European Commission

European Migration Network

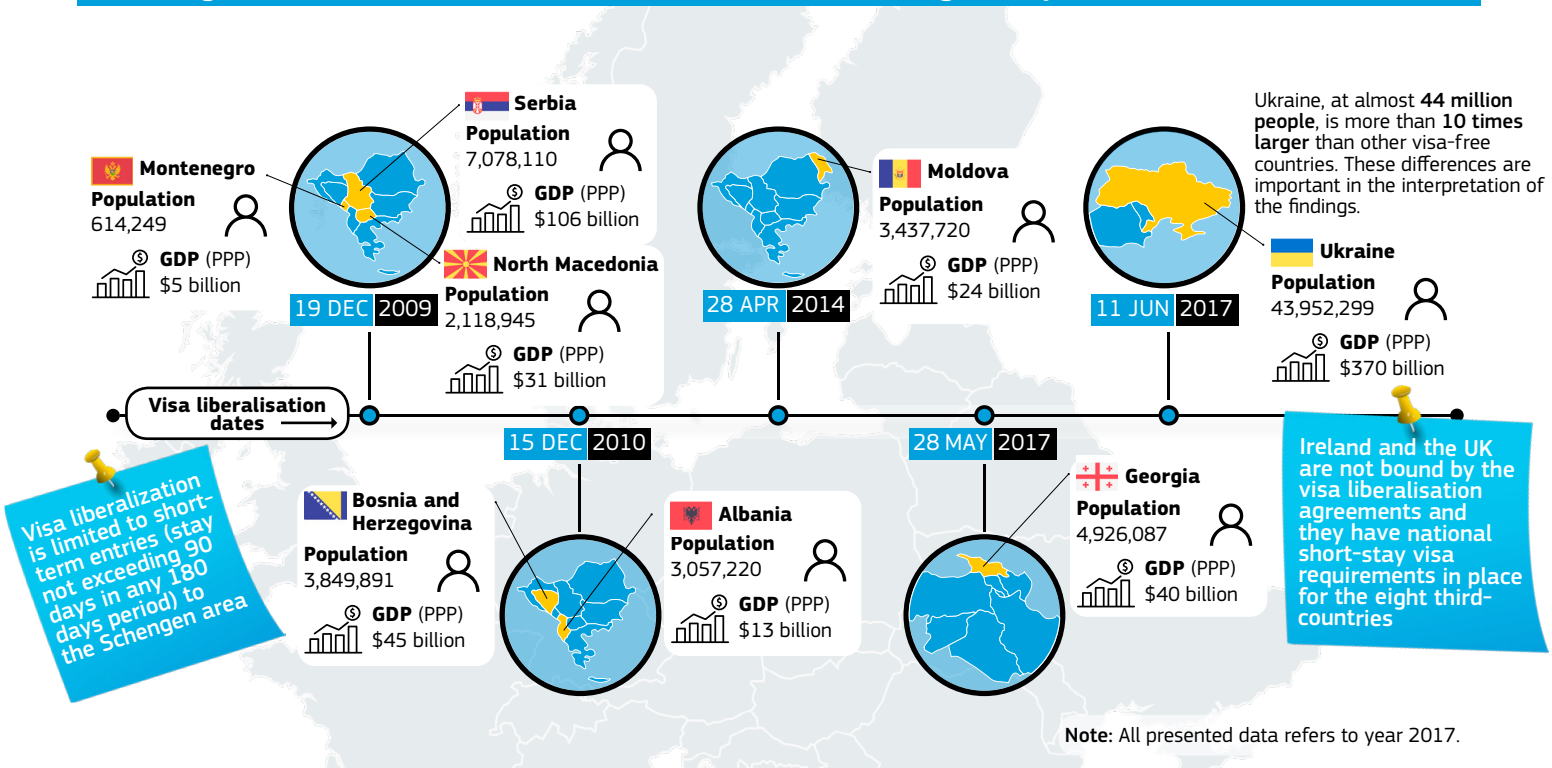
IMPACT OF VISA LIBERALISATION ON COUNTRIES OF DESTINATION

EMN INFORM 2019

Visa liberalisation is one of the EU's most powerful tools in facilitating people-to-people contacts and strengthening ties between the nationals of third countries and the EU. It fosters mobility, improves regional cooperation between individual countries and creates more open societies. Third countries that benefit from visa liberalisation to the EU are deemed safe and well-governed, and have been required to meet several criteria in policy areas such as border, migration and asylum management security, external relations and fundamental rights.

This inform presents the main findings of the EMN Study on Impact of Visa Liberalisation on Countries of Destination. As of 2018, five Western Balkan and three Eastern Partnership countries benefit from visa-liberalisation to the EU Schengen area, following a series of visa liberalisation roadmaps and action plans: Albania, Bosnia and Herzegovina, Montenegro, Serbia, North Macedonia, Georgia, Republic of Moldova and Ukraine. The inform explores the impact of visa liberalisation in specific areas (e.g. tourism, legal migration, bilateral cooperation) and looks at trends in irregular migration and other issues that have been observed in the EU Member States and Norway as countries of destination during the period 2007-2017. By focussing on the countries of destination, the study gives a new perspective into the impacts and challenges of visa liberalisation faced by EU Member States and Norway.

Figure 1: Visa liberalisation timeline and countries of origin comparison



Note: All presented data refers to year 2017.

DG Migration & Home Affairs

10 YEARS EMN European Migration Network

KEY POINTS TO NOTE

1. The main direct impacts of visa liberalisation included an immediate increase in short-term travel to the countries of destination from visa-free countries and an immediate reduction in the workload of consulate staff. The new visa-free regime also led to an increase in border control activities by EU Member States and Norway to avoid the misuse of visa liberalisation.

2. One of the main indirect impacts of visa liberalisation related to the facilitation of access to the labour market in specific Member States. Following visa liberalisation, which has made it easier for third-country nationals to travel to the EU and Norway to explore employment opportunities, there has been an increase in the number of residence permits issued to nationals of the eight visa-free countries (mostly for remunerated activities). Another indirect impact relates to higher levels of cooperation during return and readmission procedures with visa-free countries.

3. Following visa liberalisation, there has been an overall increase in the number of asylum applicants from visa-free countries, most of which have received a negative decision. Some of the measures adopted by Member States to cope with the high number of asylum applications included the designation of visa-free countries as safe countries of origin (allowing an accelerated asylum procedure), information campaigns and cooperation with the national authorities of visa-free countries.

4. There has been an increase in the number of nationals from visa-free countries detected as overstaying their maximum period allowed after visa liberalisation and 12 Member States reported this as a challenge. However, it was not possible to establish a clear link between visa liberalisation, irregular stay and overstay and less than half of the Member States implemented any specific measures to combat this phenomenon.

5. Most Member States did not report any specific challenges in the area of illegal employment after visa liberalisation was introduced. Only a few Member States adopted measures specifically targeting nationals from visa-free countries.

6. There was little evidence of a link between visa liberalisation and the facilitation of irregular migration. Several Member States adopted additional or new measures to counter the activities of facilitators after visa liberalisation, including reinforcing bilateral cooperation, strengthening penalties for facilitation of irregular migration and setting up joint police investigations. Similarly, available data cannot establish a clear link between visa liberalisation and any increases in smuggling and trafficking in human beings.

7. After visa liberalisation was introduced, several Member States observed an increase in criminal activities. All eight visa-free countries were asked to reinforce their actions to fight against such activities, particularly against organised crime groups. This phenomenon is closely monitored and failure to cooperate with EU Member States and Norway in this area could lead to the suspension of the visa-free travel to nationals from the eight countries subject of this study.

1 AIM AND SCOPE OF THE STUDY

The focus of this synthesis report is on the EU Member States and Norway as countries of destination after visa liberalisation dialogues were successfully concluded with the eight third countries as countries of origin that are currently exempted from visa requirements for short-term visits to the Schengen area (except in Ireland and the United Kingdom where national visa requirements apply for these nationalities). The aim of the report was to investigate the (short-term) impact of visa liberalisation on EU Member States and Norway and consider any resulting changes in their policies and practices. The Study also compared the situation in Ireland and the United Kingdom with the general EU trends (which, with some exceptions, they mirror).

The report looks at a ten-year period between 2007 and 2017 and captures the trends before and after visa liberalisation and across multiple years. The information used by this synthesis report is based primarily on secondary sources as provided by EU Member States and Norway in their national contributions for this study and they include evidence of challenges and measures in existing approaches regarding visa liberalisation.

2 IMPACTS OF VISA LIBERALISATION ON COUNTRIES OF DESTINATION

Enhancing the mobility of third-country nationals to the EU in a secure and well-managed environment is one of the main objectives of the EU's visa policy. Visa liberalisation contributes to this objective by abolishing visa requirements and fees to enter the EU and Norway for short-stay visits (except to Ireland and the United Kingdom which apply national visa requirements).

Several direct and indirect benefits to both third-country nationals, partner countries and countries of destination, may result from increases in short term visits to the EU, although not all of these can be measured based on available data or attributed directly to the introduction of the visa-free regime. This section explores some of the direct and indirect impacts of visa liberalisation from the perspective of countries of destination.

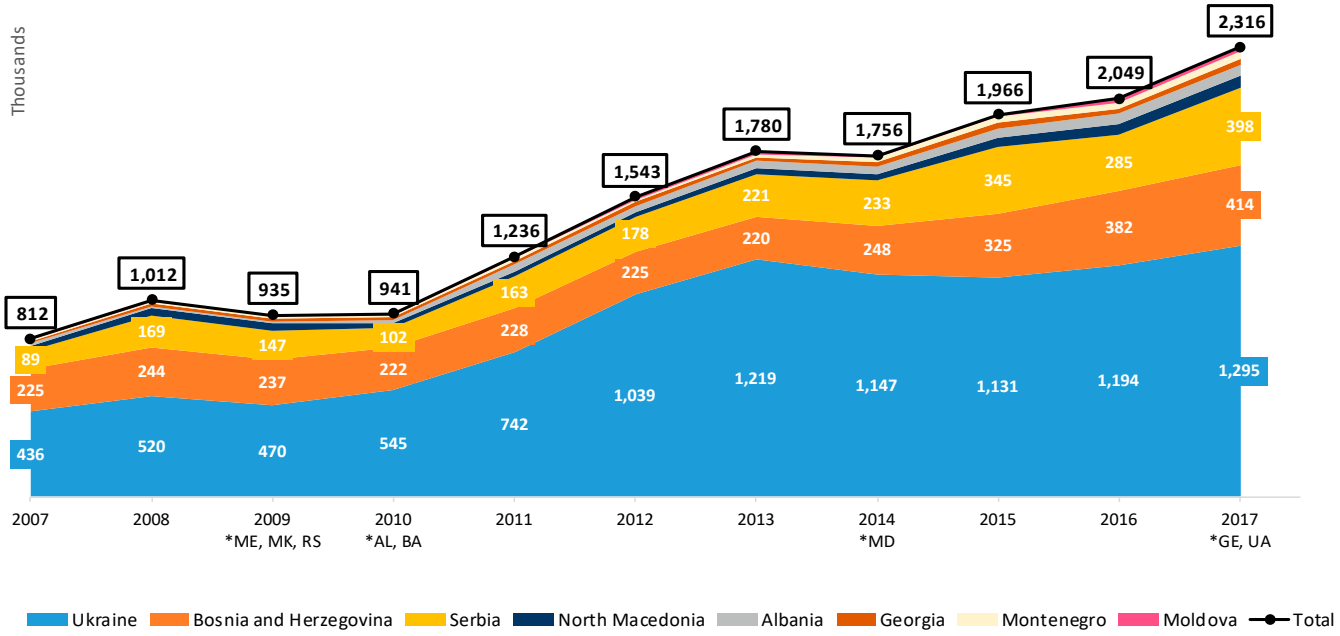
2.1 DIRECT IMPACTS OF VISA LIBERALISATION

When it comes to direct impacts, the available data showed an immediate increase in short-term travel to the countries of destination. A significant increase was noted in the number of visitors from visa-free countries to the EU and Norway after visa liberalisation.

2.1.1 IMPACTS ON THE TOURISM SECTOR

Several Member States reported a positive impact of visa liberalisation on tourism from the visa-free countries, particularly from Bosnia and Herzegovina, Serbia and Ukraine. However, when these numbers are placed in a larger context including all tourists visits to the EU and Norway, the tourist flows from the visa-free countries were relatively modest, and the trend of increasing numbers of tourists from visa-free countries appears to also be in line with the overall and gradual increase of tourists to the EU.

Figure 2: Total number of visitors staying in hotels and other accommodation establishments from the visa-free countries in the EU and Norway, 2007-2017



Source: National data provided by Member States and Norway in their reports for this study.

Notes: The following Member States plus Norway provided national data for this indicator: AT (Ukraine only), BE, CZ (Serbia together with Montenegro, and Ukraine – both as of 2012), EE (only Albania and Ukraine), EL (only Albania), ES (data only as of 2013), FI, HR (Albania only as of 2011, no data on Moldova and Georgia), HU, IE (only Ukraine), IT, LT (data only as of 2012), LU (data on Montenegro and Georgia only as of 2010), LV (only Georgia and Ukraine), NL (Ukraine only), PL, SE, SI (data only as of 2015), SK (only Montenegro, Serbia and Ukraine) and NO (data only as of 2017).
*Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010)

2.1.2 IMPACTS ON ADMINISTRATIVE BURDENS ON PUBLIC AUTHORITIES

Overall, the visa-free regimes greatly reduced numbers of short-stay visa requests for third-country nationals with a biometric passport, with a corresponding decrease in the workload of diplomatic staff in consulates required to process them. Nine Member States specifically confirmed that there was no additional administrative burden after visa liberalisation. However, reductions in the administration workload in some authorities, sometimes resulted in a higher workload in others, for example, on border control authorities. Concerns about the possible misuse of the visa-free regime in some Member States also resulted in national authorities having to carry out more thorough and time-consuming checks.

2.2 INDIRECT IMPACTS OF VISA LIBERALISATION

Visa liberalisation and EU visa policy in general only concern short-term stays rather than legal migration more widely, a visa-free regime that fosters mobility, improves regional cooperation between individual countries and creates more open societies, may exert some effect on the choice of people to establish themselves in the EU for economic or other reasons. This study also explored whether the visa-free regimes brought some indirect benefits to EU Member States and Norway.

2.2.1 VISA LIBERALISATION AND COUNTRIES OF DESTINATION LABOUR MARKETS

According to Eurostat data the total number of first residence permits issued to nationals of the eight visa-free countries more than doubled in the period 2008 – 2017, suggesting a relationship between visa liberalisation and legal migration, and the majority were issued for remunerated activities. Visa liberalisation also facilitates short trips for third-country nationals to explore employment opportunities in the EU and Norway (except in Ireland and UK) and, in specific instances prescribed by national law, third-country nationals can apply for a residence permit when legally staying on the territory of a Member States, including on grounds of employment. In such instances visa liberalisation can facilitate access to labour markets in specific Member States.

Visa liberalisation may entice third-country nationals of these countries to explore, as part of a short-term stay, whether there could be scope for setting up a business in a Member State (participating to visa liberalisation) or Norway. However, this study establishes no such link, and the overall growth in the number of permits issued to entrepreneurs remained too low to show a discernible impact in any of the Member States.

2.2.2 VISA LIBERALISATION AND ATTRACTING INTERNATIONAL STUDENTS

Third-country nationals wanting to study in the EU for a period exceeding three months must apply for a residence permit as regulated in EU and national law. In most cases, this permit needs to be requested before coming to the Member State of choice, however, eight Member States allow for the permit to be requested on their territory, provided the applicant has entered the country legally and has grounds to stay. The number of nationals from third countries that benefit from visa liberalisation to the EU and Norway for the purpose of study, on average constitutes about 5% of all third-country nationals migrating for this reason but has steadily increased from approximately 14 000 in 2009 to 33 700 in 2017; however, no clear connection could be established with visa liberalisation.

2.2.3 COOPERATION ON RETURN AND MIGRATION POLICIES WITH VISA-FREE COUNTRIES

In the area of cooperation on return and readmission with the visa-free countries, Eurostat data shows that, in general, the number of actual returns followed closely the number of return decisions issued by the EU and Norway to nationals of these countries. This finding suggests that both cooperation and process of returns and readmission was effective which, in turn, is another benefit of the better cooperation encouraged by visa liberalisation. For example, several Member States reported an increase in (assisted) voluntary returns that were efficiently implemented, especially after visa liberalisation. Visa-free regimes also reduced the administration burden and workload of diplomatic staff in consulates as they no longer had to process or check visas. However, this was offset by a higher workload by other authorities (such as border control authorities) to avoid identity fraud, irregular migration or illegal employment.

3 REPORTED CHALLENGES AND MEASURES

In 2018, the European Commission published its second report under the visa suspension mechanism used to monitor the visa liberalisation benchmarks that must be

respected by each of the eight third countries in order for them to maintain the visa-free regime. In the report considered that, overall, visa liberalisation requirements continued to be fulfilled by all visa-free countries. However, the same report highlights several areas where additional measures need to be adopted, mainly in the areas of migration and asylum, public order and security.

This EMN Study focused on a number of challenges faced by EU Member States and Norway as identified in the visa liberalisation benchmarks. These included: 1) a rise in the number of asylum applications of which many were unfounded, 2) irregular stay and overstay, 3) illegal employment, 4) facilitation of irregular migration, and 5) security risks.

3.1 INCREASES IN THE NUMBER OF ASYLUM APPLICATIONS

During the period covered by the study, the number of asylum applications from visa-free countries overall increased following the introduction of the visa-free regime, with peaks coinciding with the 2014-2016 migration crisis. The impacts were felt differently across the EU and was reported as a specific challenge by 12 Member States.

The rejection rates of asylum applications lodged by nationals of visa-free countries in the period 2008-2017 were very high, ranging between 94% and 99%, with the exception of Ukraine for which the rejection rate was 78%. In the case of Western Balkan countries there was a noticeable increase in the number of asylum applications after visa liberalisation, particularly from Albanian nationals, while for Eastern Partnership countries similar trends were observed for Georgia and Ukraine.

Box 1: Adding visa liberalisation countries to national lists of safe countries of origin

The top six countries designated as safe countries of origin by Member States were all Western Balkan countries (including Kosovo): Albania, Bosnia and Herzegovina, North Macedonia, Montenegro and Serbia. Finland and Norway do not have national lists of safe countries of origin but make use of the safe country of origin concept in the examination of asylum applications.

Some Member States also included Eastern Partnership countries benefitting from visa liberalisation (Georgia, Moldova and Ukraine), while others investigated the possibility to add them to such lists. By adding visa-free countries to national safe country of origin lists, the procedure to process asylum applications could be accelerated, thereby halving the time required to process applications from visa-free nationals (with some variation by Member State).

EU Member States and Norway adopted new measures, implemented in the context of the high number of asylum applications during the migration crisis, some of which were also applicable to nationals of the visa-free countries. Such measures included, for example, designating visa-free countries as safe countries of origin, resulting in an accelerated procedure to process applications from nationals of the visa-free countries, and information campaigns and closer (bilateral) cooperation channels with national authorities of visa-free countries (e.g. pursuing specific action plans) aiming to reduce the numbers of unfounded claims.

Box 2: Curbing the influx of asylum applications using targeted information campaigns

To reduce the rise in unfounded asylum applications, Belgium organised targeted information campaigns in the countries of origin in close cooperation with the authorities of the visa-exempted countries. These campaigns proved successful with North Macedonia, Serbia and Bosnia and Herzegovina (from which the number of asylum applications quickly decreased) but appeared to be less effective with Albania and Georgia. In Germany, information campaigns and diplomatic initiatives were organised with the Western Balkan countries in particular from 2014-2015 to increase cooperation on return and reduce the number of unfounded asylum applications.

3.2 IRREGULAR STAY AND OVERSTAY

Overstay and in particular irregular stay were considered a challenge by many EU Member States, where increases were reported in the number of persons from visa-free countries overstaying the maximum period allowed. According to the available national data, the highest number of overstayers from the Western Balkan countries were Serbian

and Albanian nationals. In the Eastern Partnership countries, the highest number of overstayers were Ukrainian nationals. Any analysis of trends is subject to several underlying limitations as irregular stay and overstay are hidden phenomena that are very difficult to measure, and methodologies – to collect data and to detect these phenomena – differ from one Member State to another.

It was not possible however to establish a clear-cut causal link between visa liberalisation, irregular stay and overstay of nationals from the visa-free countries in all of the EU Member States. As a rule, detected overstayers in most Member States bound by the Return Directive are issued a return decision, and fewer than half of the Member States implemented specific measures to combat irregular stay and overstay of nationals from visa-free countries. Specific measures implemented included strengthening cooperation with visa-free countries, running information campaigns, promoting voluntary return, changing the criminal law and applicable fines.

3.3 ILLEGAL EMPLOYMENT

Regarding illegal employment most Member States did not report any specific challenges in these areas after visa liberalisation. However, available national data on illegal employment is subject to Member States' enforcement (and hence detection) efforts, and thus the true situation at EU level is likely to be understated. However, a few Member States registered an increased level of illegal employment after visa liberalisation with specific concerns related to Albanian and Ukrainian nationals. The sectors in which most cases of illegal employment were detected by the countries of destination included construction, commerce and agriculture, manufacturing industry, the hotel and catering sector and transport.

Only a few Member States reported specific measures in these areas and in general these were part of a wider set of initiatives to address this phenomenon. Such measures included the fight against labour exploitation in the farming sector, ad hoc regularisations of third-country nationals involved in illegal employment and the adoption of an action plans to fight illegal employment.

3.4 FACILITATION OF IRREGULAR MIGRATION, SMUGGLING AND TRAFFICKING IN HUMAN BEINGS

With respect to facilitation of irregular migration, smuggling and trafficking in human beings, few Member States reported that visa liberalisation had created any specific additional challenges in their Member State. National data on the number of smuggled third-country nationals detected in eight Member States showed that numbers sharply declined after the implementation of visa liberalisation with regard to nationals from the Western Balkans, especially from Serbia, North Macedonia and Bosnia and Herzegovina. Data on the number of victims of trafficking in human beings originating from visa-free countries were low between 2008 and 2017. Thus, any links or trends between these phenomena and visa liberalisation countries were largely inconclusive in most Member States.

National data on the number of convicted facilitators of unauthorised entry, transit and residence from the Western Balkan visa-free countries showed a relative increase in the number of facilitators in the years following visa liberalisation, but this was more likely linked to changes in migration flows across the EU in 2014-2016.

In most Member States, actions taken to combat facilitation of irregular migration, smuggling of migrants and trafficking in human beings were general in nature and not specifically geared towards nationals of the visa-free countries. However, some Member States reported additional or new measures to counter the activities of facilitators in preparation of or following visa liberalisation. For example, one Member States put forward an action plan to fight against irregular immigration from Albania and Georgia, including measures to reinforce bilateral cooperation with these countries. Ireland and the United Kingdom, which do not apply the EU visa policy, also cooperated in a joint-police investigation to dismantle facilitators working with Georgian immigrants.

Box 3: Collaboration to tackle irregular migration from Albania and Georgia to France

In view of the continuous flow of Albanian nationals to France, many of whom were found to be in an irregular situation, France prepared an action plan in February 2017. The plan aimed at 1) reinforcing checks on Albanian nationals upon their entry into France, 2) speeding up the process of asylum applications from Albanian nationals, 3) accelerating the implementation of return decisions when these applications were rejected, 4) increasing the use of entry bans and 5) intensifying return operations which included, if required, support from Frontex.

After visa liberalisation was introduced with Georgia, France registered a significant increase in the number of Georgians irregularly present on its territory. This phenomenon also included an increased number of Georgian nationals applying for asylum – even though Georgia has been on the list of safe countries of origin since 2013. For this reason, on 4 July 2018, Georgia proposed an action plan to fight against irregular immigration from Georgia to France.

3.5 SECURITY RISKS

Lastly, when visa liberalisation was introduced, there were concerns that with more people being able to legally enter the Schengen area, this could constitute a higher security risk in some areas. In the context of this report, security risks refer to the following offences: economic and financial offences; offences against property; offences against public order and safety; offences against public trust (e.g. fraud, forgery, counterfeiting); offences against the person; sexual exploitation of children; sexual offences against adults; terrorism-related activity; and cybercrime. Available national crime statistics in most of the EU Member States and Norway did not show a visible rise in criminal activity among nationals of the eight visa-free countries, however, five Member States reported they encountered challenges with regard to increased criminal activities, while six reported an increase in the use of forged documents by nationals of the visa-free countries.

EU Member States, Norway and the European Commission are closely monitoring these risks and, in the latest assessment by the European Commission, all eight visa-free countries were asked to step up their actions to fight against such crimes, particularly against organised crime groups from Albania, Serbia and Georgia. The prevention and fight against organised crime from the visa-free countries is a continuous process which is closely monitored and any shortfalls in the cooperation of visa-free countries with EU Member States and Norway on public order and security issues could lead to the suspension of the visa-free travel for their nationals.

4 CONCLUDING REMARKS

Visa-free travel is an important achievement in regional cooperation with benefits for all States participating in visa liberalisation. This study has shown that impacts in the EU Member States and Norway have been both direct and indirect, and that following visa liberalisation, both positive and negative trends have been observed. The European Commission is closely monitoring the visa liberalisation benchmarks. In this regard, the Western Balkan and Eastern Partnership visa-free countries are actively taking measures to address existing challenges, however further efforts are needed to guarantee the sustainability of such actions and to increase awareness among all countries, that the benefits of the visa-free travel regime comes with certain responsibilities and obligations.

Keeping in touch with the EMN

EMN website www.ec.europa.eu/emn
EMN LinkedIn page www.linkedin.com/company/european-migration-network/
EMN Twitter www.twitter.com/EMNMigration

EMN national contact points

Austria www.emn.at
Belgium www.emnbelgium.be
Bulgaria www.emn-bg.com
Croatia www.emn.hr
Cyprus www.moi.gov.cy
Czech Republic www.emncz.eu
Denmark https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en
Estonia www.emn.ee
Finland www.emn.fi
France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM2
Germany www.emn-germany.de
Greece www.emn.immigration.gov.gr/el/
Hungary www.emnhungary.hu
Ireland www.emn.ie
Italy www.emnitalyncp.it
Latvia www.emn.lv
Lithuania www.emn.lt
Luxembourg www.emnluxembourg.lu
Malta https://homeaffairs.gov.mt/en/mhas-information/emn/pages/european-migration-network.aspx
Netherlands www.emnnetherlands.nl
Poland www.emn.gov.pl
Portugal https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/portugal_en
Romania www.mai.gov.ro
Slovak Republic www.emn.sk
Slovenia www.emm.si
Spain http://extranjeros.empleo.gob.es/en/redeuropeamigracion
Sweden www.emnsweden.se
United Kingdom https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/united-kingdom_en
Norway www.emnnorway.no