

On the Future OF EUROPE

Policy Papers 2

The Half-Open Door:
the Eastern Border
of the Enlarged European Union

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Introduction

This report is the second of a series of papers which are planned to present the viewpoints of the Polish non-governmental community regarding important European Integration-related international issues.

The project was initiated by the Stefan Batory Foundation and we are inviting various NGOs to work alongside us in the preparation of subsequent reports.

The text presented herein was prepared jointly with the Institute of Public Affairs. Independent experts have also been involved in various works leading to this report.

We would like to express a warm thank you to everyone involved in this project for their kind help and valuable comments.

In keeping with the formula for policy papers, we would like to talk about those issues affecting the future of Europe in a manner understandable to the Western reader. We would also like to further encourage discussion on such matters in Poland.

It is not intended to merely present Polish viewpoints and Polish concerns. It is vital for the papers to offer a pan-European perspective and constitute a material input to the debate on what the external policy of the EU should be.

We believe that NGOs may play an important role in the discussion. Their hands are not tied by the numerous restrictions associated with the current political state of affairs and the ongoing delicate negotiations with the EU. It also appears that the opinions of Polish NGOs may turn out to be interesting, for we certainly perceive many issues from a perspective quite different to that of current EU member states.

We wish you a pleasant read and welcome any subsequent discussion.
Stefan Batory Foundation

The enlargement of the European Union, which is to take place during the next few years to come, will contribute to the formation of a new border in the Eastern part of the continent, that between the countries united by the European Union and those that will remain outside of it. For decades to follow, that border is likely to remain unchanged. One of the key tasks for the EU to face should therefore consist of the establishment of friendly relationships with its immediate eastern neighbours: Belarus, Russia and the Ukraine. For these relationships to be good, it is necessary for the EU to put in place the maximum available measures to facilitate the crossing of its borders by the citizens of the states neighbouring with the Union. In the post-Cold War Europe, building a new wall at the easternmost extremes of the EU would be an anachronism. It would give rise to a growing animosity between the EU and the Eastern European countries.

In the world of globalisation of the mass media and the development of democratic societies, foreign policy of the state has ceased to be the monopoly of governments since a long time. More than ever it depends on the attitudes of public opinion. In relation with this the significance of so called "social diplomacy" is increasing. It consists of the parallel contacts between persons and organisations on various planes: government, local self-government, individual. An increasing role is played by the non-government organisations, which operate in favour of better mutual understanding among nations.

I. Facilitation of Travel as a Value of the Post-Cold War Era

1. The Phenomenon of Free Movement of Persons in Central Europe

In the 1990's, the walls ceased to exist, which had divided Europe for several decades after the Second World War. One of those was the boundary between the bloc of socialist states and Western Europe. The other, far less frequently mentioned, was the strictly guarded border between the USSR and Moscow's satellite countries.

As a result of these processes, a unique *area of liberalised movement of persons* emerged in Central Europe. The inhabitants of the states that became candidates to membership of the EU, (with the exception of Bulgarian and Romanian citizens) were granted the possibility to travel to the EU without visas. On the other hand, inhabitants of countries such as Russia, the Ukraine or Belarus, have been able to travel Central and Eastern Europe without major difficulty. The open borders policy was a part of a wider policy of maintaining good relationships with neighbouring countries, pursued by the governments of Poland and other Central European states. Such regional co-operation has been encouraged by the western world since the beginning of the nineties, in fear of destabilisation on the European continent. In our opinion, open borders largely contributed to the success of such policy. The phenomenon affected thousands of ordinary citizens on both sides of the border, and had a crucial impact on overcoming the historic trail of mutual prejudice, stereotypes and resentment, especially in the context of the difficult and blood-tainted relationships between Poland and Russia or between Poland and the Ukraine, to give an example. Open borders have also fostered contacts of national minorities, such as the Belarusians in Poland or Hungarians from the Ukraine (Trans-Carpatia), with their mother countries.

The EU accession of Central European states such as Poland, Hungary or Slovakia, may lead to the disappearance of that specific *area of liberalised movement of persons*. EU candidate countries are required to adopt the Schengen acquis, which involves, among others, the enforcement of visas for citizens of Eastern European countries. The process of implementation of the Schengen system has already begun. The Czech Republic and Slovakia have already introduced visas for citizens of the Ukraine and Russia. Poland intends to introduce visas for Belarussians and Russians this year, and just before actual accession to the EU for Ukrainians. Thus, one of the unquestionable achievements of the nineteen-nineties, which consisted of the freedom of travel between Eastern Europe and Central Europe, is seriously endangered.

For the first time since the end of the Cold War, the EU will border with an area, which essentially differs from it in political, economic and social terms. The imposition of restrictive principles for crossing the borders will contribute to the widening of these gaps, which will be to the detriment from the point of view of the European Union as a whole.

2. Dilemmas of the European Union

In spite of the clear-cut approach of the Member States of the Union concerning the Schengen requirements, as represented in their position vis-à-vis the candidates for accession, whereby the EU

members request the new members to adopt the *acquis* of Schengen as a part of the *acquis communautaire*, there are evident contradictions in the EU's approach to the matter of crossing the EU's external borders, including its future eastern border.

On the one hand, politicians of the EU countries, as they draw up the visions of the EU's foreign policy (2nd pillar), mention the necessity to maintain as much openness as possible, which is exemplified by the suggestions to maintain the closest possible relationships with the countries neighbouring with the enlarged EU by means of regional co-operation. The Common Foreign and Security Policy is filled with declarations of the necessity of partnership with Russia, co-operation with the Ukraine, or, in a wider approach, to support system changes in areas adjacent to the enlarged European Union. That policy is supported by the individual member states, and accompanied by the awareness, that the external border must not become another wall of the fortress named Europe.

On the other hand, in implementing the Community law (1st pillar), which is deemed to include the Schengen *acquis*, the EU countries stipulate to maintain the restrictive rules for entry to the EU zone for the citizens of the so-called 'black-listed' countries, which include, apart from the Balkan states, also Russia, the Ukraine and Belarus.

It is fair to assume, that in the future it will be necessary to find a compromise between the declared openness of borders on one hand, and the rigid border crossing regulations on the other. One solution would be to adopt a possibly flexible approach to the Schengen *acquis* as it is, followed, in longer term perspective, by a modification of the treaty, allowing the Community law to be adjusted to the new realities of the enlargement to the East.

3. Adoption of the Schengen Acquis by the Candidate Countries

All of the EU candidate countries declare the adoption of the Schengen *acquis*. For Central European countries, EU accession is a priority, and therefore they are loath to further complicate the complex negotiations by posing conditions in this area. We share the opinion that raising this issue in the face of the existing strong emotional sentiments in the EU concerning the matters of opening the borders, could compromise the crucial interests of the candidate countries and of the enlargement process itself. However, we find it improper to accept without discussion such solutions, which result in effects harmful not only to the strategic interests of the candidate countries, including Poland, but also to the long-term interest of the entire enlarged EU. The enactment of the Schengen *acquis* may have a detrimental effect on the relationships of the candidate countries with their immediate eastern neighbours, which is already exemplified by the drastic decrease of the number of persons crossing the Slovak-Ukrainian border following the respective introduction of visas.

Contrary to the popular point of view, the enforcement of visas will not be a barrier for organised crime, but may potentially become an insurmountable obstacle for thousands of ordinary citizens. Combat with illegal immigration is one of the predominant concerns for the Community, determining the visa policy and affecting the handling of affairs with regard to the population of the countries of Eastern Europe. The policy of zero-immigration, tight borders and a vast array of enforcement methods cannot eliminate the immigration push towards the wealthy Europe.

The introduction of visas will be a blow to the pro-western option apparent among certain strata of Belarusian, Russian and Ukrainian societies. Already today it is evident that it is indeed the issue of borders that leads to the identification of the European Union enlargement process as representing a threat from the West, leading to marginalisation and exclusion. This cannot be changed by any declarations, as the implications of the bare facts are unequivocal. As much as we may wish to refer

to the imposition of visas as “bringing order and civilised manners to the borders”, its reception will be quite different – behold the new barrier being raised between the two parts of Europe.

Undoubtedly, however, the implementation of the Schengen Treaty in the applicant countries has also its advantages. These include: the eventual removal of border controls on the borders between the current Fifteen member countries and the new members of the EU, collaboration in combating international crime, the more effective sealing of the borders against the trafficking of people and the smuggling of goods.

II.

II. Recommendations

The recommendations proposed herein can be divided into two basic groups:

The first group includes recommendations for the near future, implied by the assumption that due to political considerations, no major amendment of the Schengen acquis is possible at present. Hence the question arises of what actions can be undertaken by the candidate states and the European Union in order to minimise the potential detrimental effects of the implementation of the Schengen acquis. We are convinced that the Schengen acquis does leave a certain margin of flexibility and adjustment to particular needs at hand.

The second group includes far-reaching recommendations, implied by the belief that the operation of the Schengen treaty without modification does not serve the best interest of Europe.

1. Solutions within the Schengen Acquis Framework

The below-presented recommendations take into account the assumption that no later than by the date of obtaining membership, the candidate countries will introduce visa requirement in the traffic of persons with the blacklisted states. The principal aim of the activities serving the purpose of alleviating the undesirable results of the introduction of the visa regime, is to enable easy access to visas, so as to avoid any major stoppage of Eastern European inhabitants travelling to Poland and to other Central European countries. The achievement of this goal requires a range of activities and the fulfilment of numerous conditions fulfilled, as presented below.

a) Consular Outposts

■ Enlargement of Consular Staff Numbers

Today, the scale of the movement of persons indicates that with a predominance of single-entry visas, in order to provide for cross-border traffic of a similar scale as today, the Polish consular services in the countries of Eastern Europe, would need to issue ca. 5,000 visas per day. This transla-

tes into the necessity to employ some 250–300 consular officers and to provide the consulate outposts with adequate premises. This would call for the co-ordination of efforts between the consulates of member states of the enlarged EU. The network of consulates should be developed as appropriate along the future eastern border of the EU.

■ The Consulates Operating Mode

A visa must not be deemed a privilege. The policy concerning visas should not consist of coercing the applicants to prove their innocence, but just of the routine granting of visas, unless evident premises precluding that are present, such as a prior fact of illegal stay of a given citizen in the country issuing the visa, or criminal activities on record. It is very important that the manner in which visas are granted should not give rise to a sense, among the Belarusian, Ukrainian and Russian citizens, of being marginalised, of being second-category Europeans. The manner of service handling should be an example of civil service professionalism, combined with respect for the customer. The organisation of the labour involved should eliminate queues as much as possible – if long waiting time cannot be prevented, numbered queue order reservations or appointments at a specific hour should be arranged as a standard practice. An extremely important facilitation measure for those applying for visas would consist of the option to submit their visa applications by mail (the application forms could be made available from the consulates' web sites), whereby only a single visit at the consulate would suffice to obtain the visa. An alternative solution could consist of the possibility to submit the documents and to collect one's visa on the same day. The effective operation of such a system might necessitate further improvements of the Schengen Information System and of other data collection systems, so as to enable the immediate verification and comparison of data. The proposed solutions suggested here allow to reduce to the minimum the inconveniences in the movement of persons that are citizens of the countries neighbouring with the EU applicant countries, once the requirements of the Schengen Treaty enter into force.

The regulations concerning the organisation of the work of consular services (Common consular instructions) ought to be changed, as they bear the imprint of the police spirit. The constant rotation of the consular staff applied here prevents the formation of bad habits, leading to weakened vigilance. These regulations, however, do not mention the avoidance of such bad habits as excessive restrictiveness, discrimination or violation of human dignity of the persons who are at times asked questions touching upon strictly private matters.

b) Types of Visas which Could Facilitate the Movement of Persons

■ National Visa

BEFORE MEMBERSHIP IS GRANTED TO EU CANDIDATE COUNTRIES

Until membership is obtained by the candidate countries, this will be the only type of visa. It entitles citizens of Eastern European countries to stay on the territory of Poland or some other applicant country. In practice, the visa application may be subject to less rigorous (and thus simpler) checking procedures, as the granting of such a visa does not expose the European Union states to any risk.

DURING THE TRANSITION PERIOD, I.E. AFTER OBTAINING MEMBERSHIP
– PRIOR TO FULL IMPLEMENTATION OF THE SCHENGEN TREATY

Once the candidate countries obtain EU membership, border controls will be maintained on the existing external borders (e.g. Polish-German) for some time. The applicant countries will continue to be able to issue national visas on hitherto existing principles, as the citizens of the states of Eastern Europe possessing such visas will not be able to cross the border of the country that issued the visa.

The applicant states will naturally aim towards making this period as short as possible, as the continued control on the internal border will be unfavourably perceived psychologically, as a token of incomplete or second-rate membership. The European Union should also strive towards shortening this period in order to avoid the incoherence, giving rise to bad feelings, but also to mobilise the border services of the states protecting the future external borders to promptly implement the transformations required to reach the appropriate standards.

AFTER THE TRANSITION PERIOD

The national visa will then change its function. In accordance with the Schengen acquis, it will only be issued for long-term residence, i.e. for more than three months. It will only entitle to residence on the area of the country, which issues such a visa. Staying in other Schengen states can only be justified by transit through such states, during a maximum of five days, which is out of the question in the case of Eastern European citizens.

It is technically feasible for third-country citizens holding long-term national visas to cross the internal border, but the risk of sanctions related to revealing the visit in other Member States (ban on entry to the EU for several years) should have a deterring effect.

Issuing long-term national visas in large numbers may become one of the main mechanisms to facilitate Eastern Europe's citizens' travel to Poland and to other currently applicant countries, which will be willing to pursue a similar policy. It would comply with the Schengen acquis. The implementation of such a policy, however, will require political dialogue with the Member Countries in order to avoid a decrease of trust in the good will of the new members of the Union.

The absence of precise regulations concerning national, and therefore long-term, visas introduced by the Schengen acquis, and the fact that such regulations were left under the competence of national governments, were probably caused by the belief of the signatories of the respective convention treaties, that the national level regulations concerning the criteria of granting national visas (long-term ones) would not only not be more lenient, but that they would rather be more restrictive than the common regulations of the EU concerning visas subject to the Schengen system. A liberal policy on the part of Poland and other new EU member countries with this respect could therefore lead to unfavourable reactions on the part of the EU. Our suggestion is as follows: the governments of the Eastern European countries, in making their political decisions on widely using the visas policy instrument consisting of the long-term visas, ought to organise the procedure for granting them in such a manner as to assure its credibility for their western partners.

In order for the acceptance of such a liberal policy to be possible for the hitherto existing members, the Fifteen EU countries should reach out beyond the thinking in terms of the categories of Schengen and to perceive in this solution an instrument for the foreign policy of the Union that does not wish to isolate its eastern neighbours.

■ The Schengen Visa (Allowing Stay in All Member States)

The key purpose for the visa procedure is to eliminate the illegal immigration risk. The checking

practices pointed at in the acquis, however, are supposed to be primarily adjusted to the purposes of evaluating the risk of immigration and to the local conditions. In the case of travel, when its main destination as declared by the citizen concerned is the neighbouring country, and when there are no substantial grounds to doubt that, the applied formalities should be simplified. The current monitoring of the situation (e.g. a major increase of detentions of holders of visas issued by Poland, for illegal extension of their visit or other offences on the territory of the fifteen EU states) might provide the grounds for more stringent verification. Similarly as in the case of national visas, political considerations require that excessive formalism should not be a hindrance to travel. An example of practical solutions may consist of the abandoning of interviews (they are not obligatory according to the acquis) or of performing interviews only when a visa application is filed for the first time.

Practical facilitation could also be provided by the granting of multiple-entry visas valid for one year, which the Schengen acquis allows for. Given the possibility of issuing a long-term national visa, a visa valid for a longer time than one year, which is permitted by the Schengen Treaty in particular cases, does not appear to be all that important.

The persons who should be regarded as the first in line to be entitled to access to these two categories of visas, i.e. the long-term national visas and the multiple-entry Schengen visas valid for one year (allowing 6 months duration of stay), may be divided into the following categories:

- a) persons involved in business activities;
- b) persons active in culture, science, scholarship holders, students, sportsmen;
- c) persons visiting their families;
- d) inhabitants of border regions;
- e) representatives of local self-government authorities, activists of non-government organisations (NGO);

Should it prove impossible to introduce small-scale non-visa movement, the issuance of long-term visas is a good alternative for the purpose of maintaining intensive cross-border contacts.

■ The Delimited Territory Schengen Visa

Such visas may be granted in special (e.g. humanitarian) cases, for a short-term stay. They allow staying on the territory of one or several member states. In theory, they could also be used as an instrument to facilitate entry for travellers from the East, but the Schengen regulations clearly stipulate, that the number of such visas should be very limited, and that they should only be used in strictly defined cases. The possibility should be taken into consideration, however, of expanding the list of cases, in which such visas of that category may be issued.

c) Inexpensive Visas

The price of single-visit visas should not exceed \$5–10, and of multiple-entry Schengen visas and long-term national visas allowing visits for defined periods of time - \$10–15. The low price is like a declaration of intentions: we do not wish to establish barriers and additional obstacles. A simultaneous reduction of prices to the same level by all of the Member States could be a valuable and well-received gesture to accompany the enlargement.

d) Development and Upgrading of Border Crossings

The task for all of the EU states should be to upgrade and develop the border crossings, which should assure the efficient and quick crossing of the border, observing the respect of the travellers' dignity. It is especially important to develop training activities and to introduce appropriate organisational and incentive mechanisms addressed to border guard and customs officers, in order to eliminate corruption and to significantly improve the culture of service to foreigners. Unfortunately, the discrimination of foreigners, the violation of their dignity, is currently a matter of the daily realities at these border crossings. The same problem, however, concerns to some extent all of the external borders of the Union.

e) Mutuality on the Part of Eastern European States

The quest for ways to alleviate the impact of the introduction of visas ought to be the subject of political dialogue not only of a bilateral nature (by the new members with the individual Eastern European states), but also between the Union and the individual countries of Eastern Europe. The dialogue should cover the following issues:

- The co-ordination of mutual measures by each party in the field policy concerning visas and a civilised manner of the introduction of visas, i.e. by giving adequate advance notice, and by broadly disseminating the respective information addressed to the people concerned;
- The introduction of mechanisms aimed at reducing the fear of illegal immigration on the part of the countries of the Union, i.a. by increasing the effectiveness of the readmission agreements (with the Ukraine) and also by signing such agreements with other countries;
- The introduction of similar non-restrictive mechanisms with regard to citizens of the EU countries travelling to Eastern Europe.

Unfortunately, taking into account the way of thinking of the Eastern European political elites, one has to reckon with the lack of commitment to dialogue of that kind. The requirement to apply for a visa will be an inconvenience above all for the ordinary plain citizens, rather than for politicians or big business. Regardless even of the political good will of the same elites, the inefficiency of the state administration may turn out to be a major hindrance to the effectiveness of such dialogue. Nevertheless, the support for such dialogue ought to be part of the important components of the long-term foreign policy of the Union, and should not remain solely within the competence of the ministries of internal affairs of the individual EU states.

The introduction of visas for the citizens of the newly admitted member countries of the Union by the countries of Eastern Europe, is today a still virtually unnoticed effect of the introduction of the Schengen acquis. In the face of the above mentioned inefficiency of the administration prevailing there, it might very effectively discourage from travels to the East, which even under the present arrangements for visa-free movement are not very frequent. Paradoxically, the decline of the amount of traffic in that direction may turn out to be far more painful in the longer term. After all, such a situation would widen the distance between the neighbouring nations and entrench the mutual deficiency of the knowledge of each other among neighbours concerned. In order to avoid the scenario of that kind, the possibility of granting support for the development and modernisation of consular services of the Eastern European countries with the assistance of aid programmes should be taken into consideration.

2. Long-term solutions

We are aware that at the present time there is no political mood in the European Union that would favour any modifications of the Schengen Treaty, or any far-reaching changes in the visas policy with respect to the Eastern European countries. We consider it to be our duty, however, to put forward these ideas for public discussion, as we believe that they will be present in the debate on the forum of the European Union over the next decade.

a) Modifications of the Black List

Citizens of Belarus, Russia and the Ukraine, must produce a visa upon entering the EU territory. The possibility of removing the Eastern European countries from the black list in the future should be taken into account. Their presence on the list is largely caused by the fear of intensive immigration. The same fear was evident at the beginning of the nineteen-nineties, when the matter of removal of visas for Central European citizens was discussed in the EU. The experience of the past decade has demonstrated, however, that the fear of a flood of immigration from countries such as Poland or Hungary was completely unjustified.

THE UKRAINE

The removal of the Ukraine from the black list may seem today utterly utopian, when we compare the living standards in the Ukraine and in the EU countries. Also the sheer size of that country, with a population of 50 million, may provide an argument against the Ukraine. In the perspective of a number of years, especially if a process of real reforms will start in the Ukraine, such a scenario should begin to be taken into account seriously. This would require the establishment of an effective control system on the external border, so as to eliminate the crossing of the border by persons recorded in the Schengen Information System. It would also be important to put effective controls in place on the Russian-Ukrainian border. Controls on the border, although they are not directly relevant to the issue of visas, would enhance the growth of confidence in the Ukraine, as an additional instrument of stopping illegal immigration from non-European countries.

BELARUS

Belarus is a definitely smaller country than the Ukraine, and hence it disposes of a significantly smaller migration potential. The emergence of substantial political changes, such as the fall of the Alexander Lukashenka regime, could provide an excellent opportunity for the Union to eliminate visas. It would also encourage further transformations and strengthen the pro-western orientation, which is currently virtually absent from the official Belarusian policy.

RUSSIA

Due to the size of the country, the scenario of removal of visas appears to be the most distant, but in the case of favourable changes in Russia, it could also become a very important instrument for strengthening the pro-western option. Just as in the case of the two above mentioned countries, Russia's potential as a source of illegal immigration is by far overstated. This is also evidenced by up-to-date statistics concerning illegal visits and deportations. Special regulations are required for the issue of Kaliningrad, which will become a Russian enclave within the European Union. Kaliningrad should obviously be one of the priority targets of the proposals of the first section of these recommendations,

e.g. the procedure of granting long-term national visas for citizens of that district should be simplified significantly. One should also take into account the possibility of removing the visa requirement for the inhabitants of that region – which would of course require an agreement between the EU and Russia, as well as appropriate modifications on the black list. Obviously, high standards of verification of persons crossing the SIS border should be met. It would be worthwhile to extend the solutions applied for Kaliningrad so as to cover the other Russian regions that will border with the enlarged EU.

b) The possibility to Obtain Visa on the Border

At present, visas are issued on the border only in exceptional cases. The future development of the technical infrastructure of the SIS (introduction of easy-to-use magnetic readers, popularisation of passports with a magnetic code), would allow for visas to be issued on the border. That would require the application of readers able to immediately and automatically print visa stickers. Such a possibility could apply to persons who have passed the procedure of visa application before, and have a clear record in the SIS. The inspection of passport documents with the use of a reader, and the comparison of data upon the person's departure from the EU area, would allow to determine if the duration of the visit has not been exceeded.

c) Multiple Single Day Entry Visa

One of the possibilities for the simplification of the entry of the citizens of Belarus, the Ukraine and inhabitants of the Kaliningrad District to the territory of the new members of the EU, simultaneously preventing them from illegal stay in other EU countries could be provided by a multiple single day entry visa (MDV). It would be a travel document valid only together with a passport allowing a maximum of 18 hours of stay (for example) in one of these countries, for example in Poland. If a given person would leave Poland after a period of time longer than the duration allowed by that visa, the Polish border guard would retain the MDV and from that time on the person concerned could only enter Poland on the basis of a Schengen Visa.

The MDV could work like a credit card, which would facilitate the handling and make the clearance procedure quicker. Upon entry to Poland it would be inserted in a reader machine. If the allowed duration of stay had been exceeded the machine would withhold the card upon the return. It would limit the possibilities for the persons using a document of that type of getting across to the territories of other EU countries, as to cover the journey from the area of Eastern Europe to Germany, for example, and back within 18 hours is practically impossible. At the same time, such a border clearance regime would enable to maintain the small business trade, neighbourly and family contacts, as well as employment in the border zone.

d) Managing Borders without Visas

According to this scenario, a visa would only be issued at the initiative of a person travelling to the countries of the European union. Its purpose would be also to reduce the risk of refusal of entry and the related losses due to the travel expenses incurred. A model of universal movement without visas (currently allowing for visits of up to three months) would require advanced SIS technological solu-

tions. Similarly as in the above-mentioned scenario, the so-called traditional visa procedure could be obligatory upon the first visit.

e) Active Immigration Policy

A long-term foreign policy on the part of the European Union should effectively limit the pathological phenomena such as the smuggling of people by organised criminal groups, for example, without isolating the immediate neighbours of the Union at the same time. The demographic situation (the dramatic ageing of society and the fall of the birth rate below the level of simple reproduction of generations) both in the countries of Western and of Central Europe, with the resulting implications for the employment markets, pension systems and health care systems, demonstrate clearly that Europe is in need of the immigrants. For example, entry to the EU for hundreds of seasonal workers should be legalised. The existing policy involves a lot of hypocrisy. On the one hand, we pretend to abide by the stringent and restrictive law, on the other hand, the existence of extensive areas of the shadow economy based on immigrants is undoubtedly beneficial and to a certain extent tolerated. Both the immigration regulations and the insurance and tax regulations need to be reconsidered, as they provide the soil on which the pathologies grow. Although the immigration policy is above all a challenge to the countries of the fifteen EU countries, it increasingly concerns also the future member states, as the experiences of the recent years have shown.

Undoubtedly, the above-presented scenarios require huge investment in order for the visa-free border control methods to be indeed effective. Quite obviously, the new members, with whom the core burden of responsibility for protecting the external border will rest, should receive technical and financial support from the Union. We should also bear in mind, however, that the outlay of capital expenditures involved would be balanced off by the decreasing costs of consular service, which are very high at present.

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