms of irregular migration" – we were told by the Polish Office for Foreigners, the migration authority of Poland, and basically the same opinion was voiced by all of our interlocutors. For some it may come as a surprise, for others not, but towards the end of 2013 there was fierce debate in Brussels about visa liberalisation with Moldova. One of main reasons for this was the unexpected, dramatic increase in the number of asylum requests submitted by citizens of the Republic of Serbia after the liberalisation of the visa regime back in 2009, caused by – as the ESI describes

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<sup>1</sup> The official website of the Eastern Partnership: [http://eeas.europa.eu/eastern/index\\_en.htm](http://eeas.europa.eu/eastern/index_en.htm).

<sup>2</sup> For holders of biometric passports only.

<sup>3</sup> ICAO – The International Civil Aviation Organization sets security standards for travel documents.

<sup>4</sup> More on Moldova's path towards visa liberalisation can be found in "Eastern Partnership Visa Liberalisation Index", <http://monitoring.visa-free-europe.eu/>, as well as in the European Commission's reports.

<sup>5</sup> In order to show the tendencies in migration figures and understand the standpoints of the most important national and international actors of the described process, we combine quantitative and qualitative approaches. Quantitative methods comprise comparative analyses of statistical data on: cross-border movement, violations of border and visa codes (i.e. overstaying, attempts to illegally cross the external EU border), and asylum requests in the period 01.2011–01.2015. Qualitative methods, on the other hand, include IDIs (in-depth interviews) with: Polish MFA, Polish Office for Foreigners, the German Embassy in Warsaw and the Moldovan government regarding their assessment of the visa-free regime between the EU and Moldova.

it in its policy paper “Saving visa-free travel”<sup>6</sup> – “pulling factors” within the EU, namely: the ineffective and incomprehensible asylum policy, where asylum procedures last for months (and financial and social support is provided to the applicant by the EU Member State).

## 1.1 The visa liberalisation policy

In order to avoid a repeat of this situation with the Eastern Partnership countries, the European Union introduced several changes to its visa liberalisation procedures: the “roadmaps” (used for Western Balkan countries) were replaced with Visa Liberalisation Action Plans (VLAPs), more detailed plans listing around 40 systemic reforms to be performed by a third country interested in introducing a visa-free regime.<sup>7</sup> According to the VLAP, a joint committee of European Commission representatives and administrative bodies from the respective third country have to regularly assess the introduction of the required legislation and then its implementation. This “technical” aspect, also present in the case of Serbia, was supplemented by a “political” one, which means that after a positive recommendation from the EC about visa liberalisation, the European Parliament and the Council are due to take a decision based on technical criteria and taking into consideration the general political relations with the respective country, so in this case Moldova. It was intended to guarantee the EU the right to slow down or even stop visa liberalisation with selected countries, regardless of their technical readiness and based on more or less precise “migration risks” or other reasons.

That was not sufficient, however, and the visa liberalisation process with Moldova, which was then close to fulfilling the second “implementation” phase benchmarks of the VLAP, was very much on the line. Amongst other things, to ensure the approval of the decision to place Moldova and other countries on the list of states whose citizens do not need a visa to enter the Schengen area, a “visa waiver suspension mechanism” was introduced in September 2013,<sup>8</sup> giving the Commission the right to temporarily re-introduce a visa requirement for citizens of certain third countries for a period of six months after the positive assessment of a justified notification of a serious threat by a Member State to the security of the EU due to visa-free regime, for instance, a massive inflow of irregular migrants and people abusing the asylum granting system.

The idea of introducing a mechanism of this kind was strongly criticised by some civil society actors, who argued that it was adopted to undermine visa liberalisation with the Eastern Partnership countries. In the end, however, the afore-mentioned precautions allowed all Member States to accept visa liberalisation for Chişinău. The decision came into force on 28<sup>th</sup> April 2014, granting all holders of a Moldovan biometric passport the possibility to enter to the European Union without requiring a visa, although the traveller still has to be able to prove that he/she possesses enough financial resources to cover the stay in the EU as well as the will to return to the home country, which must also be proved during the visa application, but at the moment these documents<sup>9</sup> may be demanded by the immigration officer or a border guard at the external EU border.

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<sup>6</sup> *European Stability Initiative, Saving visa-free travel: Visa, asylum and the EU roadmap policy*, Berlin–Brussels 2013, p. 2.

<sup>7</sup> The reforms are grouped into four policy blocks: (1) document security and biometric passports, (2) migration, border and asylum management, (3) public order and law enforcement/judiciary cooperation with the EU as well as data protection and (4) fundamental rights) and are divided in two phases (adoption of legislation and implementation).

<sup>8</sup> European Commission memo of 12.09.2013, [http://europa.eu/rapid/press-release\\_MEMO-13-784\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-784_en.htm).

<sup>9</sup> I. e. bank statements, hotel bookings, return tickets etc.

## 1.2 The visa-free regime in figures

Just over one year after the introduction of a visa-free regime between the EU and Moldova, the first evidence-based assessment was able to be carried out. In the European Union, this topic has not been widely discussed over the past year, which should not come as a surprise considering the growing tensions between Russia and the West and the on-going military conflict in Eastern Ukraine. Having not found any official document evaluating the functioning of a liberalised visa regime, very little has been heard from politicians themselves. While the Moldovan MFA stated that the visa waiver is running “perfectly”,<sup>10</sup> public comments from EU officials were rare and, in general, positive. Taking into consideration the case of Serbia and a dispute caused by, as some have said, a premature decision on visa liberalisation for the Western Balkans, this “silence” over the Moldovan case proves that it has not been that controversial. Indeed, all the data collected seems to confirm that Chişinău was well prepared for the introduction of a visa-free regime.

Data provided by FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, shows that none of indicators of migration tendencies are a cause for concern regarding the functioning of a visa-free regime with the Republic of Moldova.

**Table 1: EU indicators for Moldovan citizens 2011–2014 year-by-year (data: FRONTEX)**

|                                 | 2011 | 2012 | 2013 | 2014 |
|---------------------------------|------|------|------|------|
| <b>Illegal border crossings</b> | 280  | 185  | 126  | 60   |
| <b>Illegal stays</b>            | 3435 | 3388 | 2445 | 2432 |
| <b>Refusals of entry</b>        | 1571 | 1170 | 912  | 1222 |
| <b>Asylum applications</b>      | 379  | 244  | 228  | 394  |

The number of **illegal crossings of the green border** (between border check points, BCPs) has constantly decreased from 280 in 2011 and 126 in 2013 to 60 in 2014, constituting around a 50% decrease year-by-year. In January 2015 no Moldovan citizens were caught attempting to illegally enter the EU through the green border (compared to 4 individuals in January 2014). Furthermore, Moldovans attempting **clandestine entries** (hiding in vehicles while crossing the border between BCPs) should not be considered a problem, since there were only two detected cases in 2014 and one in 2013.

It could be said that the halving of the figures of illegal border crossings after the introduction of a visa-free regime should be compared to the number of **refusals of entry** and – once again referring to the experience in the Western Balkans – the number of asylum applications. The first of these indicators has generally been stable, with just over a thousand Moldovan citizens being refused entry to the EU every year for the last four years. 1571 refusals of entry were made in 2011, 1170 in 2012, 912 in 2013 and 1222 in 2014. In January 2015, 159 people travelling with Moldovan passports were refused

<sup>10</sup> This opinion was shared with the authors by a high-ranking officials of the Moldovan MFA

entry. Despite a year-by-year increase of one quarter, the figure for 2014 is nearly exactly the same as the four-year average of 1219.

The number of **asylum applications** lodged by Moldovans in the EU remains insignificant in comparison to other nationalities, despite an increase in 2014 (394 applications) compared to the previous years: 379 in 2011, 244 in 2012 and 228 in 2013. It should be noted, however, that with migration figures absolute values ought to be taken into consideration, instead of the percentage. A 58% increase in asylum applications (comparing 2014 to 2013) may suggest that the EU has faced a massive inflow of asylum seekers from Moldova while, in fact, there were only 166 people more – not even enough to fill one Boeing-737.

Although this increase cannot yet be described as a tendency, it certainly deserves attention from EU institutions and counteraction if it continues to rise. However, at the moment it is not a concern. Furthermore, the month-by-month figures show that number of asylum applications has increased since the visa-free regime has been introduced, from about 20 per month to around 50, although this figure has stabilised since November 2014 and has not risen since.

Furthermore, the number of Moldovans detected **illegally staying in the EU** (this indicator includes those who entered illegally as well as those who overstayed – i.e. no longer had the right to remain in the Schengen area) has decreased in the analysed period: from 3435 in 2011, 3388 in 2012, 2445 in 2013 to 2432 in 2014, which means a 0.53% decrease year-by-year (2014 compared to 2013) and a 28.22% decrease over two years.

**Table 2: EU indicators for Moldovan citizens 2011–2014 by period (data: FRONTEX)<sup>11</sup>**

|                                 | 05.2011–01.2012 | 05.2012–01.2013 | 05.2013–01.2014 | 05.2014–01.2015<br>(visa-free regime) |
|---------------------------------|-----------------|-----------------|-----------------|---------------------------------------|
| <b>Illegal border crossings</b> | 228             | 142             | 99              | 34                                    |
| <b>Illegal stays</b>            | 2479            | 2525            | 1843            | 2112                                  |
| <b>Refusals of entry</b>        | 1090            | 876             | 657             | 1136                                  |
| <b>Asylum applications</b>      | 294             | 206             | 178             | 384                                   |

When discussing refusals of entry, the reasons for refusal deserve an additional comment. The lack of a valid visa has remained a main reason for refusal for the past four years and even after the introduction of a visa waiver, on average 34 people per month (in the period May 2014 – January 2015) have been refused entry on this basis. In May 2014, the first month of the new regulation, 52 people were refused entry at the border, because they did not have a visa in their passport, which was the largest number in 2014. This can be explained by the fact that some travellers were not aware that visa waiver only applies to citizens holding a biometric passport, whereas everyone else still needs to apply for a visa as before. Comparing 2014 to 2013, entry refusals based on the lack of a visa decreased by 26.3%, from 566 to 417. At the same time, refusals based on the lack of justification for entry almost

<sup>11</sup> This table presents the period of visa-free regime (05.2014–01.2015) and analogical periods in three past years.

doubled – from 145 to 280. Travellers may have not been aware that regardless of the visa-free regime, they should be prepared to justify their purpose of visit to the EU, presenting (on demand) the relevant documents at the BCP.

### 1.3 EU Member States: The Polish example

Looking at statistics provided by the Polish Office for Foreigners, irregular migration from Moldova to Poland decreased in 2014 and the number of applications for the legalisation of stay in the country decreased dramatically. As per mid-February 2015, 782 Moldovans were legally living in Poland. In 2014 the number of Moldovans applying for the legalisation of their stay in Poland decreased by 31.25% compared to 2013 (from 800 people to 550) and by 33.73% compared to 2012 (from 830 to 550). By February 2015, 49 applications had already been registered. The number of decisions about the requirement to leave the territory of Poland decreased in the same period of time, from 59 in 2012 and 39 in 2013 to 25 in 2014, a drop of 35.9% when comparing 2014 to 2013 and 67.63% comparing 2014 to 2012.

Moreover, with regards to the indicator raising the biggest concern, i.e. applications for refugee status, the decrease was sharp – from 17 in 2013 to 2 in 2014, which represents a 88.24% decrease year-by-year and from 10 to 2 comparing 2012 to 2014 (a decrease of 80%). No applications have been submitted so far in 2015 (as per mid-February).

**Table 3: Poland's indicators for Moldovan citizens 2012–2015 (data: Polish Office for Foreigners)**

|  | 2012 | 2013 | 2014 | 2015 (up to mid-February) |
|--|------|------|------|---------------------------|
| <b>Applications for legalisation of stay</b>       | 830  | 800  | 550  | 49                        |
| <b>Decisions on the obligation to leave Poland</b> | 59   | 39   | 25   | no data                   |
| <b>Applications for refugee status</b>             | 10   | 17   | 2    | 0                         |

Here we can draw the conclusion that visa liberalisation did not cause an increase in (detected) irregular migration or any attempts to abuse asylum procedures. In fact, a decrease was actually noticed. However, it would be premature to claim that this was caused by the introduction of a visa-free regime at the end of April 2014. Other indicators have to be analysed to prove this assumption, including the decreasing attractiveness of the EU labour market, the improving situation of Moldova and last but not least the fact that a significant number of Moldovans have a Romanian (EU) passport. One thing can be stated for certain – Poland has not faced an increase in irregular migration from Moldova since the start of the visa free regime.

### 1.4 The European Union – An overall assessment

It can be assumed that the European institutions, along with the EU Member States, are satisfied with the implementation of the visa-free regime with Moldova. In March 2015, the Association Council, a new body created under the Association Agreement between the EU and the Republic of Moldova

which comprises both EU and Moldovan representatives, “welcomed the successful implementation of the visa-free regime<sup>12</sup>” at its first meeting.

German diplomats noted that the implementation of a visa-free regime with Moldova has been “as smooth as expected”, due to the very good implementation of the VLAP by Chişinău, and Berlin has not faced a worrisome increase in the number of asylum seekers, as happened in the case of the Western Balkans. Although Germany is reluctant to judge whether Moldova’s success is also applicable to other EaP countries, it considers visa liberalisation important for shaping relations with the Eastern Neighbours of the European Union and hopes that a visa waiver can be introduced for Ukraine and Georgia in the near future.

The Polish Ministry of Foreign Affairs, considered to be one of most active in terms of promoting the approximation of the Eastern Partnership countries to European standards and the European integration of the post-Soviet region, considers visa liberalisation for Moldova to represent the “breaking of a taboo”. First of all, it has been the first decision of this kind for a European country since the generally dissatisfactory Western Balkan developments; secondly, apart from the Baltic States, Moldova was the first post-Soviet republic to enjoy the visa waiver. Our interlocutors noted that there have been no surprises since 28<sup>th</sup> April 2014, because Chişinău was well prepared for visa liberalisation. The Moldovan authorities managed to convince the EU that the issue of Transnistria, a separatist region uncontrolled by Chişinău, should no longer be considered an obstacle to visa liberalisation, since effective migration management measures have been introduced at the administrative line dividing it from the rest of Moldova. It was acknowledged that the then-deputy Minister of Foreign Affairs, Natalia Gherman, personally oversaw the implementation of the VLAP in Moldova.

## 2. One year on – The Moldovan perspective

The impact of visa liberalisation on Moldova is still to be assessed. On the one hand, the liberalisation of the visa regime is seen as a practical element of the European integration process that is felt by normal people, while on the other hand the waiving of the visa requirement for Moldovan citizens who hold biometric passports did not significantly change the population’s support for the European integration process, nor did it produce a significant change in migration patterns. On the other hand, it cannot be determined if support for the EU would drop if the visa liberalisation had not been introduced.

On the Moldovan side, the discourse by officials that the visa liberalisation will not significantly change migration patterns and the EU will not face problems similar to those in the Balkans was largely confirmed. The same supportive arguments were provided by the report on Migration and Security Risks carried out before visa liberalisation, which gave a positive assessment and widely suggested that visa liberalisation with Moldova would be beneficial for both parties. One year after the liberalisation of the visa regime, the major indicators (see the section devoted to the EU’s perspective) seem to confirm these forecasts.

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<sup>12</sup> ENPI-info, [http://www.enpi-info.eu/maineast.php?id=40249&id\\_type=1&lang\\_id=450](http://www.enpi-info.eu/maineast.php?id=40249&id_type=1&lang_id=450).

The total number of Moldovan citizens who travelled to EU within the year reached over 460,000<sup>13</sup>. The number of irregularities was low. This demonstrates that Moldovan citizens are largely abiding to the rules on which the visa liberalisation was offered and also that a good information and communication campaign was carried out prior to visa liberalisation, by the government, although mainly by the media and to some extent civil society.

Despite the increased mobility of Moldovan citizens due to visa liberalisation and, in some cases, due to the fact that about 330,000 citizens hold Romanian passports (with some holding a Bulgaria passport), no significant changes were observed in terms of remittances from EU countries. That could have several explanations but one of the most important is that the EU labour market itself has experienced difficulties, there has been a recession and therefore fewer jobs are available for people with limited qualifications. Although the number of Moldovan citizens travelling to EU could have been higher, one particular argument that is often mentioned in society is the limited financial possibilities for travelling to the EU. This means that there is potential for greater tourism but it will largely depend on the level of income of people living in Moldova.

## 2.1 Moldova's path to a visa-free regime with the EU

The visa liberalisation process is a long and difficult one. At the start, citizens of all countries which do not enjoy the visa waiver must obtain a visa to enter to the European Union. It costs €60 although there is a small number of professional or social groups which are granted visas free-of-charge and receive multiple-entry instead of single or double-entry visas. If Brussels considers relations with the third country important, both sides may sign visa facilitation and readmission agreements (VF&RA). After this package of agreements has come into force, the cost of visa is reduced to €35 and more people are able to receive long-term visas and/or to have the visa fee waived. When both sides are satisfied with the implementation of the VF&RA, visa dialogue may be launched – European and local experts then assess the quality of the migration and border management of a certain country, along with other aspects, and prepare a tailor-made Visa Liberalisation Action Plan (although in practice it is similar for every country), which has already been described above.

The VF&RA with the Republic of Moldova were signed in 2007 and entered into force in 2008, while visa dialogue was launched on 15<sup>th</sup> June 2010. Chişinău was presented with a VLAP in January 2011. Following five progress reports (in 09.2011, 02.2012, 06.2012, 06.2013 and 11.2013), on 27<sup>th</sup> November 2013 the European Commission proposed to allow visa-free travel for Moldovans holding biometric passports. The respective decision, as mentioned earlier, came into effect on 18<sup>th</sup> April 2014, making Moldova the first country out of six Eastern Partnership participants to enjoy a visa-free regime.

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<sup>13</sup> <http://oficial.md/politica/declaratia-ministrului-natalia-gherman-cu-prilejul-marcariei-unui-an-de-calatorii-fara-vize-in-spatiul-european>.



## 2.2 Moldova on the path of modernisation

After Moldova had received the VLAP, some parties, especially public institutions, thought that it would take little effort and time to implement it, stating that the Moldovans will be able to travel to the EU without visas by the end of 2012.<sup>14</sup> The extreme oscillation in opinions was mainly due to the lack of information about reforms related to visa liberalisation and the example of Balkan experience which showed it is possible to achieve visa-free travel within 1.5 years.

The visa liberalisation process in Moldova had two dimensions, one technical and one political. On the technical side, laws were adopted rapidly and implementation started without delay. These laws usually concerned issues like the security of documents, migration, border management, data protection, etc. As for the political dimension, it concerned laws that could endanger the power base or political image. The most relevant examples of such laws are anti-corruption and anti-discrimination laws.

The law on fighting corruption was adopted by parliament after a long delay and is still not functioning properly. Many of the political actors are associated with corruption in Moldova and therefore, tightening the anti-corruption regulations was a clear threat to those adopting the legal amendments. The Moldovan parliament adopted legislation to strengthen anti-corruption measures and apart from the amended anti-corruption law, the main progress was the creation of the National Integrity Agency, which is empowered to check the declarations of incomes and assets and also to examine any conflict of interests of civil servants. Furthermore, the powers and role of the National Anti-corruption Centre were strengthened. In both cases, these institutions were desperately needed to fight corruption and their actions led to some tangible results. Ministers questioned over hiding assets or judges on trial due to corruption charges became a novelty for the Moldovan public and the system. Both institutions still have many weaknesses, such as insufficient independency, limited funds and a random unwillingness to tackle corruption at the highest level – the latter of which is considered the biggest problem. However, the system is in place and based on the example of other countries, such as Romania, it takes several years until it starts to work properly. In this context, it is hard to imagine whether the afore-mentioned anti-corruption measures would have ever been adopted without the visa liberalisation action plan.

The second example is the adoption of the anti-discrimination law (in Moldova this is called the law “On equal chances”) which took Moldova about 4 years of debating and political fighting. The law was proposed several times and withdrawn after protests by the public, church and other actors, mainly due to the fact that the law also mentioned sexual minorities. Political parties were therefore avoiding its adoption because it might damage their political approval rating. The law bans all forms of discrimination, allows for affirmative actions and sets up a mechanism to sanction discriminatory behaviour.<sup>15</sup> Since its creation in 2013, the Council for Equality and Elimination of Discrimination has adopted over 70 verdicts of discrimination. Although the legislation is still imperfect due to the fact that in many cases the Council’ decisions are cancelled in the courts, people being discriminated against now have an institution that can defend their rights.<sup>16</sup>

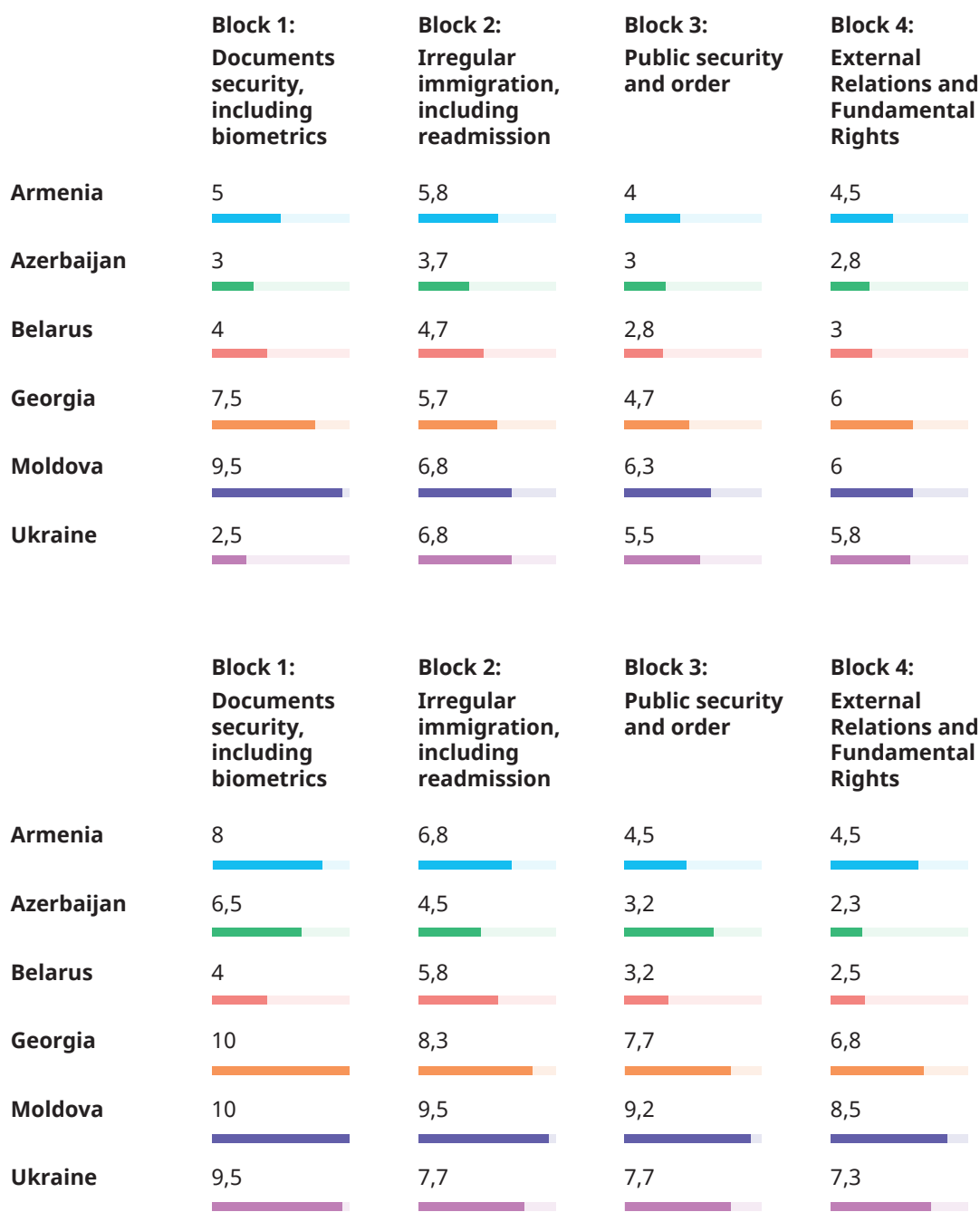
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<sup>14</sup> Statement by the PM Iurie Leanca.

<sup>15</sup> Viorel Ursu, *How the European Union Persuaded Moldova to Fight Discrimination*, <http://www.opensocietyfoundations.org/voices/how-european-union-persuaded-moldova-fight-discrimination>.

<sup>16</sup> [http://www.realitatea.md/discriminare-ramane-o-problema-grava-in-moldova-nicio-persoana-nu-a-fost-pedepsita-video\\_13476.html](http://www.realitatea.md/discriminare-ramane-o-problema-grava-in-moldova-nicio-persoana-nu-a-fost-pedepsita-video_13476.html).

**Graphic 1: Progress of Moldova in implementing the Action Plan: 2011 vs 2015 (source: EaP Visa Liberalisation Index)**



While implementing the V LAP benchmarks, Moldova underwent an impressive process of modernising the state administration and the public sphere. The system of freedom, security and justice was modernised and adjusted to European standards. The challenge of the Moldovan government will remain to continuously implement the adopted reforms in a coherent manner. The main reason for the reforms was the strong conditionality and “more-for-more” approach in the visa liberalisation process, not what was highlighted in the implementation of the Association Agreement/DCFTA.

## 2.3 Transnistria – Border and migration issues

In these times, when visa liberalisation for Georgia and Ukraine is high on the European Union's agenda and respective decisions are likely to be taken in the near future, the issue of unsolved frozen conflicts needs to be raised. From the mid-1990s (with a turning point after the 2008 war with Russia), Georgia has faced Russian-backed separatism in the two self-declared, internationally-unrecognised "republics" of Abkhazia and South Ossetia which currently have a so-called "border", an administrative line between them and rest of the Georgian territory, are *de facto* under the control of Russian troops. Since 2014 Ukraine has been at war with Russia-supported separatism in the eastern-most industrial region of Donbas and faces the perspective of "freezing" this conflict, leaving territories uncontrolled by Kyiv behind the administrative "border", which has been on the cards since early 2015. In this context, it is worth analysing the Moldovan example of dealing with the separatist region of Transnistria, a Russian-backed perimeter between the constitutionally-controlled territory of Moldova and Ukraine.

Although the situation in Eastern Ukraine is comparable in terms of the sources of instability and the path of conflict emergence, the Transnistria conflict, unlike the conflict in Donbas, is a frozen conflict which is inactive. The Action Plan – in the case of all three countries of Moldova, Ukraine and Georgia – does not explicitly mention the frozen conflicts (in the case of Ukraine these did not exist when the AP was offered) and therefore, the issue of border control in separatist territories is a cross-cutting issue in the second block of the Action Plan.

One of the main reasons for concerns by EU experts relating to the Transnistria conflict was that the authorities in Tiraspol would issue false breeder documents to people who might be wanted by the law enforcement for various reasons. As a result, because Moldova considers the occupied territory of Transnistria region to be part of Moldova and therefore its inhabitants to be Moldovans, they could acquire Moldovan documents and passports, based on breeder documents issued in Transnistria. In order to make it impossible to acquire a Moldovan passport on the basis of fake breeder documents, the Moldovan authorities developed a law that provides a special identification procedure which applies to applicants, and the information provided is then checked against the information held by constitutional authorities – the registry of data which Moldova owns (the registry covers the Transnistria region as per 1994). Out of the total number of existing Moldovan biometric passports – 1,169,017, about 77,000 belong to citizens residing in Transnistria, of which about 28,000 were only acquired in the last year.<sup>17</sup>

An additional element here is the control of migration flows at the Moldova-Ukraine border with Transnistria, for which a special mechanism has been developed. This monitoring mechanism is based on the requirement of foreigners arriving through the Transnistria segment of the border to register within 72 hours of crossing the border. In order to facilitate the registration of foreigners, the Bureau for Migration and Asylum set up six new territorial offices using the infrastructure of the Internal Customs Control Posts. On top of this, an information exchange of non-nominal data on third country nationals who cross the border was set up between Moldova and Ukraine. Furthermore, the Moldovan authorities created mobile units that enforce the surveillance of the main routes and detect inland

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<sup>17</sup> <http://oficial.md/politica/declaratia-ministrului-natalia-gherman-cu-prilejul-marcarii-unui-an-de-calatorii-fara-vize-in-spatiul-european>.

illegalities. The law “On state borders” was also amended to allow border police to carry out checks throughout the entire territory of the country.<sup>18</sup>

The Moldovan experience shows that the efficient control of migration and customs at the administrative line should be considered in the case of Ukraine and Georgia. This would allow the quick application of models that have already been tested and accepted by the experts who evaluated the readiness of Moldova for visa liberalisation.

## Conclusions

For more than a year now, Moldova has enjoyed a visa waiver and citizens who hold a biometric passport are able to enter to the EU without a visa. Almost half a million Moldovans have made use of this opportunity. At the same time, the number of detected irregularities was insignificant both compared to the number of *bona fide* travellers and other third country nationals. In real numbers, however, the migration paths did not change significantly – all the Moldovan asylum seekers from 2014 would fit into one airliner.

This shows that if the conditions set by the EU are met, as they were in the case of Moldova, and are now also being done in the cases of Ukraine and Georgia, visa liberalisation does not represent a danger to the European Union. Furthermore, a third country receiving a visa-free regime has undergone reforms, is better governed and becomes an even more reliable partner for the Union.

Moldova’s example proves that frozen conflicts, although they represent a significant challenge, are not impossible to overcome in terms of the visa liberalisation process. In fact, Moldova had to tighten migration control between its mainland and Transnistria. As statistics about the issue of biometric passports suggest, visa liberalisation can help in the reintegration process – easier access to the European Union is a great argument for the inhabitants of separatist regions to reconsider their position towards the state.

As for the applicability of Moldova’s experience to Ukraine and Georgia, specific solutions (i.e. migration management on the administrative line dividing it from Transnistria) introduced by Chişinău, are to some extent already being implemented by Georgia (in the case of Abkhazia and South Ossetia) and Ukraine (on the ceasefire line with Donbas). The fact that, in spite of the issue of separatism, Moldova was granted a visa-free regime with the EU is a good argument in a discussion about whether the separatist regions in Georgia and Ukraine make visa liberalisation impossible or not. It should not be forgotten that one of reasons for Russia to support separatists is to prevent the European integration of these countries and therefore, it is in the interest of the EU – after ensuring proper migration management schemes – not to put visa liberalisation on hold as a result.

*The authors would like to thank: the Ministry of Foreign Affairs of the Republic of Poland, Poland’s Office for Foreigners and the Embassy of the Federal Republic of Germany in Warsaw for meetings, during which we managed to discuss the functioning of the visa waiver with Moldova; and FRONTEX for providing us with data on migration and border crossing figures. This paper only presents the views of its authors.*

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<sup>18</sup> Fifth Report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalisation, [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131115\\_5th\\_progress\\_report\\_on\\_the\\_implementation\\_by\\_moldova\\_of\\_the\\_apvl\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131115_5th_progress_report_on_the_implementation_by_moldova_of_the_apvl_en.pdf).