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Ukraine: chances for a visa-free regime with the EU?

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In mid-January Ukraine launched the long-awaited process of issuing biometric passports, and thus met one of the European Union's key requirements for the abolition of visas. A date for the final abolition of the visa requirement for Ukrainians travelling to Schengen states for up to three months is likely to be set during the Eastern Partnership Summit in Riga in May. However, a final unanimous decision by all EU member states has not yet been taken. In addition to meeting certain technical requirements (including in the fight against corruption), such a decision will largely depend on the security situation in Ukraine, and on the dynamics of Ukrainian migration into the EU.

In recent weeks, military operations in eastern Ukraine have flared up; this has resulted in an increase in fatalities among both the military and the civilian population (about 5300 people, according to conservative UN estimates). At the end of January, the number of internally displaced persons inside Ukraine again began to rise rapidly, reaching almost 950,000. However, for the time being there has not been any sharp upsurge in migration from Ukraine to EU states; the only country in the EU which has recorded a noticeable rise is Poland.

Biometric passports and other obligations

Due to the political deadlock in Ukraine (which had been ongoing for many years) over who would produce the biometric passports, as well as imperfections in the population registration system, Ukraine is one of the last countries in the region to introduce this type of document. According to the Ukrainian Migration Service, as of 22 January it had issued nearly 1300 biometric passports, and received around 15,000 requests for such documents. The limited amount of the necessary equipment is hampering attempts to accelerate the process of preparing the passports, but the government has announced that in February up to 610 workstations will be ready to issue the new passports throughout Ukraine. According to assurances from the Ukrainian Foreign Ministry, the passports will comply with the ICAO (International Civil Aviation Organisation)'s requirements, and will include a scan of the passport holder's signature, a digital photograph and the fingerprints of two fingers. According to government estimates, during this year Ukraine will be ready to issue about 200,000 biometric passports. In accordance with EU regulations, only persons who hold such passports will have the right to visa-free entry into the EU.

The EU-Ukraine Visa Action Plan (a document defining the legislative and institutional changes that Ukraine must introduce in order to be granted visa-free travel by the EU) also obliges the country to introduce systemic solutions to combat corruption, including the eventual founding of an Anti-Corruption Bureau; and to limit the immunity of judges and

parliamentarians. EU experts also suggest that the laws on the public prosecution service must be changed, and that the police undergo fundamental structural reforms.

The security situation

However, at present the technical criteria are not as important for the EU as the security situation and the so-called migration risk (a possible increase in illegal migration from Ukraine to the EU). The EU fears the export of security threats, including terrorism, extremism and the uncontrolled proliferation of arms along the section of Ukraine's border with Russia controlled by pro-Russian separatists (about 400 km). One solution that could appease EU concerns would be for Ukraine to create a well-controlled zone isolating the territory occupied by the separatists; another would be the creation of databases and a system of passes preventing members of organised crime groups and terrorist organisations from entering Ukrainian territory and obtaining Ukrainian biometric passports.

In the autumn of 2014, the Ukrainian government began to construct a so-called 'wall', a system of fortifications along the ceasefire line (trenches, barbed wire, and in the future electronic monitoring); and in January it introduced a system for monitoring passenger transport out of the separatist-controlled territories. However, it is hard to believe that Ukraine can continue to build this reinforcement during intense exchanges of fire, especially as some of the territories controlled by the Ukrainian army have passed into separatist hands some weeks ago.

The rise in migration

Paradoxically, the conflict in the east of Ukraine has had little impact on the migration and refugee situation in the European Union. Given the huge scale of internal displacement, the number of Ukrainians who have applied for refugee status in the EU countries (around 10,000 people in 2014, mainly in Poland, Germany and Sweden) is quite modest.

So far there is no pan-European statistical data which would allow the calculation of the increase in labour migration of Ukrainians to the EU. However, this phenomenon is noticeable in Poland. According to the Ministry of Labour and Social Policy, in 2014 (until October) Ukrainians had received 331,000 simplified certificates allowing them to work in Poland legally (an increase of 50% compared to the previous year), as well as 26,000 work permits. It should be remembered that the actual number of Ukrainian citizens working in Poland is lower, because the certificates give their bearers the right to work for up to six months. Long-term migrants are those who have the residence permits in Poland; as of February this year, Ukrainians hold 48,000 valid residence permits. Interest in studying in Poland has also increased (both because of the scholarship programmes, and as an option for avoiding military service). Many citizens of Ukraine have however delayed their final decision to leave their home country; they decide to formally legalise their stay in Poland, while in fact they have not yet left Ukraine.

A new, disturbing phenomenon for the EU is the increased number of journeys undertaken by young men from western Ukraine to the EU countries bordering Ukraine in connection with the new wave of recruitment into the army announced at the end of January.

Irregular migration (as measured by illegal border crossings) on the EU's borders with Ukraine has risen, but is still relatively low (a few thousand persons annually), and is not comparable with the situation in southern Europe (last year 230,000 people tried to enter the EU illegally via the Mediterranean Sea).

Outlook

The introduction of biometric passports has significantly increased Ukraine's chances of being granted a visa-free regime with the EU in the near future. However, the EU has never yet decided to abolish visas for a state on whose territory an armed conflict is taking place. Therefore, the decision on whether to abolish visa requirements will probably be taken immediately before or at the Eastern Partnership Summit in Riga, and will reflect the EU's honouring Ukraine's efforts to meet the Visa Action Plan, as well as the nature & intensity of the conflict in the Donbas (especially the chances of security threats being exported into the EU) during this period.

A great mass of internally displaced persons, the poor economic situation, and the bloody armed conflict are all factors that make increased migration by Ukrainians into the EU more likely. However, this phenomenon has so far mainly been observed in Poland, and applies more to residents of western Ukraine. This is probably a result of two factors. Firstly, the forced migrants from the Donbas do not have developed migration networks within the EU (as opposed to Russia). Secondly, they still hold out the hope that the conflict is temporary, and that they will be able to return to their places of residence.