

EU-Russia Visa Talks

OPEN AND HIDDEN AGENDAS

PONARS Eurasia Policy Memo No. 144

May 2011

Sergey Golunov

Volgograd State University

One of the most serious problems on the agenda of Russia-EU relations is the strict visa regime between Russia and the 25 European countries that share common external border controls as the Schengen Area. This visa regime slows down bilateral transborder movement and creates cavernous space for arbitrary and unfair refusals to visa applicants. People who have business visas (including scholars) cannot formally enter the Schengen Area as tourists, so they need to either cancel their visas and get new ones, or lie to EU border guards about the purpose of their visit (and risk being blacklisted). Apart from this, the so-called “borderless Schengen space” is actually not quite borderless for Russian visitors, who can sometimes be penalized for spending less time in a visa-issuing country than in other Schengen states. And for those who live far from EU consulates, even these problems pale in comparison to the huge costs of the visa application process. In addition to paying fees, they usually have to make at least two trips to submit and collect their documents (among Schengen states, only Estonia and Latvia accept applications by mail). While Russian official and semi-official discourse actively discusses the myriad of challenges related to the Russia-EU visa dialogue, the voices of the people are scarcely heard.*

A systematic Russia-EU visa dialogue began in 2007. Since that time, many Schengen states have supported the abolition of visas in principle, but progress is slow and far too intangible. It is probable that some EU member states, not wishing to irritate Russia, nonetheless seek to drag out negotiations while trying in the meantime to secure concessions from Moscow in other spheres. Taking this into consideration, the statement by French President Nicolas Sarkozy in October 2010 that the visa system could be abolished in 10 to 15 years should not lead to great optimism.

* The author is deeply thankful to the Marie Curie Fellowships Program (funded by the European Commission) for research support.

Russia-EU visa issues are frequently discussed in the mass media, and have also been the focus of some scholarly works.[†] The arguments raised for and against a visa-free regime are worth scrutinizing in some detail:

1. *Because Russian borders with Kazakhstan and Transcaucasian states are poorly guarded, third-country nationals will be able to illegally use a visa-free regime to enter the EU.*

A visa-free regime does not mean the abolition of border controls or some new rights for transit migrants, who will still have to have visas for travelling to the EU. Moreover, as Russia continues to intensively fortify its borders with Kazakhstan and the Transcaucasian states, statements that these borders are poorly guarded must be better supported. Only six thousand violators (mainly inhabitants of borderland areas) were apprehended at all Russian borders combined in 2009; this figure is far less than the typical annual number of apprehensions at the U.S.-Canada border alone.

2. *Visitors that are potentially undesirable for Schengen will be able to obtain (in the case of third-country illegal migrants) Russian citizenship or (in the case of unwanted Russian citizens) new passports with “new” personal data via the help of corrupt officials.*

To address this concern, the Russian government needs to compellingly demonstrate to their European partners that Russia’s national passport system is strictly controlled.

3. *A visa-free regime will be beneficial to the Russian mafia.*

Since the latter half of the 2000s, Europol reports have mentioned Russian criminal gangs less frequently than before, though the scandalous arrests of “Russian mobsters” in the EU continues to occur and to attract public attention. However, it is not quite correct to equate the “Russian mafia” with criminals from Russia, as the phrase encompasses Russian speakers from a number of post-Soviet states. Many of the post-Soviet mobsters who have been detained in the EU actually resided in Europe for many years; some even had residence permits before being apprehended. As well, suspected criminals can be refused entry to the EU even under a visa-free regime, if such persons are blacklisted in the Schengen Information System (SIS). Better EU-Russian police cooperation would allow both parties to update and share their criminal databases. Organized criminals not blacklisted in the SIS generally have enough financial and other resources to prepare good visa applications to the most liberal EU consulates and, in the case of a denial, to appeal with the help of highly qualified lawyers. As a result, those criminals

[†] See, in particular, Minna-Mari Salminen and Arkady Moshes, “[Practise What You Preach: The Prospects for Visa Freedom in Russia-EU Relations](#),” Finnish Institute for International Affairs, 2009.

that are not blacklisted already probably have even less difficulty getting Schengen visas than do ordinary Russian citizens.

4. *A massive influx of Russians may cause an outburst of crime in the EU.*
Statistical data does not support such an assumption. In Finland, the most popular destination for Russian visitors to the Schengen zone – in 2010 more than 950,000 Finnish visas were issued to Russians – in no year between 2003 and 2008 did Russian citizens commit more than four percent of crimes (neither in terms of total crime rate nor major crime category).
5. *It would not be fair to implement a visa-free regime for an authoritarian state like Russia, especially before granting the same to EU partners in the Eastern European and South Caucasus Eastern Partnership.*
Officially, Russia is also an important EU partner, while the democratic character of almost all Eastern Partnership states (with the possible exception of Moldova) may be questioned. In addition, according to the EU-Russia visa facilitation agreement (2007), holders of diplomatic passports (which includes diplomats as well as other high-standing officials) already have a right to visa-free travel to the Schengen zone, while representatives of regional governments have the right to obtain five-year, multi-entry visas. It is therefore ordinary citizens that are inconvenienced regardless of the state of the regime, not high-standing officials.
6. *Because most Abkhaz and South Ossetians have Russian citizenship, to grant them visa-free entry to the Schengen Area would mean encouraging separatism and approving of Russia's occupation of Georgian territories.*
Such logic turns the inhabitants of Abkhazia and South Ossetia into slaves of their territorial status and not eligible for any citizenship except Georgian, which most have rejected (while voluntarily taking Russian citizenship). Concerning the practice of extensively granting citizenship, one EU member state – Romania – does the same (for Moldovans). Still, the question of whether Russia grants its citizenship too liberally – and if this creates a window for illegal immigration to the EU under a visa-free regime – is valid.
7. *A visa-free regime will be advantageous to Russian-based Islamist extremists seeking to target the EU.*
The main source of terrorist threats to Europe lies not outside the EU but in it, while Russian-based Islamists target mainly Russia itself. However, recent evidence demonstrates that the latter can sometimes be dangerous to the EU as well. At the end of 2010, for example, ten Russian members of an Islamist group were arrested in Belgium. Probably only a tiny number of Russian citizens could ever plan to target Schengen states, but even these may be sufficient to cause serious damage. Close and extensive EU-Russian law

enforcement cooperation might be considered a partial remedy against the transborder activities of extremists.

8. *A visa-free regime will cause the large-scale illegal immigration of Russian citizens to the EU.*

This argument is difficult to either confirm or reject persuasively. According to Eurostat, about 500,000 Russians migrated to the EU between 1996 and 2007. There also exist some far-fetched estimates that millions, not hundreds of thousands, of Russians reside in the EU legally or illegally, but such statements have not received corroboration. Looking at Germany, according to Eurostat, half of the Russian citizens who went there consisted of repatriated ethnic Germans and the chain migration of non-Germans that accompanied it. Unsurprisingly, while Germany's official position toward a visa-free regime with Russia is "vaguely favorable," Russian policymakers unofficially consider Berlin the main opponent of this idea behind closed doors.

Several arguments against the notion of a "flood of Russian immigrants" to the EU can be put forward. First, abolition of visas alone will not grant Russian citizens the right to work in the EU. For many of them, staying in the EU illegally is not a very attractive option. They would have unskilled jobs without serious prospects of making a career – few Russians are fluent in languages of the Schengen Area, though German may be an exception. They would also be spending a large part of their relatively small salaries on accommodation and food, while living in permanent risk of deportation. At the same time, Russians who wish to improve their material conditions have the reasonably attractive alternatives of Moscow, St. Petersburg, or the energy producing regions of Siberia, where average salaries are comparable to those in, respectively, the Czech Republic, Poland, and Portugal. Finally, it should be noted that some countries with average salaries and GDP per capita lower than Russian ones have been accepted into the ranks of the EU (Bulgaria and Romania) or granted a visa-free regime (non-EU Balkan and some Latin American states).

That said, thanks to Russia's acute social and economic stratification (particularly in the North Caucasus), the argument that Russia has been treated unfairly because it was denied a visa-free regime is not entirely persuasive. Albania or Bosnia and Herzegovina, for instance, have GDPs per capita 2.5 to 6.5 times greater than any North Caucasian republic (Ingushetia's GDP is comparable to that of Afghanistan, Haiti, or Rwanda; the GDP of Dagestan, Kabardino-Balkaria, and North Ossetia is comparable to that of East Timor or Yemen). The unemployment rate in Chechnya and Ingushetia, in particular, is also significantly higher than in the poorest Balkan states. Finally, the growth of ethnic intolerance can prevent North Caucasian labor migrants from seeking to move to other Russian regions. As a result, such migrants could potentially take advantage of a visa-free regime to settle in the EU illegally. Moreover, the insecure situation in the North Caucasian republics and, in some cases, the rigidly authoritarian

character of local leaderships, provides some inhabitants of the region with a justification to apply for asylum in the EU. While now it is mainly Poland that deals with thousands of such applicants annually, other EU members could also increasingly face this problem if visas are abolished.

Not all potential arguments against a visa-free regime with Russia are openly and explicitly expressed. Further implicit objections may include the following:

- *A strict visa regime retains the possibility to refuse suspicious or non-desirable applicants on the basis of non-transparent criteria, even if this involves ethnic, gender, or other forms of discrimination.*

Among Russian individuals and organisations dealing with EU consulates, it is widely believed that some of these consulates are biased against North Caucasians and Central Asians (or people born in “suspicious” traditionally Muslim regions irrespective of their ethnic background); young unmarried women; competitors of EU companies in cross-border business operations (e.g., small-scale passenger carriers); and Russian applicants as a whole when there are political conflicts at the government-to-government level.

- *Opening the EU space for visitors from “such a huge, unpredictable, authoritarian, and heavily corrupted country as Russia” could potentially damage the public image of EU politicians who make this decision.*

Rational arguments against such sentiments may not always be stronger than irrational perceptions. And as the previously cited report by the Finnish Institute of International Affairs indicates, EU officials do not have sufficient motivation to take on what they might perceive as a risky political move.

It goes without saying that the introduction of a visa-free regime with the EU would give a boost to the domestic status of Russia’s leadership (making it seem as if they had managed to make European partners show Russia respect). Yet while Russia can remove most actual and potential objections against visa-free travel relatively quickly, some issues – especially those in regard to the North Caucasus – are far more difficult to address.

Meanwhile, if the interests of ordinary travelers are no less important than national prestige, Russian officials should make serious efforts to get visa and other border-related expenses reduced as soon as possible. Russia could more actively persuade its EU partners to issue more long-term visas, make it possible to apply for visas by post, and adopt a more liberal approach toward trusted holders of business visas entering the Schengen Area for tourism, as well as for individuals who spend most of their time outside the countries that issue them their visas.

At the same time, for many Russian citizens it is not the Schengen visa regime but relevant policies of their own country that cause the greatest headaches and expenses. Take travel: to protect “traditional” airlines, Russia does not appear eager to develop low-cost EU routes or invite foreign budget airlines to Russian airports. It

should also be mentioned that virtually all representatives of cross-border travel and tourist agencies – as interviewed by the author in every Russian province bordering the EU in April-May 2009 – believe that many local Russian customs officials are involved in systematic extortion, threatening to slow down inspections or finding “legal infractions” in various documents. Though the prospect of any type of improvement seems far off, reducing transportation and internal corruption costs could help many people cross the Russia-EU border – perhaps even more than the introduction of a visa-free regime.