

EU external visa policy

A visa is permission to remain on the territory of another country for a specific period of time. The purpose of a visa policy is to reduce illegal immigration. Because all persons in the EU's Schengen area enjoy freedom of movement, matters relating to visa requirements for third countries must be organised at European level. Many countries that are subject to a visa requirement by the EU are pressing for relaxation or abolition of the requirement. The EU negotiates with each country individually because a country is only eligible for relaxation or abolition of the visa requirement if it meets certain conditions. Finally, it is important to understand that both visa facilitation and visa liberalisation relate to short-term visas (i.e. those with a maximum duration of three months).

Visa facilitation and visa liberalisation

Visa facilitation establishes flexible procedures for the issuing of visas to people who are travelling to the EU on account of a particular professional or family situation or with a specifically defined purpose. More specifically, these procedures relate to:

- reducing the cost of a visa (from €60 to €35) and abolishing this fee in some cases;
- reducing the number of documents relating to the purpose of the journey that are required for a visa application;
- greater use of multiple-entry visas for certain categories of people;
- abolition of the visa obligation for holders of a diplomatic passport.

The focus here is on specific target groups such as close family members, business people, journalists, people on educational trips, etc. The categories of people who benefit from this relaxation are not necessarily the same in all agreements concluded with third countries.

Visa liberalisation goes one step further than the relaxation of visa requirements, since it means that the requirement for a visa is lifted altogether. In other words, all nationals of the third countries concerned can enter and leave the EU freely (albeit still on short visits of up to three months).

Conditionality

All visa facilitation agreements are invariably associated with a readmission agreement via a suspensive condition clause. In a readmission agreement, the third country undertakes to cooperate in taking back illegal residents in accordance with the agreed provisions relating to procedure, evidence, etc. The European readmission agreements apply not only to nationals of the third country but also to illegal residents who entered the EU via the territory of the third country, insofar as this can be proved. This conditional approach enables the EU to reintroduce stricter visa issuing procedures on a temporary basis.

Visa facilitation and readmission

Visa facilitation involves concluding a treaty between the EU and a third country. In recent years, visa facilitation combined with readmission agreements has been **achieved** with all the Balkan countries and with Russia, the Ukraine and Moldova. Negotiations with Georgia still need to be finalised, particularly with regard to readmission. Within the framework of the Eastern Partnership, negotiations are in prospect with Armenia, Azerbaijan and Belarus (in the latter case, the start of these negotiations by the EU will depend on the extent to which Belarus meets the relevant political pre-conditions).

Visa liberalisation

Visa liberalisation decisions are not based on a treaty but are subject to the European legislative procedure. Such decisions are adopted by a special qualified majority.

Because visa liberalisation is more far-reaching than visa facilitation, the EU expects the third country to make extra efforts to meet specific conditions. Once the visa obligation has been abolished, it is impossible to prevent (illegal) immigration by passport holders from that country. The EU therefore endeavours to tie the prospect of visa liberalisation to a whole range of conditions relating to the development of an effective administrative and policing system. This conditionality is motivated by a mutual interest on the part of the EU and the third country. On the one hand, the EU is trying to achieve its strategic objective of supporting and stabilising the countries that surround it, in accordance with the European Neighbourhood Policy. On the other hand, it wants to avoid the situation where abolition of the visa obligation leads to a surge in unfounded applications for asylum, illegal (transit) migration from countries which still have a visa obligation and an increase in international crime.

The EU has offered all the Balkan countries the prospect of visa liberalisation. Accordingly, a Roadmap evaluating progress against specific benchmarks has been drawn up for each of these countries. These are divided into four areas: (1) security of travel documents, (2) illegal migration, including readmission, (3) public order and security, and (4) external relations and fundamental rights.

The **Former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia** have enjoyed visa liberalisation since December 2009. In December 2009, the Council of the EU tasked the European Commission with developing proposals for visa liberalisation for Bosnia-Herzegovina and Albania once they have met the conditions of their Roadmaps. In April 2010, the Commission published a progress report for Albania and Bosnia-Herzegovina, detailing their success in meeting the benchmarks. The EU is offering Russia and the Eastern Partnership countries the possibility of visa liberalisation in the long term.

