THE IMPACT OF VISA LIBERALIZATION FOR THE WESTERN BALKANS: 
THE CASE OF ALBANIA

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Abstract

This article analyses the impact of the Visa Liberalization Agreements concluded by European Commission with the Western Balkan Countries, on the rate of migration flows with particular focus on the case of Albania. The article analyses, inter alia, the national data on the number of people who have left the WB countries and returned, either voluntarily or forced; as well as the data from returning countries.

The article finds that VLAs, did not end up in massive abuses of overstayers in the countries of destination in the first years of the implementation. Overall, the number of irregulars-including overstayers, in its totality does not exceed the pre-visa liberalization period. This is followed by a significant reduction of the smuggling of migrants in some of the countries and of the money that feed illegal international networks. Albanian citizens are not paying large fees for visas and for the corruptive systems ‘established’ for obtaining visas. This analysis is carried out in a comparative perspective for all the Balkan countries that have concluded such agreement. The article does not analyze Kosovo due to its specific features and relations with EC on such matters.

The paper is divided into four chapters. The first one provides general information on the pre-visa liberalization migration of WB and the process up to VLAs. The second analyses the conditions and the impact of the VLAs on the migration rate, in particular on irregular immigration, returnees and over-stayers. The third one refers to the impact of VLA on irregular migration and on the measures undertaken the WB countries to curb irregular immigration abuses of the VLA. The fourth chapter provides the main conclusions.

Keywords: Visa liberalization agreement, EU immigration policy, irregular emigrants

Introduction

The paper analyses the impact of the visa liberalization for the Western Balkans (WB), with particular focus on Albania. The analyses focuses in several elements such as actual impact on the mobility, economy, fight against illegal migration and smuggling, as well as on the level of abuses with the visa liberalization leading to (potential) waves of asylum seekers or overstayers.
The paper rests upon the studies carried out before the visa liberalization and uses the statistical data from various sources, including the monitoring reports carried out by EC, as well as data from the WB Migration Structures, in particular from Albanian Ministry of Interior-TIMS system. It finds that in general liberalization agreements have brought about a win-win situation, for the individuals, WB countries and the EU Countries.

The paper is divided in four main sections. The first one includes general remarks on the process leading to the visa-liberalization period, to give an overview of the problems, difficulties and expectations from the visa liberalization agreements. The second one analyses impact of the visa liberalization on the mobility and other dimensions of life in the WB, the third one deals with the measures taken to counter potential abuses of the visa liberalization, while the fourth one provides conclusions as relevant.

General Remarks on the Process Towards Visa Liberalization

EU integration is declared as the main aspiration of the Western Balkan Countries. This perspective was acknowledged by the Thessalonica Summit (2003) and has been since, acting as an incentive for development in the WB. One of the most important and direct benefits of EU integration is considered the possibility for free movement in the Schengen Area. In particular in the case of Albania, free movement is treated both by the political class and the population by and large, as the main aspiration of the country (Poll of the Albanian Institute of International Studies: 2007). Hence, the Visa Liberalization Agreement was a much wanted and long desired objective.

The process of Visa Liberalization in generally follows the one of the Visa Facilitation. Visa Facilitation Agreements on the other hand have been linked by several studies with the finalization of the Readmission Agreements, (D. Bouteillet-Paquet, P. DeBruycker/2005; Roig and Huddleston/2007; Trauner and Kruse/2008, C.Billet/2010; L.Ikonomi and N.Ndoci /2011), following its articulation in some strategic documents such as the Hague Programme (2004) or in the Action Plan implementing Hague Programme (2005).

In the case of Albania, the Visa Facilitation Agreement as a direct benefit from the process was highly discussed in the public debate. A Report of the International Organization on Migration, which analyzed the Albanian press during the period 2003-2005, indicates that during specific phases of negotiations national Medias published alarming reports on the danger of (potential) massive returns of Albanian emigrants from EU MS, given the fact that many of them were with irregular status (IOM Report:2006). However, Governmental representatives actively responded to such statements, declaring that conclusion of the RA was an obligation of the SAA, non reversible and non-negotiable and that it would subsequently lead to visa

facilitation and visa liberalization (IOM report: 2006). This was followed, according to the same report, by a significant change in the approach of the media, which in 2005, highlighted visa facilitation as the direct benefit from the conclusion of RA. Regardless of the interest of the Albanian team for negotiating in parallel a VFA, the Commission made it clear that they were not given the mandate to negotiate VFA or VLA, but only to conclude a RA (De Bryucker:2005).

In practice, most of the states have conditioned RA with visa facilitation, i.e. Russia, Moldova, Ukraine, Georgia. This was also the case of other WB countries such as Serbia, Montenegro and Former Yugoslav Republic of Macedonia (Trauner, Cruse: 2008; Ikonomi, Ndoci: 2011). Albania was the exception, as it concluded the Visa Facilitation Agreement (VFA) two years after Readmission Agreement. It was not result of an effort of the Commission targeting individually Albania as the first WB state that ratified RA, but was part of a regional approach, which included all the WB countries (with exception of Kosovo). The Commission negotiated in 2006 two agreements in parallel for Bosnia & Herzegovina, Montenegro, Serbia and FYROM, one RA and one VFA. The Commission’s negotiations with the above countries and Albania finalized in September 18, 2007 with the conclusion of nine agreements, five VFAs and only four RAs.

Similarly, implementation of the RA by Albania did not have immediate direct effect for moving from Visa Facilitation towards Visa Liberalization, as it has been articulated in some documents (Declaration of Prague Eastern Partnership Summit:2010). In a press release in 2008, the Slovenian Presidency, informing on the entry into force of the VFAs and RAs with five WB Countries highlighted that:

The RAs provide for rules and procedures to combat illegal migration. Their effective implementation (authors’ emphasize), as well as progress in key areas such as border management, document security and the fight against organized crime, will gradually open the way for Albania, Bosnia and Herzegovina, Montenegro, Serbia and the former Yugoslav Republic of Macedonia toward a visa-free regime (Press Release 2008).

In the case of Albania, EC considered fight against organized crime, corruption and document security with priority. It was one of the last WB Country to benefit from the visa free regime with EU (with B&H), regardless of being the first to conclude and implement a RA. It should be noted though, that additional requirements for visa facilitation/liberalization have given Albania an impetus to reinforce its efforts for strengthening rule of law, fighting organized crime and improving document security.

The requirements for moving towards visa liberalization were laid down in the roadmaps that EC provided to each of the countries, including relevant benchmarks. EC monitored closely and regularly the progress of the WB countries in the five areas included in the roadmap such as documents security and border control; illegal migration and readmission, public order and security, external relations and human rights. (Report of the EC on the Visa Liberalization: 2011). The monitoring
was based on the collection of information on the spot from specific experts and on the basis of regular reports from the respective governments. Based on the findings, the Commission decided to lift visa regime of the Western Balkan countries which had fulfilled the criteria laid down in its roadmap. Namely, to Serbia, Montenegro and Former Yugoslav Republic of Macedonia, through an agreement which entered into force in 19 December 2009, in accordance with the Regulation 539/2001 (Commission Working Paper:2011). The three countries were praised for their commitment to fulfilling the criteria of the roadmap by EC in a press release quoted below:

"Today's proposal is the result of intensive and hard work for the authorities and the people of these countries in meeting the conditions," (EC Press Release: 2009).

In parallel, for Albania and Bosnia Herzegovina the process was still open until the fulfillment of the criteria. "The roadmap is still valid, and it is still perfectly doable if the authorities of the countries put their full will into delivering now. If this progress continues apace, I believe both countries will soon catch up with their neighbors. If all the conditions are fulfilled, the Commission could envisage making a new proposal, which would include them, by mid-2010, (EC Press Release: 2009)". Indeed, in December 2010, Albania and Bosnia Herzegovina also benefited from the visa liberalization.

We could assume that the process of Visa Liberalization as such had a clear impact on the intensification of the fight against corruption, document security (introduction of biometric passports), border management and migration management, given that they were included as conditio sine qua non in the roadmaps.

The Impact of The Visa Liberalization on the WB

Mobility before the Visa Liberalization Agreement

In order to fully understand the impact of the Visa Liberalization Agreements, it is important to analyze the situation of mobility before its conclusion-the period during the implementation of the Visa Facilitation Agreement. As mentioned above, the Visa Facilitation Agreements for WB entered into force since 1 of January 2008. It goes without saying that VFAs aimed a facilitated movement regime for a period of 90 days within 180 days, through:

1. Reducing visa processing time to 10 days; subject to potential increase up to 35 days, if necessary.
3. Provision of a fixed fee of 35 Euros for processing the visa and removal of such for specific categories such as: members of the delegations, representative of the business community, journalists, members of the civil
society, students pupils, persons attending scientific and cultural activities, conferences, etc,

4. Facilitation of the issuance of the multi-entry visas. (EC- Albania Visa Facilitation Agreement 2008). Regardless of the high expectations from VFAs, the situation in practice did not change. A Monitoring Report prepared by European Movement in Albania (EMA) shows the fallacy behind such agreement (EMA Report:2009). More concretely, the situation post- VFA in Albania indicates various problems such as:

- Expensive call lines to leave appointment and in various cases limited hours available for making phone calls (i.e embassy of Netherlands).
- Long waiting period from the date of calling for appointment and the date of appointment/submission of documents, varying in some embassies from 35-54 days.
- The list of documents required did not change and included the same bureaucratic difficulties such as: the process of translation, notarization and legalization in the Ministry of Foreign Affairs of all the official documents required for the visa, i.e birth certificates.
- In the Embassies of Greece and Italy continued the queues with around 150-160 persons on a daily basis.
- In many embassies, the processing of the visas was not reduced to 10 days but extended up to 35 days (EMA 2009).

Analyzing all the costs incurred for the application, the same report comes to a figure of 290 Euros for the people living in Tirana or in the city of the Consulates and around 490 Euros for those living in a different city. This figure includes translation, notarization, photocopy, legalization of certificates, obtaining of the bank statements, travel insurance, travel in and out of Tirana. Not to mention the cost of a full working day in the embassies with large queues with a waiting period for the interview up to 8 hours.

It must be highlighted that the practice was not the same in all the embassies/consulates. Even though the VFA was concluded with the EC as a framework agreement with guidelines for common procedures, the states continued to retain the right to implement individual procedures, if necessary.

Hence, VFA did not change the situation of a very restricted mobility, both for tourism, business and family contacts. The restriction of the mobility perpetuated the illegal immigration, smuggling, visa falsification, creation of illegal networks for facilitation of the visa etc. In the case of Albania, this resulted in continuation of illegal immigration, with figures up to 70,000 illegal immigrants returned on yearly basis, in particular from Greece (MOI: Statistics of 2010; Ikonomi, Ndoci: 2011). Albania continued to be classified as one of the most isolated countries in the world- being ranked 184th out of 192 most isolated countries in the world by the
Henley International Visa Restriction Index and as the most isolated country in the region (EMA 2008).

The restriction of the mobility has been also associated with a very limited number of tourists from Albania in Europe, as compared to other countries with which Albania has a visa free regime. Albanians have spent around 8.8-10 million euro in Turkey respectively in 2007 and 2008 and only 0.54 million euro in EU countries. (EMA Report: 2008). After the Visa Liberalization Agreement, Greece, Italy and Spain have been very important destinations for the Albanians.

**The conditions envisaged by the Liberalization Agreement for the mobility**

The visa liberalization agreement removed the need for the short term visa Type C. This means that the citizens of WB who posses biometric passport benefit from the agreement for short term travels for: touristic purposes, family issues, business, etc. The allowed period is 90 days within 180 days, with the counting starting from the first day of border crossing. Stay beyond this timeframe and work within or beyond the timeframe is illegal and is subject to sanctions.

The travel in the framework of the VLA is subject to some requirements in addition to the biometric passport such as: provision of clear information on the journey and reasons for such journey, indicating the hotel booking or the address where the person will live; adequate financial means; travel and health insurance. Failure to provide the above information/documentation when requested by the Border Police can result in the refusal of the entry in the Schengen Countries.

**The implementation of the VLA: two years after its entry into force for Albania**

The impact of the visa liberalization can be noticed in different aspects of the WB societies. First of all and as expected, it had a clear impact on the short term mobility, in particular for tourism and for meeting the members of the family. In the case of Albania, from a poll conducted, it has been found that 56% of the population would undertake a short trip in Western Countries for tourism and family contacts (EMA 2011). The same report indicates a higher possibility for the middle class to travel and a very low one for the persons living in the border areas, due to the already achieved maximum.

The data from the Albanian Border Police indicate that in practice, as expected there has been a significant increase in the number of the persons that have left the country for EU and returned thereafter. Thus, from 15 December 2010 until 12.09.2012, around 627.788 citizens have left Albania and 503755 have returned. This is a significant increase of the number of persons moving in the EU borders. A holistic table with the figures for the period from the entry into force of the visa liberalization is presented below.

Table no.1: Updated information on the entry-exit and return of the persons during the visa free regime with EU from 15.12.2010 deri në orën 24.00 të dt.12.09.2012
<table>
<thead>
<tr>
<th>N/R</th>
<th>BCP</th>
<th>Entry without visa</th>
<th>Exit without visa</th>
<th>Return ed without visa</th>
<th>The motive of return</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Entry ban in the system</td>
</tr>
<tr>
<td>1</td>
<td>Rinas Airport</td>
<td>96466</td>
<td>142256</td>
<td>3965</td>
<td>1658</td>
</tr>
<tr>
<td>2</td>
<td>Durrës Port</td>
<td>136437</td>
<td>144930</td>
<td>4082</td>
<td>3137</td>
</tr>
<tr>
<td>3</td>
<td>Vlora Port</td>
<td>51345</td>
<td>54747</td>
<td>1079</td>
<td>731</td>
</tr>
<tr>
<td>4</td>
<td>Sarandë BCP</td>
<td>13940</td>
<td>13390</td>
<td>416</td>
<td>140</td>
</tr>
<tr>
<td>5</td>
<td>Q.Botë BCP</td>
<td>16630</td>
<td>22934</td>
<td>1060</td>
<td>266</td>
</tr>
<tr>
<td>6</td>
<td>Kakavijë BCP</td>
<td>86273</td>
<td>123897</td>
<td>6482</td>
<td>4048</td>
</tr>
<tr>
<td>7</td>
<td>Tri Urat BCP</td>
<td>9472</td>
<td>11552</td>
<td>116</td>
<td>96</td>
</tr>
<tr>
<td>8</td>
<td>Kapshticë BCP</td>
<td>93192</td>
<td>114082</td>
<td>7376</td>
<td>5094</td>
</tr>
<tr>
<td></td>
<td>Shuma</td>
<td>503755</td>
<td>627788</td>
<td>24576</td>
<td>15170</td>
</tr>
</tbody>
</table>

Note: the data for the entry starts by 03/01/2011

Out of 627788 persons that have left the country, 24576 have been returned by the Schengen countries. While the impact on the illegal immigration will be analyzed further below, it is necessary to mention at this section, that this figure for one year and nine months is significantly lower than the number of the readmitted persons before conclusion of the VLA, which used to be around 70000 persons in 2009 and around 39.100 in 2010.

For the first 9 months of the year 2012, the data are as following:

- 178 430 persons have left the Country towards the EU for the first time, with biometric passport.
- 167 658 persons have returned in the country, after their travel in the EU countries

It must be noted here that a very important beneficiary of the Visa Liberalization Agreement is the business community. The visa liberalization has extended possibilities for potential exchange, participation in fairs, conferences or other activities, which could provide cooperation possibilities.
Visa Liberalization and the Fight Against Illegal Immigration

One of the fears articulated during process for visa liberalization was the increase of the illegal immigration. However, the process before the visa liberalization, which laid down clear conditions from EU acted as a driving force for the countries of the WB to improve their capacities in border management and fight against illegal migration. The obligation for provision of the biometric passports, installation of the relevant systems in the BCP to detect illegal documentation etc, were very positive steps in the fight against illegal immigration.

In addition, WB have taken measures for establishment of post-visa liberalization mechanisms to manage migration flows. First of all, the WB countries are conditioning the exit of their citizens under the visa free regime with fulfillment of the criteria laid down by such a regime. Namely, biometric passports, financial means, health and travel insurance, invitation or hotel booking etc. In the case of Albania, the Albanian border police asks the citizens that are about to cross the borders under the visa free regime on the reasons for leaving and check if they fulfill the criteria. This has resulted in 2985 persons refused exit by the Albanian police from January 2012-August 2012 (Statistical Data from BP: 2012).

The graphic below indicates the refusals of exit on a monthly basis, with May being the peak one. The main reasons for refusal is the lack of documentation – with around 32% of refusals; non-justifying the purpose of travel with 27% of refusals; lack of financial means with 11% of refusals and 21% with entry ban in the Schengen countries; and 7% had already consumed 90 days out of 180 days in the Schengen countries; 2 % with other reasons. The highest number of refusals is in Durres Port with 58%, Rinas Airport with 15% and Vlora with 9%. The rest is in the BCP with Greece.

Graph no.1- Refusals from the Albanian Border Police: January 2012-August 2012

A significant number of (potential) irregular immigrants who managed to pass the filtering of the Albanian border police have been returned from the Schengen Countries for different reasons such as previous entry ban, overstaying, or due to
non-fulfilling the conditions for entry, i.e lack of financial means, lack of invitation by the sponsor etc.

In the case of Albania, the number, as mentioned above is 24576 persons have been refused entry during January 2011-a 21 months period, which is three times lower than prior to visa liberalisation agreement. For the period January-August 2012 the figure is 7200 persons refused entry in EU for the reasons as below:
- **3580** due to a previous entry ban in Schengen area
- **2569** for lack of financial means
- **1061** for other reasons (for non justification of the purpose of travel, lack of invitation from the sponsor etc).

From 15.12.2010- 30.08.2012, there have been readmitted 9994 Albanian citizens who have been staying irregularly in the countries of destination. This number also is significantly lower than the number of persons refused entry in the same period in 2011- with 10240 readmitted, in 2010-38132 and 65,000 in 2009. So, it is clear the impact on the reduction of irregular stay and residence.

The visa liberalisation had an impact also regarding abuse with identity. Many albanian citizens who have not left the country due to the visa requirement, after the VLA tried to go for the first time in the EU. Regardless of fulfilling the conditions of entry, they were subject of refusal due to an entry ban, given in fact to somebody else who had abused with their identity. Such information was not possible before the visa liberalization as they had not attempted to travel because of the visa requirement. The abuse of the identity was made clear from the different fingerprints attached to the same generalities. However, it must be pointed out that the process of correcting the personal data in the Schengen system requires an appeal procedure to be started by the victim of such abuse.

Another dimension of impact of the VL is against the irregular employment. The period of 90 days within 180 days is a good period for potential irregular immigrants to try the labor market. If there are possibilities of legal employment and if they can secure an employment contract, they would return in the country and apply for a working visa-residence permit for labor purposes. This is the case with many Albanians who after contacting a potential employer in the Italy have applied in the Italian Embassy for a working visa. On the other hand, if the immigrant does not come across potential employment, he/she can return home without the fear of never being able to return in the EU. Before VLA many irregular immigrants did not return home, even without a job, due to the fear that return would mean a never ever possibility to enter Schengen area again. It could also mean more money to the smugglers for the next time efforts. Hence, it may be said, that visa liberalization strongly damages the smuggling networks, given that immigrants do have a short term possibility through legal channels to try their luck in the EU. The biometric passports on the other hand have a clear impact on the networks of falsified passports and visas. This means significant money saved, including also the hidden costs of the visa, which in turn may be spent in the destination countries.
Referring to a monitoring report of the EC on the implementation of the VLA, there is a significant trend for decline of illegal stays of nationals from the five visa-exempt Western Balkan Countries. There have been detected 45% less as compared to pre-visa liberalization agreement. In particular, Albanian nationals have had a drop almost 70% in of illegal stay. This is an indication that visa liberalization could alleviate the overstaying problem (EC Monitoring Report: 2011).

However, regardless of the measures taken from the WB states, there was a wave of asylum seekers from Serbia, Macedonia and Kosovo in late 2010, and one year later from Bosnia-Herzegovina. According to the different studies, many of them were from impoverished regions of those countries, and in many cases also members of one of these countries’ ethnic minorities (CITEE 2011). Up to 10,000 Serbian citizens sought asylum in other EU states in 2010 alone (CITEE 2011). Quite surprisingly, it has been reported that Albanians made zero claims for asylum. However, only 1% of the claims have been successful. (EC Working Paper 2011). Top destinations have been Belgium, Sweeden and Germany.

To counter any potential abuse of the asylum system and a potential wave of overstayers, a “post-visa liberalisation monitoring mechanism” was introduced by EU, which according to Cecilia Malmstrom, the EU's commissioner for internal affairs, will only be utilized in “extraordinary circumstances to temporarily stop the visa free regime” (http://citsee.eu/blog/escaping-balkans-after-visa-liberalisation).

The EC monitoring reports for 2011 mentions that the commission ‘attaches a great importance to the measures taken by the WB to endurably meet their obligations for the visa free regime’ (Commission working Paper- 696 final- SEC-30/2011). For the monitoring purposes, there has been established a Steering Committee chaired by the Commission. Update information is obtained by EU delegations in the respective countries and from ad hoc experts visits on the ground.

According to the EC Report of 2011, most of the WB countries have had clear progress on the issuance of the biometric passports by the end of 2011 and have taken measures for implementation of migration and asylum laws (EC report: 2011). Albania was called to work more on the sustainable reintegration of illegal immigrants (EC Report: 2011).

Given the number of asylum cases from FYROM, it has taken measures to fight illegal migration through informative campaigns regarding the negative results of abusive asylum. This was coupled with extensive control on the tourist agencies, increased border control and exchange of information with border services of border countries (EC Report: 2011).

Montenegro has taken measures on the document security, strengthened border control and border management, management of asylum and migration. The measures have resulted in a significant number of citizens prevented from leaving Montenegro, due to not meeting the conditions for entering the EU, i.e lack of funds, no clear reasons, etc. (EC Report: 2011).
In the case of Serbia, there have been taken measures to tackle the problems of passports, due to changes of residence from Kosovo to Serbia, measures for human rights and external relations. Measures have been taken to address the high outflow of the asylum seekers from Serbia, which include: establishment of a commission to monitor the implementation of the visa liberalization, headed by the director of the border police; informative campaigns on abusive asylum; measures for accelerated procedure for resolution of applications for the return in the framework of the readmission agreement- daily resolution, through immediate check of the biometric data and following that- readmission; enhanced border control- pre-departure check/interview of the persons that aim to leave the country.

The monitoring report has found that in general the measures have been implemented effectively and the WB are committed to control the flow of illegal immigration. The continued monitoring process and the fear of returning the visa regime has made the WB countries constantly alert and committed in fulfilling their obligations. (EC working paper).

Conclusions

The implementation of the Visa Liberalization Agreements in the WB is going generally smoothly. It has had a significant impact in increasing the short term mobility of the citizens of this region in EU. It has opened opportunities for exchange in all the dimensions. In the case of Albanian more than half million people has entered EU during its implementation.

The fear of asylum seekers, while rational as it is, has not been backed by the developments in practice. The asylum claims from FYROM and Serbia have been unsuccessful and followed by steady measures in the countries of destination to curtail such phenomena. The WB, being under constant pressure of a potential return of the visa regime, are reinforcing the control in the borders.

VLA was followed with a clear decline of irregulars returned from the countries of destination. However, cooperation in intercepting irregulars and information exchange are crucial for further reduction of irregular migration.

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