



VISA LIBERALISATION - ALBANIAN CASE

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Abstract

The Thessaloniki Agenda confirmed the European perspective to support the Countries of the Western Balkans (WB) and their efforts to move closer to the EU. The road towards visa liberalization for Albanians opened by the SAA, was followed by the Visa Facilitation Agreement, entered into force in January 2008 and in the spring of the same year, by the proposed Visa Liberalization Road Map. The final step, visa free travel to the EU took effect for Albanians on December 15, 2010, allowing Albanian citizens to travel visa-free. To give a detailed view of the Albanian visa liberalization process, the positive outcome, and the difficulties faced during this road, I drafted this article on visa liberalization. In here, I will point out the political and social reasons as per why the visa regime was liberalized only on December 2010 for Albanians. This article focuses on several issues, elaborating further the factors that have contributed to the positive outcome on visa liberalization, by the decision of EU Council of Ministers and EU Parliament; Albania's progress regarding the four BLOCKS; the issues that emerged after the visa liberalization of visas was granted; and as final remarks, the consequences of visa liberalization. The main findings of this research paper are related to the positive results of the implementation of the EU Council of Ministers decision regarding the abolishment of visa regime with Albania.

Keywords: Western Balkan, European Integration Process, European Union, Stabilization and Association Process, visa liberalization



INTRODUCTION

Introduction to visa liberalization process

It was time for the Albanian dream of free movement to come true! Albanians suffered for 50 years a total isolation during the communist regime, for 15 years during the democracy period Albanians waited and prayed in front of the embassies' doors for the issue of a visa to travel outside their country. Finally Albanians can travel without visas within the Schengen countries.

In many surveys held by different NGOs in Albania regarding the outcome of the Stabilization and Association Process, the most frequent request was that of free movement of people without visas.

Two years after the entry into force of the SAA, the EU Council, on or about November 8, 2010, made the decision to abolish the visa regime in Albania, Bosnia and Herzegovina.

EU requirements to be fulfilled in order to realize the free movement of persons

After receiving an open confirmation of a prospect of EU Membership at the Summit of Thessaloniki in 2003, the road towards visa liberalization for Albanians was paved first by the Visa Facilitation Agreement, entered into force in January 2008, and in the spring of the same year, by the proposed Visa Liberalization Roadmap.

This roadmap contained 42 benchmarks organized in four blocks, constituting crucial areas needing progress. Let's analyse them one by one.

Block One contains the necessary requirements related with the Document Security (the establishment of security features in the new passports and their compliance with ICAO and EC standards; drafting and approval of legal framework and administrative procedures for the personalization and distribution of new passports; training of the State Police and officials dealing with visas; reporting of statistical data of lost and stolen passports to INTERPOL since 2008; drafting of the civil registry system.)

Block Two deals with the illegal migration issues, such as border and migration management and asylum.

In order to manage the illegal migration, the Albanian Government should approximate its legislation with the European Social Charter and EU legislation.

Block Three deals with the public order and security field. During this phase the Albanian Government should draft a Strategy against the organised crime, trafficking and terrorism for the years of 2008-2013, and it should fully approximate its legislation in compliance with EU legislation.

Referring to the Block Three, the Albanian Government should contribute to the judicial cooperation in the criminal field.

According to the Block Four which deals with the external relations and fundamental rights, the Albanian Government should undertake immediate measures to protect minorities and should implement the respective legislation.

The Roadmap gave life to a regular communication between the Albanian government officials (through reports) and the European Commission (through experts' missions and assessment reports), monitoring the reform and the progress in each area.

The positive factors for a successful process

On April 2010 the EU experts proposed to the European Parliament and the Albanian Council of Ministers the removal of the visa regime in Albania, provided that three outstanding benchmarks would be met.

How did Albania get there? Which were the factors that contributed to this positive outcome?

The Albanian government was given a few months (the summer of 2010) to fulfil the outstanding benchmarks proposed by the EU. During this time the Albanian Government adopted The Strategy on Reintegration of Returned Albanian Citizens for the years of 2010-2015 (Block Two), accompanied by an Action Plan, to assure its effective implementation.

Although many concerns were raised from the civil society about the fact that the strategy was adopted without comprehensive consultation of non-state actors, this strategy was positively assessed from the EU Commission as an instrument that "sets out a comprehensive mechanism for the promotion of returnee reintegration, covering the main reintegration needs faced by returnees such as registration, housing, education and employment."

By assessing and strengthening the capacities of law enforcement and with the effective implementation of the legal framework for the fight against the organized crime and corruption (Block Three), Albanian authorities have intensified their work in different directions, continuing to implement the legal framework, increasing the investigative and prosecutorial activities, and recently, setting up a new inter-institutional committee to coordinate efforts in the fight against the organized crime.

To strengthen the administrative capacities, Albanian authorities increased the staff (at central and local level) in order to better fight the organized crime and they also continue to provide the necessary training activities for the newly employed staff as well as for the existing one.

Measures were also taken to strengthen the operational cooperation between law enforcement agencies involved in the fight against organized crime on central and local levels,

as well as between the police and the prosecution offices. The coordination of work between central and local structures for the fight against trafficking in human beings has been strengthened and reporting has been improved.

A number of joint trainings for the police and prosecution were organized aiming at improving the gathering of evidences. Successful operations, based on effective national and international cooperation, have been conducted in cases of organized crime and trafficking of drugs, weapons and human beings.

Progress in the field of effective implementation of the legal framework in the area of the confiscation of organized crime assets mainly refers to the implementation of the 'anti-mafia' law adopted in December 2009. There has been an increase of human resources available at central and local level dealing with the confiscation of criminal assets.

Problems faced during the fulfilment of EU requirements

Even though the Albanian Government has carried out a lot of legal and administrative measures in order to fulfill the EU benchmarks, there were still some concerns of the EU party on visa liberalization regarding Albania and some problems faced during the issuance of biometric passports for Albanians.

The main reservations of the EU party concerning possible visa liberalization with Albania, seem to be linked to the negative records of high migration and diffused organized crime from which the EU has suffered for many years.

Furthermore, the decision by the EU Council was being taken in a period of gloomy developments concerning visa-free travel of citizens of the Western Balkans, especially if we consider the warning of a Home Affairs Commissioner on a renewed visa regime for Serbian and Macedonian citizens, which delayed the decision to remove the visa regime for Albania, Bosnia and Herzegovina. Meanwhile, it was indicated lack of institutional capacity on the side of the Albanian Ministry of the Interiors.

It's a paradox that in that same day that the EU Council decided to abolish the visa regime in Albania, in some Albanian cities like Shkodra, Durrës, Elbasan, Vlorë, people couldn't buy the application coupon to acquire a biometric passport.

The consequences of the visa liberalization

Passing through a long road of achievements, Europeans' suspicions and a lot of technical problems to be faced, finally the EU Council decided "To open the green light for the abolishment of visa regime with Albanians".

Five months after the EU decision on visa liberalization, the European movement Albania EMA, held a survey on the impact of the visa abolishment and the free movement of Albanians into the Schengen area. To conduct this survey, 1120 people were interviewed at national level. Chart 1 deals with the distribution of travellers by reasons of undertaking a trip.

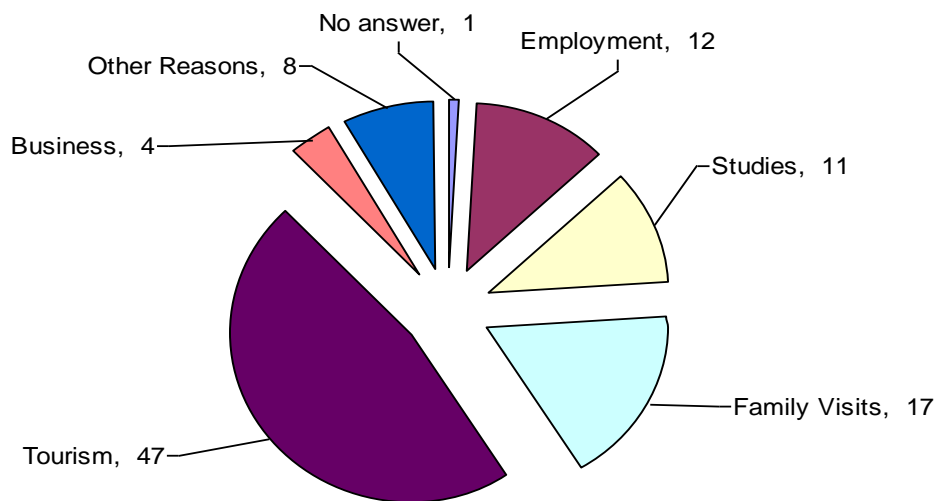


Chart 1. The distribution of travellers by reasons of undertaking a trip

Referring to Chart 1, it seems that the reasons for travelling into the Schengen zone will be 47% for tourism, 17% for family visits, 11% for studies, 4% for business and 2% for employment. The highest percentage of interviewees basically intended to use the visa liberalization largely for the purposes of tourism and family visits while a very small percentage of the interviewees was hoping to find a new employment opportunity. Meanwhile chart two deals with the potential migratory in Albania

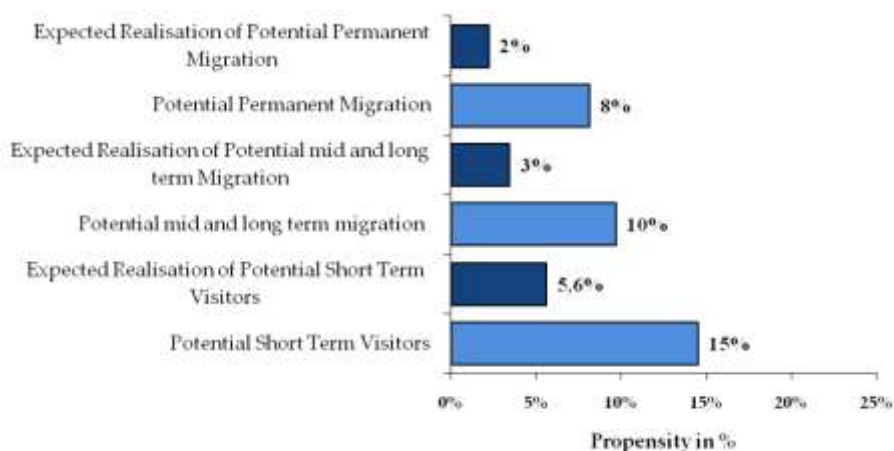


Chart 2. Potential migratory in Albania

Different categories of passengers (from the survey):

- 1) Short term visitors: people who travel or visit the Schengen zone within 0-3 months;
- 2) Medium and long term emigrants: people who plan to visit and stay to Schengen zone for a period from 3 months till a year;
- 3) Potential permanent emigrants: people who plan to move permanently to a Schengen state.

According to this division, the expected percentage of Potential Short Term Visitors is 5,6%, the expected percentage of potential mid and long term migration is 10%, the expected percentage of potential permanent migration is 2%.

Chat 3 shows the propensity to undertake the short term trips before and after visa liberalisation.

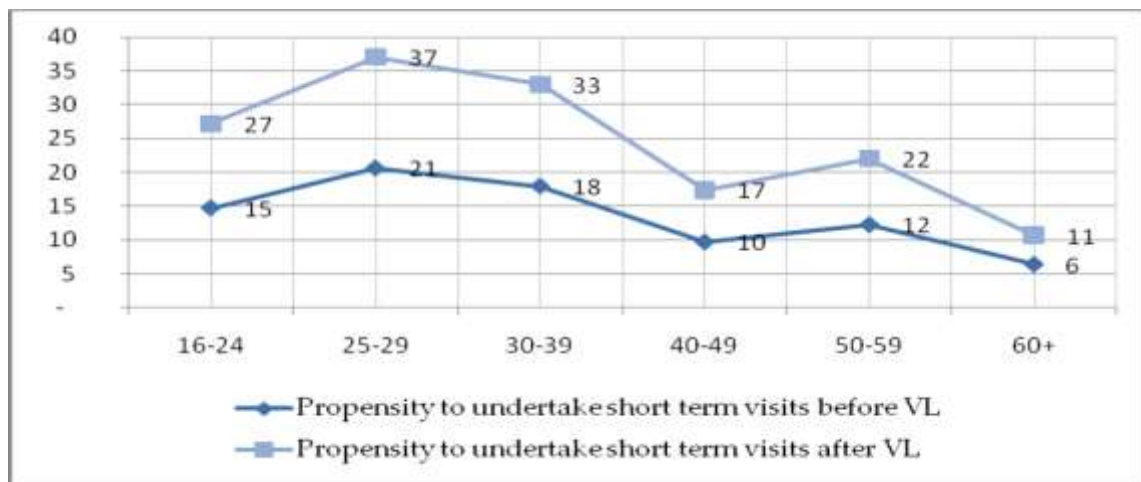


Chart 3. The propensity to undertake short term trips before and after visa liberalization

According to the Chart 3, individuals of 25-30 years of age are the most active participants in every migration movement of the population.

It is interesting to stress that the short term visits 0-3 months held by the category of 50-59 years old have an increase in the above-mentioned graphic.

An important percentage of people leaving the country temporary, are those parents that visit their children living abroad, most probably providing support in child care or other household types of work. This category of people seems to bring a good contribution to the EU countries. Their presence will increase the emigrant's participation and effectiveness at work.

Albania might experience a slight reduction of unemployment, but on the other hand it could lose a part of the remittances that children have traditionally sent home.

At last, chart four shows the propensity to travel after visa migration per different educational level.

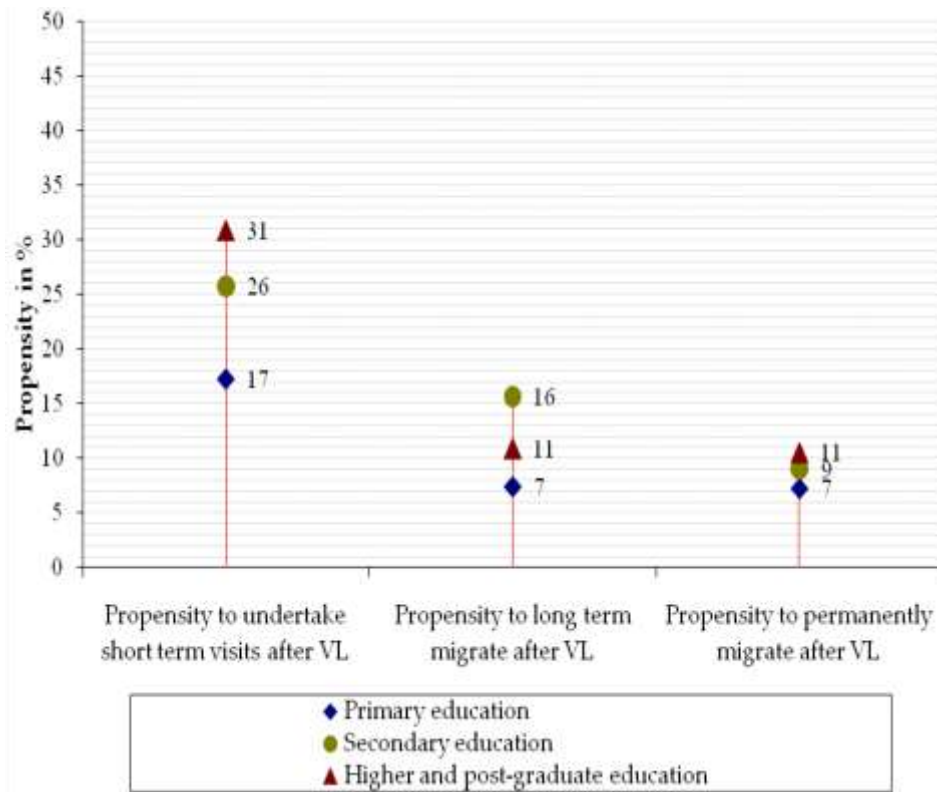


Chart 4. The propensity to travel after visa migration per different educational level

According to this table, people with high education or graduate studies have the highest propensity to undertake short term visits. The higher income level that generally is associated with higher education level, allows this category to afford short term trips in the Schengen area. It is the same category that remains the most interested to migrate permanently, a fact that shows Albania is still in danger experiencing a brain drain.

CONCLUSIONS

With regards to the visa liberalization process in Albania, the efforts undertaken at the Albanian National and European level have led to positive results. Theoretically it was approved a legal framework which certifies a free movement of Albanians into EU borders without visas. Practically the decision taken by the EU Council of Ministers regarding the abolishment of visa regime with Albania was successfully implemented.

According to the Albanian Government the number of asylum seekers to the EU is zero. Another important ascertainment is that the travels have been normal and rejections on border crossing of Albanians have been around two percent, and in line with the region average. It seems that the first step towards the free movement of persons has been carried out successfully. Although visa liberalisation process has been implemented since 12 years still

there is identified a large number of asylum applications during the last years. Balkan countries need to continue addressing the issue of unfounded asylum applications by their citizens, including by strengthening participation in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) and by continuing to organise targeted information campaign. Therefore this study will be of great interest to deepen and analyse in the future.

REFERENCES

- Balkan Insight (2011), *Albanians respect visa liberalisation deal* [Online] February 2011. Available from www.balkaninsight.com/en/article/albanians-respect-visa-liberalization-agreement [Accessed: 28 May 2011]
- BBC News (2010), *MEPs have been urged to "tear down the visa walls" by allowing visa free travel to the EU for citizens of Albania and Bosnia-Herzegovina* [Online] October 2010. Available from news.bbc.co.uk/democracylive/hi/europe/newsid_9058000/9058979.stm. [Accessed: 28 May 2011]
- Bigo, D. & Guild, E. (2005). *Controlling frontiers, Free movement into and within Europe*: Ashgate
- EPP Group in the European Parliament (2010), *Visa Liberalization: Eduard Kukan MEP congratulates Albania and Bosnia and Herzegovina for their achievements on visa free regime* [Online] October 2010. Available from www.eppgroup.eu/press/showpr.asp? [Accessed: 30 May 2011]
- European Forum (2010), *European Parliament approves visa liberalisation for BiH and Albania* [Online] October 2010. Available from www.europeanforum.net/news/980/european_parliament_approves_visa_liberalisation_for_bih_and_albania [Accessed: 28 May 2011]
- Euractiv (2010), *Bosnia, Albania on track for visa free travel on Autumn* [Online] May 2010. Available from www.euractiv.com/.../bosnia-albania-track-visa-free-travel-autumn-news-494586 [Accessed: 22 May 2011]
- Europa. EU (2010) *Visa liberalization for Albania and Bosnia and Herzegovina* [Online] November 2010. Available from www.consilium.europa.eu/uedocs/cms_data/docs/.../117555.pdf [Accessed: 15 May 2011]
- European Movement Albania (2011), *Exploring the impact of visa liberalisation on people's mobility* [Online] April 2011. Available from www.em-al.org/ [Accessed: 26 May 2011]
- Guild, E. (1998). *The legal framework and social consequences of free movement of persons in the European Union*: Springer
- Jano, D. (2010). *The Europeanization of Western Balkans*: VDM
- O'Brennan, J. (2011). *The EU and the Weastern Balcans*: Routledge
- Pecound, A. & de Guchteneire, P. (2007). *Migration without borders*: UNESCO Publishing, Berghahn Books
- Pieter. Van. Der. Mei, A. (2003). *Free movement of persons within the European Community*: Hart Publishing
- Publications Official Centre (2008), *On the adoption of the Crosscutting Strategy: Fight against organised crime, trafficking and terrorism* [Online] July 2008. Available from www.qpz.gov.al/results.jsp?simplequerystring=ndërkufitar&page [Accessed: 10 May 2011]
- Soros Albania (2010), *Monitoring Report on the Visa liberalization process with Albania: The end and the beginning* [Online] October 2010. Available from [www.soros.al/2010/foto/uploads/File/EMA Monitoring Report](http://www.soros.al/2010/foto/uploads/File/EMA%20Monitoring%20Report)