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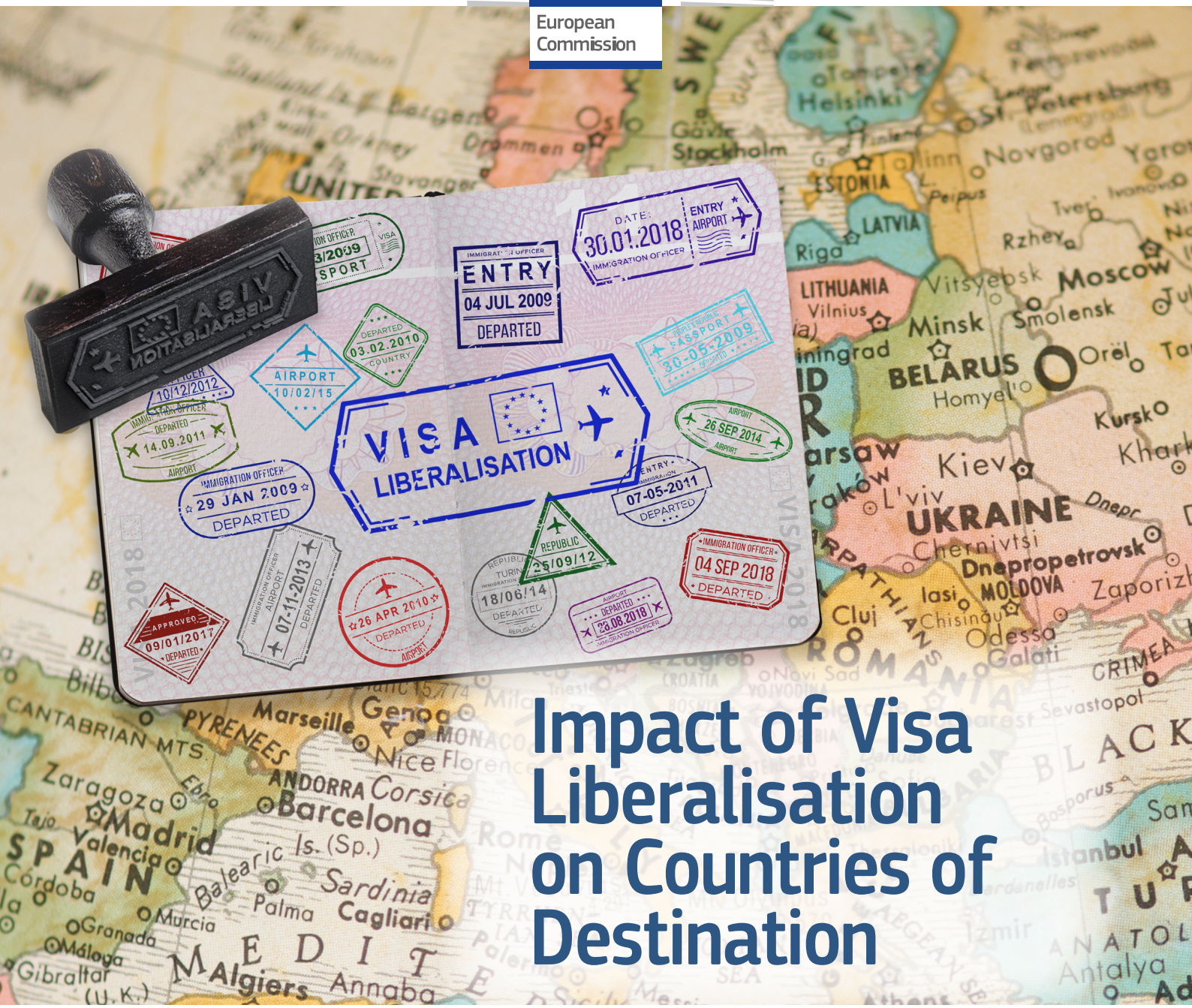

Impact of Visa Liberalisation on Countries of Destination

Synthesis Report for the EMN Study

March 2019

10 YEARS EMN
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Explanatory Note

This synthesis report was prepared on the basis of national contributions from **26 EMN NCPs** (**AT**, **BE**, **CY**, **CZ**, **DE**, **EE**, **EL**, **ES**, **FI**, **FR**, **HR**, **HU**, **IE**, **IT**, **LT**, **LU**, **LV**, **MT**, **NL**, **PL**, **PT**, **SE**, **SI**, **SK**, **UK** and **NO**) according to a common template developed by the EMN and followed by EMN NCPs to ensure, to the extent possible, comparability.

National contributions were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources and reports and information from national authorities. Statistics were taken from Eurostat, national authorities and other (national) databases. The listing of EU Member States and Norway in the synthesis report results from the availability of information provided by the EMN NCPs in the national contributions.

It is important to note that the information contained in this report refers to the situation in the above-mentioned Member States up to and including December 2017 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available national reports and it is strongly recommended that these are consulted as well.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion in this study, but have done so for other EMN activities and reports.

CONTENTS

EXECUTIVE SUMMARY

This synthesis report 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, Republic of North Macedonia, Georgia, Republic of Moldova and Ukraine. This synthesis report 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, this report gives a new perspective into the impacts and challenges of visa liberalisation faced by EU Member States and Norway.

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 UK 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 their policies and practices following changes in migration flows by nationals of the countries benefitting from the visa-free

regime resulting from visa liberalisation. Likewise, considering the different legal frameworks applied in Ireland and the UK, these two Member States' experiences are contrasted against the general EU trends (which, with some exceptions, they mirror).

The synthesis report gives a new perspective into the impacts and challenges of visa liberalisation faced by EU Member States and Norway, including a summary of measures taken. It also brings added value to the reports issued by the European Commission under the visa liberalisation suspension mechanism that centre on the eight countries of origin.

To achieve this, the report looks at a ten-year period between 2007 and 2017 and captures the trends before and after visa liberalisation. As a result, the study includes within its scope the years when visa liberalisation dialogues were concluded with each of the eight visa-free countries and compares trends across multiple years.

Since visa liberalisation is limited to short-term entries (a period of stay not exceeding 90 days in any 180 days period), this report primarily investigates the impact of short-term visa liberalisation. The effects of long-stay residence and other permits, for which the normal prerequisites for long-term immigration apply, go beyond the immediate scope of this report. Where possible (based on availability of data and date of visa liberalisation) a preliminary analysis of the indirect impacts of visa-free travel on trends in Member States and Norway was included. Similarly, as the focus of the study is on the countries of destination of visa-free travel, the experiences of the eight countries of origin regarding visa liberalisation and its impact on their nationals falls outside the scope of this report.

2 METHOD AND ANALYSIS

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.

To account for the different time periods and contexts of visa liberalisation, the eight visa-free countries were grouped into the Western Balkan and Eastern Partnership countries when analysing the available data. This simplified the analysis and presentation of statistical indicators that were collected for the period 2007 – 2017 using national and Eurostat statistics.

The large time frame allows the report to provide insight into the years prior to and after visa liberalisation and detect any changes in the statistical indicators selected for this study. The selection of these indicators took into consideration the benchmarks used by the European Commission to monitor the fulfilment of the visa liberalisation requirements by the respective third countries.

In the cases where Eurostat data was not available, national data was collected and presented as provided in the national reports by EU Member States and Norway (if available). Where applicable the statistical data from Ireland and UK, countries that do not apply the EU visa policy, was considered as a 'control group' to identify if their experience was different when compared to the general trends at EU level.

Due to the temporal scope of the study and the country-specific context of visa liberalisation, the trends and analysis presented in this report did not systematically seek to establish a causal link between visa liberalisation and the various areas examined (i.e. areas of potential impact of visa liberalisation in the countries of destination), but rather identified evidence pointing at a correlation (or absence of it) between the two. Thus, this synthesis report primarily contains a descriptive analysis of available information and statistics.

3 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 UK 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.

3.1 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.

3.1.1 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.

3.1.2 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.

3.2 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.

3.2.1 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.

3.2.2 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.

3.2.3 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.

4 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.

4.1 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.

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.

4.2 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.

4.3 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 this area 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.

4.4 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.

4.5 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.

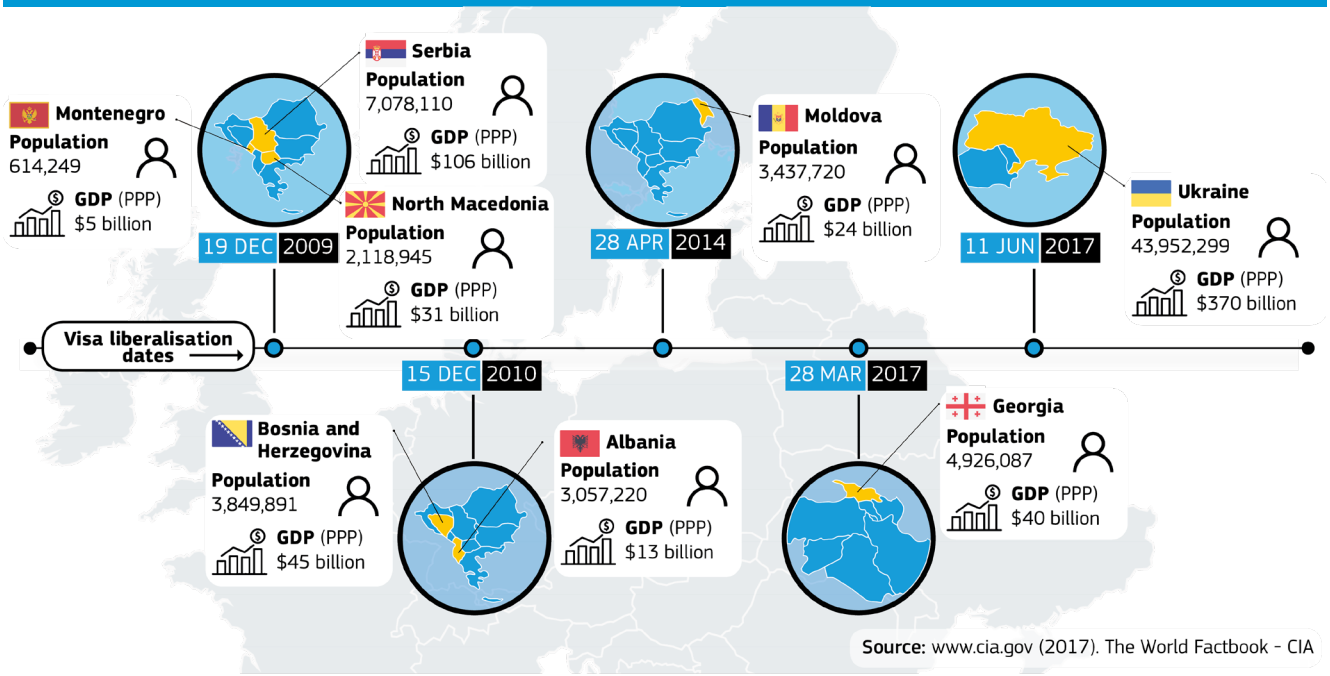
1. INTRODUCTION

According to the European Commission (Commission), visa liberalisation fosters mobility, improves regional cooperation between individual countries and creates more open societies.[1] 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.[2] 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.[3] The EU aims also at achieving full visa reciprocity with the countries whose nationals benefit from visa liberalisation - EU nationals travelling to those countries are also exempted from short-term visas.

This synthesis report presents the main findings of EMN Study on Impact of Visa Liberalisation on Countries of Destination. The report offers a comparative overview of the experience of European Union (EU) Member States and Norway as visa liberalisation has been rolled out for eight countries: Albania (AL), Bosnia and Herzegovina (BA), Montenegro (ME), Serbia (RS), Republic of North Macedonia (MK), Georgia (GE), Republic of Moldova (MD) and Ukraine (UA). Firstly, the report examines the impacts and benefits of visa liberalisation in EU Member States and Norway, as countries of destination. Secondly, it highlights the main challenges encountered, and the measures EU Member States and Norway have set up to counter the potential misuse of visa liberalisation. Finally, the report explores the trends in irregular migration and other issues that have been observed in the EU Member States and Norway during the period 2007 – 2017 regarding nationals of the eight visa-free countries (of origin) mentioned above.

The population and gross domestic product of the countries of origin vary greatly. The population of Ukraine for example, at almost 44 million people, is more than 10 times larger than most of the other third-countries included in the study, as presented in Figure 1 (the data refers to year 2017 for all countries of origin). These differences in size are important in the interpretation of the findings of this report and in understanding the context of the impacts on countries of destination.

Figure 1: Visa liberalisation timeline and countries of origin comparison



Source: www.cia.gov (2017). The World Factbook - CIA

1 European Commission strategy 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans', 12 February 2018, p. 1, COM(2018) 65 final.
2 European Commission, First report under the Visa Suspension Mechanism, 20 December 2017, COM(2017) 815 and SWD(2017) 480.
3 Ibid.

By focussing on the countries of destination, this synthesis reports gives a new perspective on the impacts and challenges of visa liberalisation faced by EU Member States and Norway. It brings added value to the reports issued by the Commission under the visa liberalisation suspension mechanism that centre on the eight countries of origin.[4]

Moreover, it offers a summary of the reported challenges and measures by the countries of destination following visa liberalisation. The results of the report are particularly timely and relevant given that visa liberalisation came into force for Georgia and Ukraine recently, in 2017.[5]

1.1. EU LEGAL AND POLICY FRAMEWORK

For the purposes of establishing a secure and operational border-free Schengen area,[6] the EU adopted a common visa policy for short-term visas or Schengen visas. This policy can facilitate, manage and control migration and serve as a foreign policy tool for the EU.

Visa Code and Regulation

The principal legislative rules concerning procedures and conditions for issuing short-term visas are set out in Regulation (EC) 810/2009 (the Visa Code).[7] Essentially, third-country nationals are required to be in possession of a visa when transiting or travelling to the territory of Schengen States for a period of stay not exceeding 90 days in any 180 days period. To improve the implementation of the common visa policy the EU uses the Visa Information System (VIS)[8] which is a computerised system aimed at facilitating the visa application procedure and the exchange of data between EU Member States and associated states.

Article 1 (2) of the Visa Code provides that nationals of third countries[9] may be excluded from its personal scope in line with Regulation (EU) 2018/1806, which lists the third countries whose nationals must be in possession of a visa when crossing the EU External borders and those nationals that are exempt (the Visa Regulation).[10] Thus, the EU legislature maintains a list of third countries whose nationals' obligation to hold a visa is waived for entering the Schengen area. Following a process of bilateral cooperation with the EU, some third countries, in particular neighbouring countries, have been progressively exempted from visa requirements.

As an element of the Schengen *acquis*, the common visa policy was brought into being as a 'multi-layer system aimed at facilitating legitimate travel and tackling irregular migration'.[11] Underpinning the policy's multi-layered nature, the division of competences between the EU and its Member States for short- and long-term visas was essential. As Article 77 (2) from the Treaty on the Functioning of the European Union highlights, the development of a harmonised visa policy charted short stays only.[12] Waiving visa requirements by adding a third country to the list of third countries whose nationals' obligation to hold a visa is waived for entering the Schengen area merely affects Schengen area short-term stays.[13] In contrast, entry and stay for longer periods of time have been regulated either by virtue of sectoral immigration instruments[14] or rest with the Member States' competence.[15] Visa liberalisation therefore affects one layer of the EU's migration and visa policy only, namely harmonised entry or stay for short periods of time which falls within the scope of this study.

Article 6 of the Schengen Borders Code[16] outlines the necessary conditions for entry into the Schengen area for third-country nationals.[17] Besides the obligation (unless waived) to hold a valid visa, this provision requires third-country nationals *inter alia* to justify the purpose and conditions of their intended stay and proof of sufficient means of subsistence. Only if the respective conditions are met, is a third-country national entitled to enter the Schengen area.[18] Visa liberalisation is thus inherently linked to the facilitation of *bona fide* travelling, including for the purpose of (short-term) economic activity[19] and local border traffic.[20] These effects may exert influence on more permanent stays within the Schengen area, and it is conceivable that visa liberalisation could provide a

4 European Commission, First report under the Visa Suspension Mechanism, 20 December 2017, COM(2017) 815 and SWD(2017) 480.
5 Regulation (EU) 2017/372 (for Georgia) and the Regulation (EU) 2017/850 (for Ukraine).
6 Currently, the Schengen area consists of 22 EU Schengen States: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, the Slovak Republic, Slovenia, Spain and Sweden, and four non-EU Schengen States: Iceland, Liechtenstein, Norway and Switzerland.
7 Regulation (EC) 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visa (Visa Code).
8 Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)
9 EMN Glossary: A country that is not a member of the European Union as well as a country or territory whose citizens do not enjoy the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code).
10 Annex II, which is continuously updated by the means of the ordinary legislative procedure.
11 Cf. Visa Code, Recital 3.
12 Visa Code, Article 1 (1). This is not to say, however, that the EU legislature may re-define the notion of 'short-term stay' as derived from Article 77 (2) TFEU to comprise a longer time period; see to this effect, Thym, Daniel (2016), Legal Framework for Entry and Border Controls. In: Hailbronner; Thym, p. 38.
13 Regulation 2018/1806 of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, Article 4.
14 For instance, instruments based on Article 79 TFEU and the visa regime for family members of EU citizens pursuant to Directive 2004/38, Article 5 (2).
15 Thym, D. (2016), Legal Framework for EU Immigration Policy. In: Hailbronner, K.; Thym, D., EU Immigration and Asylum Law. A Commentary. 2nd Edition, Nomos, p. 272. Member States remain competent to permit short-term stays for third-country nationals under Article 6(5)(c) Schengen Borders Code "for humanitarian grounds, on grounds of national interest or because of international obligations."
16 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).
17 Third-country nationals within the meaning of the Schengen Borders Code include all persons who are not nationals of an EU Member State, a Member State of the European Economic Area (EEA) or Switzerland.
18 Cf. Epiney, A., Egbuna Joss, A. (2016), Schengen Borders Code Regulation (EC) No 562/2006, In: Hailbronner, K.; Thym, D., EU Immigration and Asylum Law. A Commentary. 2nd Edition, Nomos, p. 75.
19 Cf. Peers, Steve (2016): EU Justice and Home Affairs Law. Volume I: EU Immigration and Asylum Law. 4th Edition, OUP, p. 174. According to Regulation 539/2001, Article 4 (3), persons who carry out a paid activity during their stay may be exempted from the scope of visa liberalisation.
20 Regulation (EC) No 1931/2006, Recital 6.

platform for third-country nationals to apply for international protection in the Schengen area.[21] The same holds true for third-country nationals 'overstaying', hence, a *de facto* long-term presence. In both contexts, determining the 'purpose [...] of the intended stay' and in particular the verification thereof, is of pivotal importance.

In parallel and as part of the Smart Borders package[22], the newly established Entry/Exit System (EES) will store the data of all third-country nationals entering the Schengen area, including those who benefit from visa liberalisation.[23] This new development will allow for a systematic tracking of overstays and storage of data concerning refusals of entry which may in return effectuate efforts of return and potentially, entry bans.[24] At the same time, in 2018 the Commission proposed a recast[25] of the Visa Code to link visa and return policies in cooperation with third-countries and a reform of the VIS in order to store data on persons with long-term visas and residence permits and increase the interoperability of the system by linking different databases together (e.g. VIS, EURODAC, SIS).

Visa facilitation agreements and liberalisation dialogues

As of 2018, five Western Balkan countries and three Eastern Partnership countries benefit from visa liberalisation to the EU Schengen area. This situation resulted from a staged process which started with visa facilitation agreements (coupled with readmission agreements), followed by visa liberalisation dialogues and tailor-made visa liberalisation action plans and roadmaps.

The conclusions of the EU-Western Balkans Summit held in 2003 in Thessaloniki started the process of visa facilitation agreements with the Western Balkan countries where the EU aimed at sustaining the rapprochement of neighbouring third countries to reinforce their cooperation in migration management and enable a visa-free travel regime.[26] A similar approach was followed with the Eastern Partnership countries, which in 2017 became part of the "Eastern Partnership - 20 deliverables for 2020" commonly agreed during the Eastern Partnership Summit in November 2017 where the progress on visa liberalisation with these countries was included.[27] Visa facilitation agreements permitted non-EU nationals of EU neighbouring countries to obtain a short-term visa to the EU more easily. The visa obligation remained but procedures were simplified (e.g. smaller or no visa fees and a reduced time frame depending on the categories of visa applicants, determined by the agreement). With the entry into force of the Visa Code in 2010 several of the visa facilitation agreements were updated.

In parallel with visa facilitation agreements, the EU started negotiating readmission agreements, as facilitating access for short-stay in the EU can exert a leverage effect to obtain the cooperation of third-countries in the context of return and readmission.[28] The readmission agreements defined the procedures for the return to the EU or to the partner country of persons found in an irregular situation.

Building on the visa facilitation agreements, the Commission launched visa liberalisation dialogues with the Western Balkan and Eastern Partnership countries. The subsequent visa liberalisation action plans and roadmaps required these countries to fulfil a fixed set of conditions before the abolition of visas. The conditions covered four core areas: (1) document security (including biometrics), (2) border management, migration and asylum management, (3) public order and security, and (4) external relations and fundamental rights. The Commission has thoroughly monitored the continuous fulfilment of these conditions or visa liberalisation benchmarks in accordance with EU law. At the same time, the visa facilitation agreements continue to exist in parallel to visa liberalisation since they apply when a third-country national from the visa-free countries does not use a biometric passport to enter the Schengen area.

Suspension mechanism for Schengen visas

In 2013, the suspension mechanism for Schengen visas was established through Regulation 1289/2013[29] and subsequently strengthened in 2017.[30] This mechanism aimed to ensure that visa-free travel with third countries was not misused by allowing the temporary reintroduction of visa requirements under defined conditions and for certain categories of people, for example, in the event of a substantial increase in irregular migration, a risk to security or for other emergency situations. The revised mechanism can be triggered not only by EU Member States but also by the Commission, with the latter only being able to trigger the mechanism in case the visa liberalisation benchmarks are no longer deemed to be fulfilled. The First and Second Reports[31] under the Visa Suspension Mechanism adopted by the Commission in 2017 and 2018 stated that all the visa-free countries analysed by this study are continuously fulfilling the benchmarks for visa liberalisation, whilst highlighting a number of issues relating to specific countries (with recommendations for immediate actions)[32] and identifying a series of measures to counter these. Several of the benchmarks used by the Commission in their monitoring process are also included in this EMN Study, where data was available.[33]

21 Trauner, Florian; Manigrassi, Emanuele (2014), When Visa-free Travel Becomes Difficult to Achieve and Easy to Lose: The EU Visa Free Dialogues after the EU's Experience with the Western Balkans. In: European Journal of Migration and Law 16, 125-145, 133 et seq.
22 The "Smart Borders" Package was proposed by the Commission in February 2013.
23 Regulation (EU) 2017/2226, Article 26.
24 Regulation (EC) 2008/115, Chapter II.
25 COM (2018) 252: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)
26 Thessaloniki European Council 19 and 20 June 2003, Presidency conclusions, SN 200/03.
27 European Commission, Joint Staff Woking Document: Eastern partnership – 20 Deliverables for 2020, 9 June 2017, SWD(2017) 300 final.
28 Visa facilitation agreements with RU in 2007, with MD, UA and five countries of the Western Balkans in 2008, with GE in 2011, with AM and AZ in 2013.
29 Regulation (EU) No 1289/2013 amending Regulation 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 347, 20.12.2013.
30 Regulation (EU) 2017/371 amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (revision of the suspension mechanism), OJ L 61, 8.3.2017.
31 European Commission, Reports under the Visa Suspension Mechanism from 20 Dec 2017, COM(2017) 815, SWD(2017) 480; 19 Dec 2018, COM(2018) 856 final.
32 In the case of MD, GE and UA the areas requiring immediate action included: the fight against corruption, money laundering, and addressing irregular migration.
33 In particular: irregular migration, overstay, refusal of entry, asylum applications and recognition rates, cooperation on readmission and security risks.

1.2. SCOPE AND LIMITATIONS

This synthesis report focuses on the EU Member States and Norway as countries of destination after visa liberalisation dialogues[34] were successfully concluded with the following eight third countries of origin in order of visa liberalisation year:

- **Western Balkans**: North Macedonia (2009), Montenegro (2009), Serbia (2009), Albania (2010), Bosnia and Herzegovina (2010);
- **Eastern Partnership**: Moldova (2014), Georgia (2017) and Ukraine (2017).

As visa liberalisation with Georgia and Ukraine is relatively recent (2017), the available information was still limited at the time of writing this report. Findings related to these two countries should be considered as preliminary and a longer implementation period will be required to obtain a thorough assessment.

Since the dates of visa liberalisation varied by third-country, the report looks at a ten-year period between 2007 and 2017 to capture the trends before and after visa liberalisation with the relevant third countries. The focus of the study is on the countries of destination, the EU Member States and Norway, and therefore the experiences of the eight countries of origin regarding visa liberalisation and its impact on their nationals falls outside the scope of this report.

The objective of this synthesis report is to consider the policies and practices of EU Member States and Norway following changes in migration flows resulting from visa liberalisation in the eight third countries benefiting from the visa-free regime. Thus, this report investigates the direct impact of short-term visa liberalisation (that ensued for Western Balkan and Eastern Partnership countries). The effects of long-stay residence and visa permits for which the normal prerequisites for long-term immigration apply go beyond the immediate scope of this report. Where possible (based on availability of data and date of visa liberalisation) a preliminary analysis of the indirect impacts of visa-free travel on trends in Member States and Norway was included.

When analysing the information presented in this report, it is important to note that it does not aim to evaluate the visa-free policy with the eight countries included in this study, but rather to give insight into the situation of EU Member States and Norway as countries of destination following visa liberalisation. Moreover, the report does not establish a causal link between visa liberalisation and its findings, but rather indicates a correlation between the two and any explanations are descriptive. For example, the report makes an assumption that visa liberalisation yields effects on cross-border mobility.[35]

At the same time, the available data does not state the procedure pursuant to which a third-country national from visa exempt states entered the state of destination (if the person was exempted from visa or used a conventional short-term visa to enter).[36] The provisions of the visa facilitation agreements continue to apply to third-country nationals of visa-free countries that do not have a biometric passport.

Finally, the common visa policy builds upon provisions of the Schengen *acquis* in which the United Kingdom and Ireland did not take part. Therefore, Ireland and the United Kingdom are not bound by the Schengen visa liberalisation agreements and national provisions regarding visa requirements apply.[37] As such, they continue to operate border controls with other EU Member States and maintain separate national control over visa requirements regarding the entry of third-country nationals on their territory. Nationals of the visa-free countries included in this study wishing to enter Ireland[38] or the United Kingdom are thus required to apply for a national visa.

By contrast, the EU visa policy extends to Norway and Iceland by virtue of their association with the Schengen *acquis*.[39] EU Member States that did not (yet) fully apply the Schengen *acquis* (i.e. Bulgaria, Croatia, Cyprus and Romania) were required to maintain special arrangements until the Council adopted a 'European' Decision'[40] permitting full application of the common visa policy.

34 The visa liberalisation dates are as follows: North Macedonia, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017)

35 Which corroborates the findings of Landesmann M., Leitner S., and Mara I., Should I stay, should I go back or should I move further? Contrasting answers under diverse migration regimes, the Vienna Institute for International Economic Studies, Working Paper 111, January 2015, available at: https://wiiw.ac.at/should-i-stay-should-i-go-back-or-should-i-move-further-contrasting-answers-under-diverse-migration-regimes-dlp-3561.pdf.

36 Visa exemption is exclusively granted to TCNs who provide biometric passports, however entry to the EU can also be granted using a conventional short-term visa regime. The available data does not differentiate between TCNs using either of these entry regimes.

37 Ireland and the UK have short-stay visa requirements in place for all nationalities in the scope of the Study. In terms of short stay visas and the UK, a Standard Visitor visa usually permits people to stay in the UK for up to six months, rather than for 90 days over a 180 day period (as per the EU visa-free travel agreements).

38 It should be noted, however, that nationals of some third countries covered by this study (i.e. Bosnia and Herzegovina, Montenegro, Serbia and Ukraine) are included in the Irish short stay visa waiver programme, whereby a separate Irish short stay visa is not required, when the person has a UK short stay visa and has cleared UK immigration. Nationals of all the third countries covered by this study are, however, required to have an Irish visa for direct travel to Ireland.

39 Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis – Final act.

40 Cf. Act of Accession 2005, Article 4 (2).

1.3. METHODOLOGY

The information presented in this synthesis report is primarily based on secondary sources as provided in the national reports of EU Member States and Norway for this study. The data on national policies and approaches were a key source of information, and in some cases, these were supplemented by evaluations and interviews with relevant national experts to provide evidence of challenges and measures in existing approaches regarding visa liberalisation.

In line with the scope of this report, the collection of statistical data covers the period 2007 – 2017. Where possible, national data was collected since 2007 to allow insight into the previous two years before visa liberalisation was concluded with the Republic of North Macedonia (2009), Montenegro (2009) and Serbia (2009). However, Eurostat data only goes back up to 2008, therefore when reporting on Eurostat data the timeline analysed is 2008 – 2017.

The large timeframe allows the report to provide insight into the years prior to and after visa liberalisation and to detect any changes in the statistical indicators selected for this study. The indicators were selected also in consideration of the benchmarks used by the Commission to monitor the fulfilment of the visa liberalisation requirements by the respective countries.

To simplify the analysis and consider the different time periods and contexts of visa liberalisation each statistical indicator was presented separately for the Western Balkan and Eastern Partnership countries.

The data for the indicators were collected using EU level and national statistics. In the case of EU level data, Eurostat statistics were used to ensure EU-wide comparability of study results. For some indicators, Eurostat data was not available, therefore national statistics were collected and centralised from each EU Member State and Norway as provided in the national reports. In the case of national statistics, the data was obtained from specialised national agencies or institutions dealing with visa policy (e.g. National Police, Asylum and Immigration Services). In the cases where national data is presented, the list of countries that provided such data is specified in the notes under each figure as well as any gaps or limitations that must be considered when interpreting the data.

Where applicable the statistical data from Ireland and the United Kingdom, countries that do not apply the EU visa policy, was considered as a 'control group' to identify if their experience was different when compared to the general trends at EU level relating to the impacts of 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. The visa liberalisation process contributes to this objective by removing a number of administrative and institutional barriers, by abolishing visa application procedures and eliminating visa fees to enter Schengen States. Assuming that this will lead to an increase in the number of short-term visits to the EU, visa liberalisation may bring several direct and indirect benefits to both third-country nationals, partner countries and countries of destination, 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. The direct impacts of visa liberalisation concern areas closely connected to EU visa policy, such as increasing short-term stays in EU Member States and Norway (section 2.1). As visa liberalisation does not change the conditions of entry and long-term stay as set out in the EU and national legislation, the possible effects on the labour markets and the wider economy of countries of destination are less tangible and measurable in view of the study's time-frame. Nevertheless, the study examines the possible added value of visa liberalisation for countries of destination in relation to their labour markets, to stimulating entrepreneurship and to attracting foreign students, as well as in matters related to overall cooperation on migration, returns and readmission with the visa-free countries (section 2.2).

2.1. DIRECT IMPACTS OF VISA LIBERALISATION

Cumbersome and time-consuming barriers to entry into the EU can deter potential tourists from travelling to the EU and, ultimately, result in a loss in tourism revenue in EU Member States and Norway.[41] Hence short-term travel (for tourism, business, family and study purposes) is one of the most visible and measurable effects of visa liberalisation on destination countries. This study examines in particular the effects of visa liberalisation on the tourism sector of countries of destination, as visa-free regimes reduce the preparation time and costs associated with travelling to the Schengen area (see section 2.1.1).

Simplifying or removing visa requirements altogether benefits third-country nationals who can travel visa-free to the EU. Mirroring this, visa liberalisation is assumed to reduce the administrative burden on diplomatic posts of the country of destination, as they no longer have to process visa applications. However, this is not the case in all Member States where visa liberalisation may have increased the workload of other national authorities, an issue which was also examined by the study (see section 2.1.2).

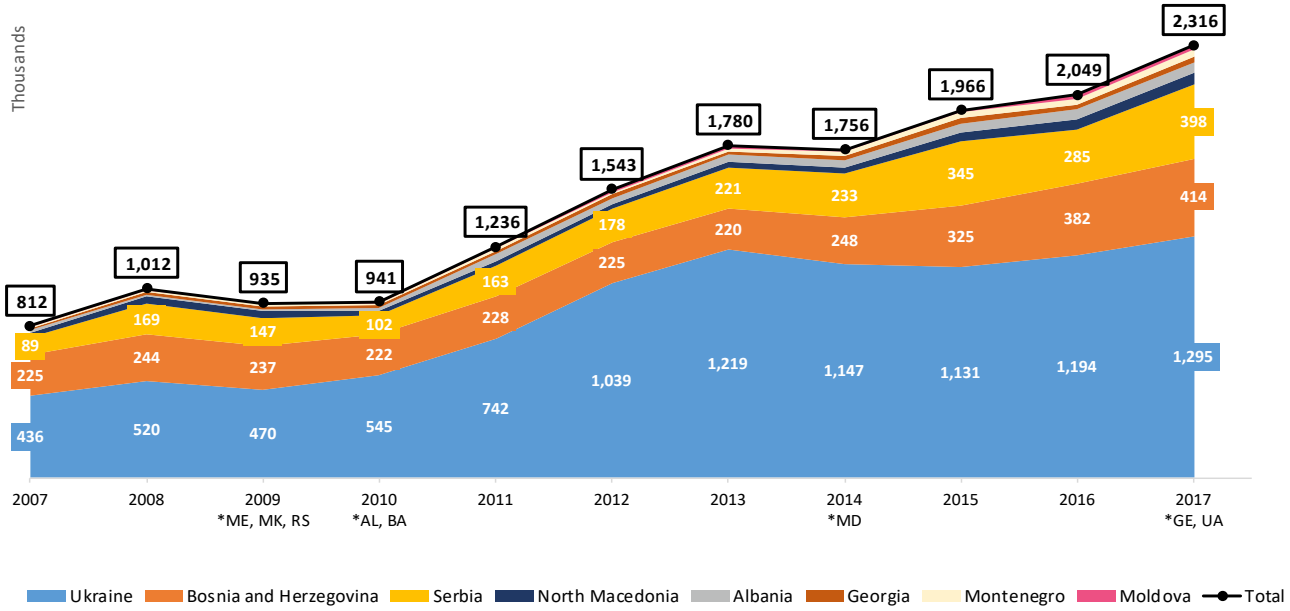
2.1.1. Impacts on the tourism sector

The study measured the effects of visa liberalisation on tourism by considering the number of nationals of the visa-free countries staying in hotels and other accommodation in EU Member States and Norway. While indeed visa liberalisation is expected to foster short-term stays to the EU such as tourist visits, the size of the population, the context and level of economic development of a visa-free country are additional factors influencing tourism statistics. It is also worth noting that 'traditional' tourism statistics (i.e. number of visitors staying at hotels) does not capture the full picture as visitors may stay with family and/or friends. In the case of the visa liberalisation countries, there are, for example, important diasporas of nationals from the Western Balkans living in Germany, Italy and Hungary, and of Eastern Partnership countries in the Czech Republic, Poland and Romania.

According to national data on the number of visitors compared to the total number of other (third-country and EU) nationals visiting EU Member States and Norway during 2008-2017, the share of tourists from visa-free countries did not exceed 0.60%. However, the total number of tourists from visa-free countries followed a similar trend as the total number of tourists to EU Member States and Norway which doubled from 2008 to 2017 (see Figure 2).

41 See for example the European Commission study on the economic impact of short stay visa facilitation on tourism industry, 2013, available here.

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).

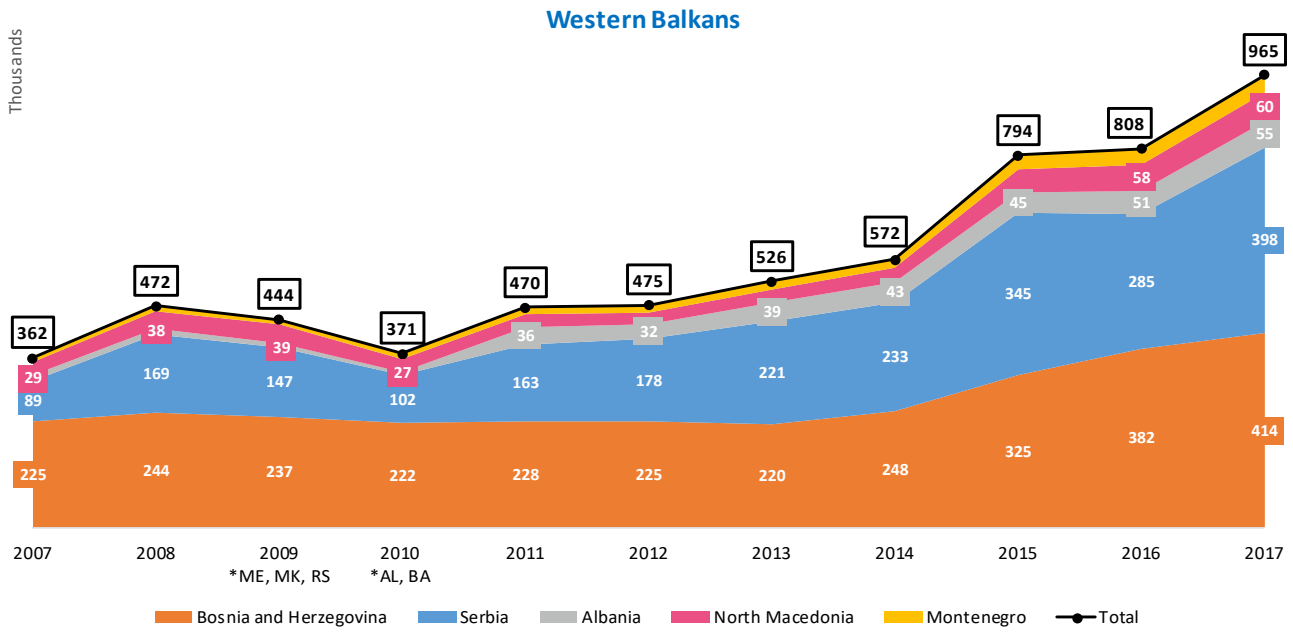
**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

Overall, national statistics showed that the number of tourists from the visa-free Western Balkan countries (staying in hotels and other accommodation) gradually increased each year and more than doubled between the introduction of visa liberalisation in 2009 and 2017, as shown in Figure 3.[42] In particular, an increase of Bosnian and Serbian tourists can be observed as of 2013, which also represented the two countries with the highest numbers of tourists in terms of absolute numbers among the Western Balkan countries. The main Member States of destination for Serbian nationals were the neighbouring States of Croatia, Hungary, Slovenia and the Slovak Republic; likewise, the main countries of destination for tourists from Bosnia were Croatia and Slovenia. The above increasing trend of tourists from Western Balkans was confirmed by five Member States which, although flows were modest in numbers compared to the total number of tourists visiting their country, implied a positive impact of visa liberalisation on tourism from the visa-free countries.[43] An exception to this was Finland where the number of tourists from the Western Balkans staying in Finnish tourist accommodation establishments declined between 2007 and 2017.

42 The following EU Member States plus Norway provided data for this indicator: AT (Ukraine), BE, CZ (only data for Serbia together with Montenegro, and Ukraine), EE (only Albania and Ukraine), ES, FI, HR, HU, IE, LT, LU, LV, NL, PL, PT, SE, SI, SK and NO.

43 HU, LU, LT, PL, and SK.

Figure 3: 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: 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), HU, IT, LT (data only as of 2012), LU (data on Montenegro and Georgia only as of 2010), PL, SE, SI (data only as of 2015), SK (only Montenegro, Serbia and Ukraine) and NO (data only as of 2017).

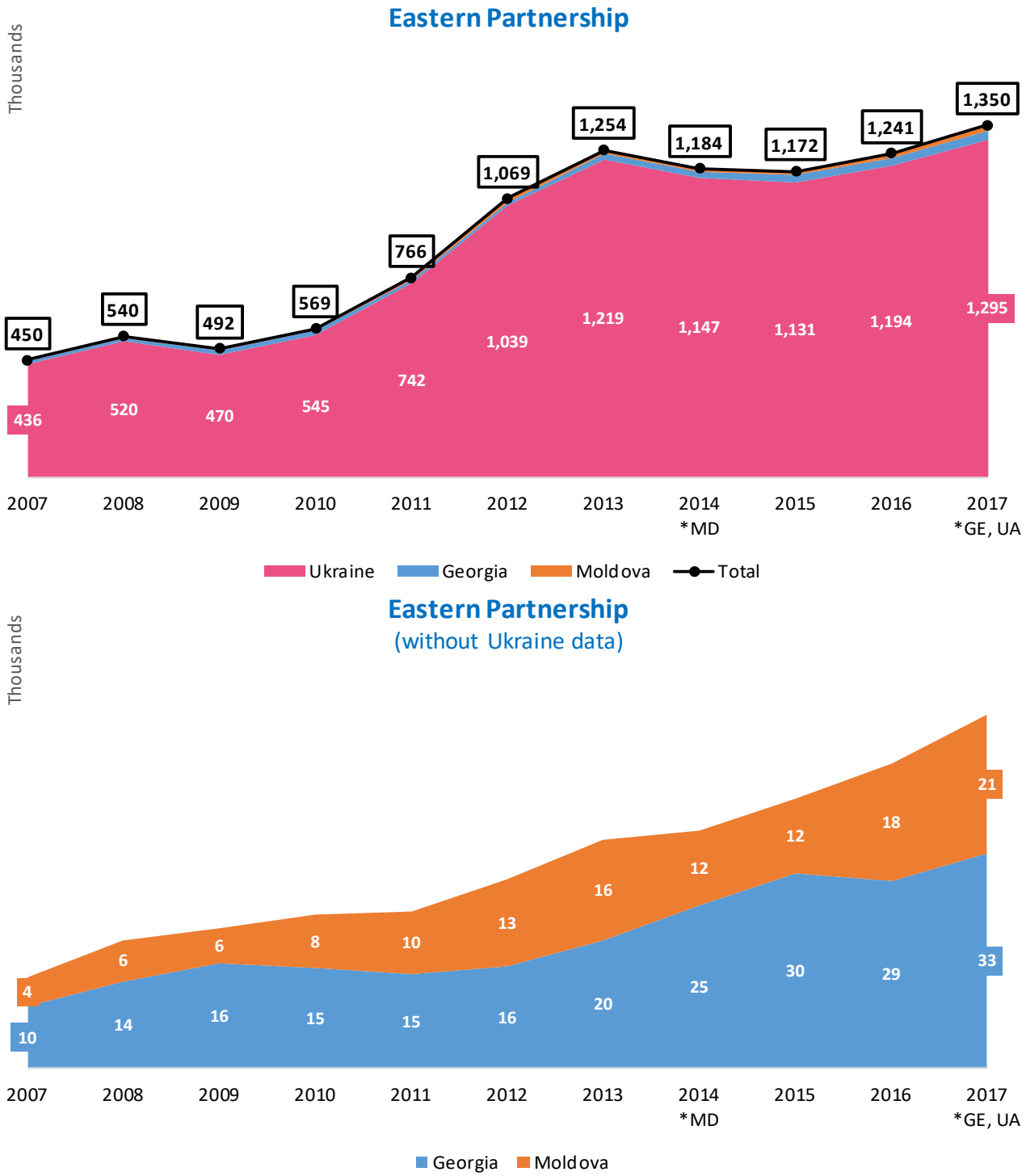
**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

As for Eastern Partnership countries, tourists from the Ukraine, the country with the largest population, were the highest in absolute numbers during 2007-2017 when compared with the figures for Moldova and Georgia as well as other visa-free countries altogether (see Figure 2 and 4). Poland was the main country of destination for 30% of Ukrainian tourists on average during this period, together with Czech Republic and Hungary. Compared to 2016, the year preceding the introduction of the visa-free regime, an increase of 8.5% was observed in the number of Ukrainian tourists to EU Member States and Norway in 2017. The number of Ukrainian tourists increased in 2017 compared to 2016 in Belgium, Estonia, Spain and Poland, reportedly because of visa liberalisation. Tourism from Moldova increased slightly between 2014 and 2017 but numbers overall remained low: after a decrease in the immediate aftermath of the implementation of the visa-free regime in 2014 and 2015, the number of visitors staying in hotels and other accommodation establishments from Moldova increased in 2016 and 2017, reaching in 2016 – then surpassing in 2017 – the number of visitors before visa liberalisation.

Five Member States could not establish a relationship between the number of visitors from the visa-free countries staying in hotels and other accommodation and visa liberalisation.[44] In nine EU Member States and Norway, this was not possible mainly due to a lack of disaggregated data for each nationality (including for each of the eight visa-free countries concerned) in national statistics on the number of nationals of the visa-free countries staying in hotels and other accommodation.[45]

44 CZ, FI, HR, IT, SI.
45 AT, CZ, DE, FR, IE, LV, NL, PT, SI, and NO (statistics disaggregated per nationality available only as of 2017).

Figure 4: 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), ES (data only as of 2013), FI, HU, IT, LT (data only as of 2012), LU (data on Montenegro and Georgia only as of 2010), LV (mainly 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: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

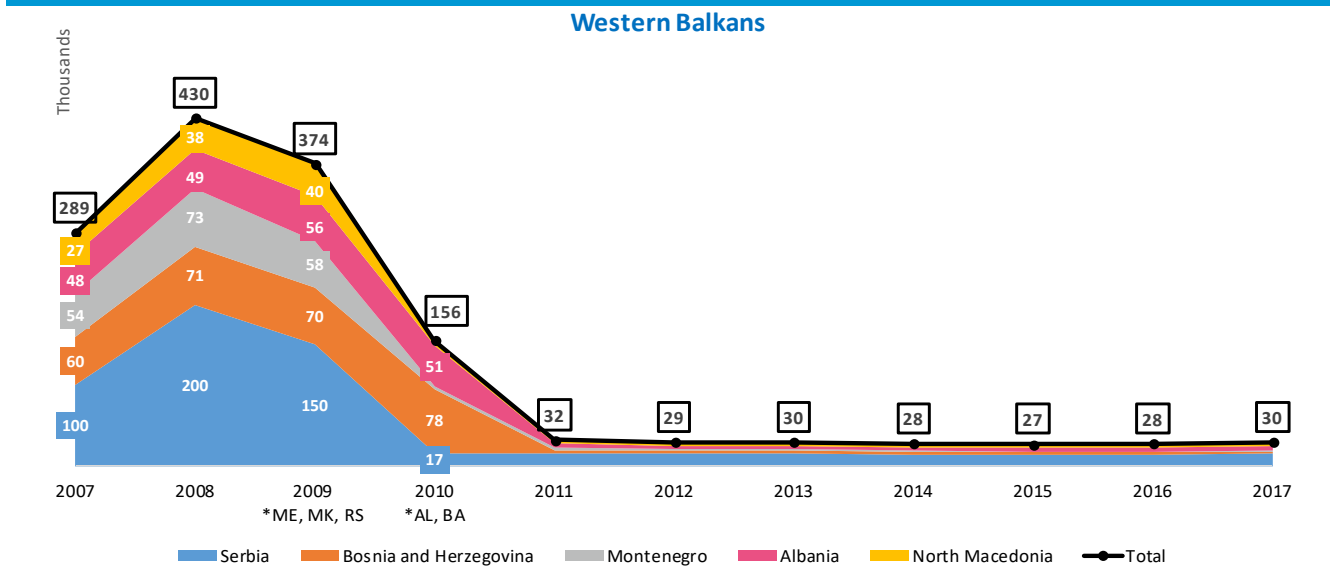
2.1.2. Impacts on administrative burdens on public authorities

Overall, the visa-free regimes greatly reduced numbers of short-stay visa requests for third-country nationals with a biometric passport (see Figures 5 and 6) and thus the workload of diplomatic staff in consulates required to process them decreased. For instance, seven Member States stopped the collection of data on the number of visa applications the year following visa liberalisation with North Macedonia, Montenegro, Serbia, Albania and Bosnia and Herzegovina, and Moldova.[46] Nine Member States specifically confirmed that there was no additional administrative burden after visa liberalisation.[47] In the case of Ireland and the United Kingdom, national visa requirements still apply to the eight countries of origin following visa liberalisation and this is reflected in the figures below.

While visa liberalisation may have reduced the administration workload in some authorities, sometimes it resulted in a higher workload in others. For example, entry conditions are no longer checked through a visa application but instead at the entry of a State part of the Schengen area. As such, the responsibility to check that entry conditions are fully respected by nationals of the visa-free countries falls on border control authorities.[48]

Moreover, a concern shared by ten Member States was the identification of possible misuse of the visa-free regime,[49] resulting in national authorities having to carry out more thorough and time-consuming controls to avoid identity fraud, irregular migration or illegal employment, [50] to process increased asylum applications and to enforce returns[51] (see also section 3). The fact that visa facilitation agreements and visa-free regimes continued to exist in parallel was also reported as an additional administrative burden in three Member States: national authorities needed to assess possible differences in the length of stay of third-country nationals using biometric (no visa attached) and non-biometric passports (visa included in the passport).[52]

Figure 5: Total number of short-stay visa applications by third country 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, BE (data only as of 2008), CZ, DE (Montenegro as of 2011), EE (no data on North Macedonia, Montenegro and Serbia as on 2010; no data on Albania and Bosnia Herzegovina as of 2011), ES (data as of 2010), FI (no data on North Macedonia, Montenegro and Serbia as on 2010; no data on Albania and Bosnia Herzegovina as of 2011), FR (data as of 2010), HU (no data for Montenegro as of 2010 and Bosnia and Herzegovina as of 2014), IE (data as of 2010), IT, LT, for LV, NL, PL, SE, SI (no data on North Macedonia, Montenegro and Serbia as on 2010; no data on Albania and Bosnia Herzegovina as of 2011), SK (data as of 2010), UK and NO.

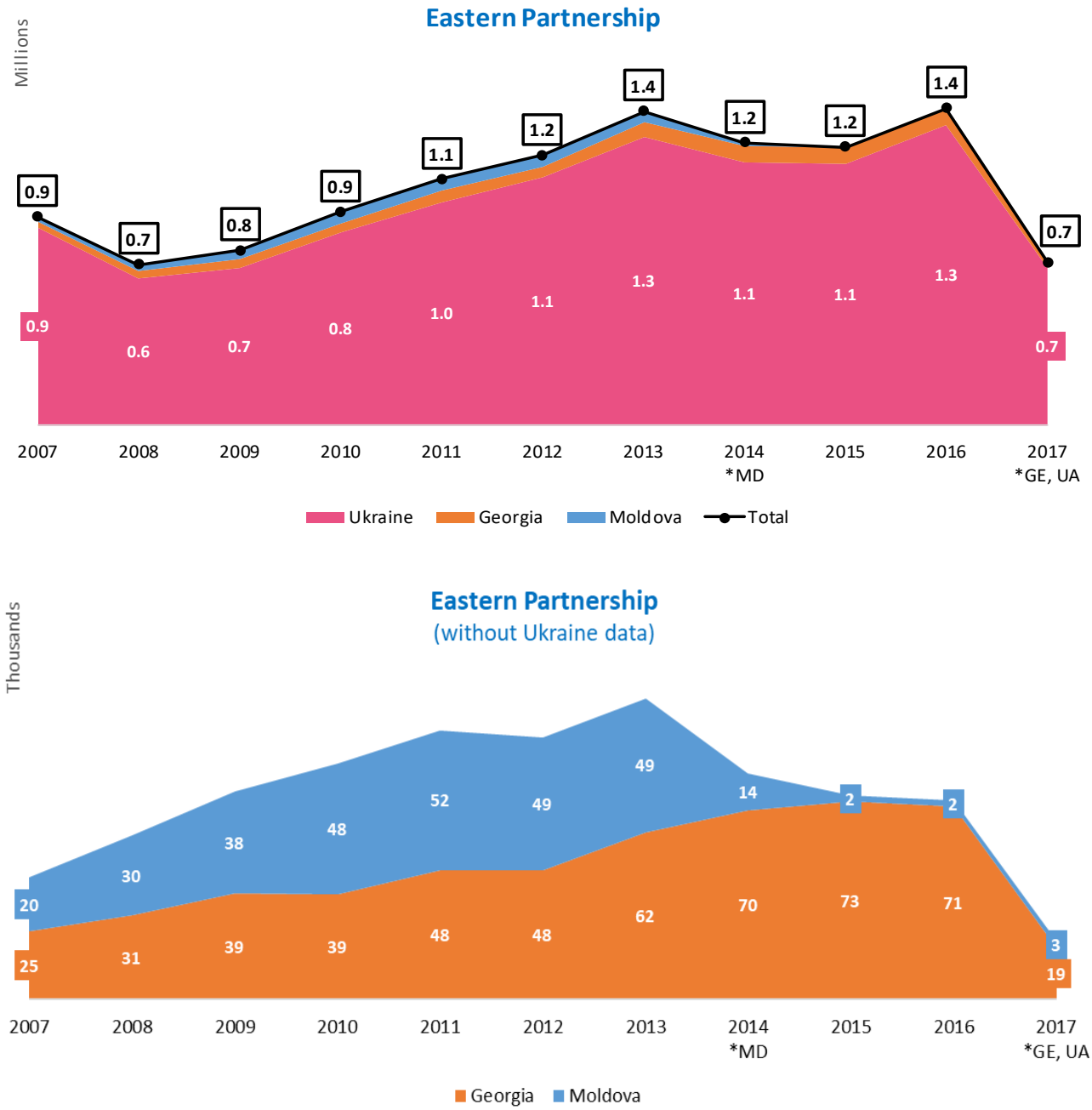
IE and UK still apply visa requirements to the eight third-countries analysed by this study.

The UK data provided is not based on short-stay visa applications but visitor visa grants. The standard visitor visa usually permits people to stay in the UK for up to six months.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

46 EE, FI, HU, LV, NL, PL and SE
47 AT, CY, DE, ES, HR, HU, LT, PT and SI.
48 BE, DE, EE, FI and SK.
49 BE, CZ, DE, EE, FI, HU, LT, LV, SI and MT.
50 BE, CZ, DE, FI, EE, NL and HU.
51 BE, FI, LU and NL.
52 CZ, FI and PL reported that there were instances where Ukrainian or Moldovan nationals had used two passports to benefit from the visa on the non-biometric passport and the visa-free regime associated with biometric passports; as a result, there may be variations in the authorised length of stay in a visa (applied for and included) in a non-biometric passport and the date of entry in the Schengen area with a non-biometric passport as a result of the visa-free regime.

Figure 6: Total number of short-stay visa applications by third country 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 (only Ukraine and as of 2010), BE (data only as of 2008), CZ, DE, EE (no data on Moldova as of 2015), ES (data as of 2010), FI (no data on Moldova as of 2015), FR (data as of 2010), HR (only as of 2013), HU, IE (data as of 2010), IT, LT, LU (data only on Ukraine and as of 2014), LV (no data on Moldova as of 2015), NL (no data on Moldova as of 2015), PL (no data on Moldova as of 2015), PT (data as of 2010), SE (no data on Moldova as of 2015), SI, SK (data as of 2010), UK and NO.

IE and UK still apply visa requirements to the eight third-countries analysed by this study.

The UK data provided is not based on short-stay visa applications but visitor visa grants. The standard visitor visa usually permits people to stay in the UK for up to six months.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

2.2. INDIRECT IMPACTS OF VISA LIBERALISATION

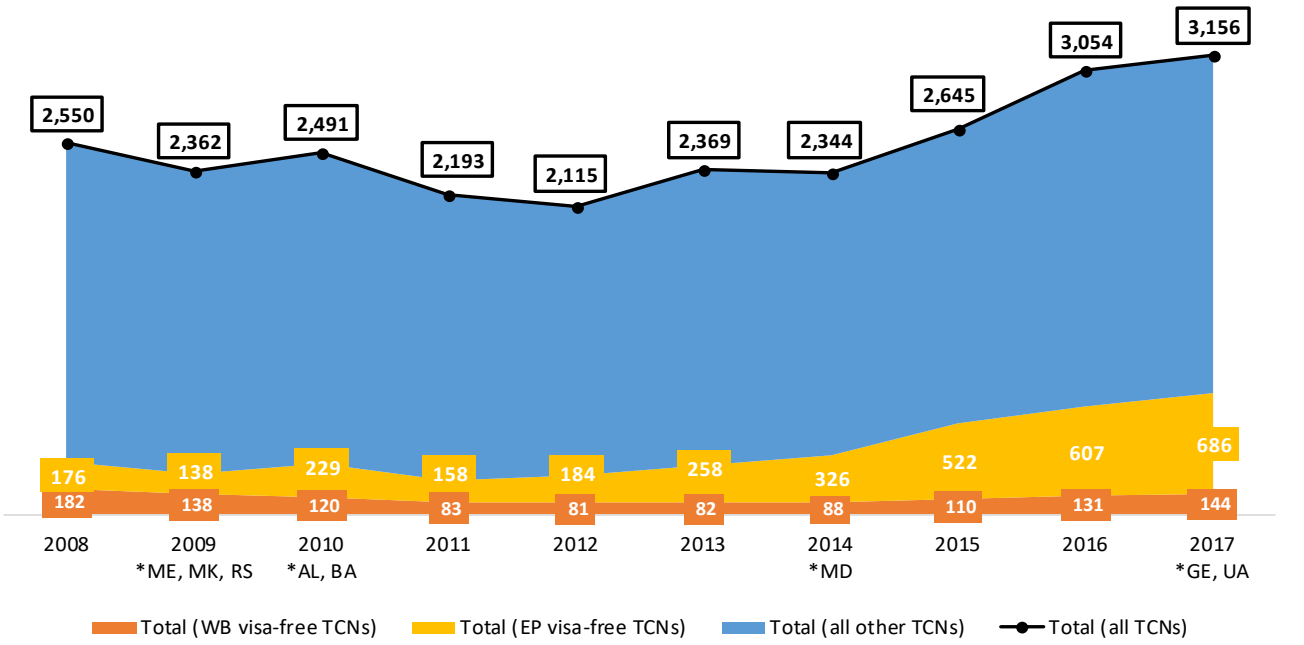
While visa liberalisation and EU visa policy in general only concern short-term stays rather than legal migration more widely, a visa-free regime that fosters mobility, improves regional cooperation between individual countries and creates more open societies, may exert some effect on the choice of people 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 in terms of meeting employment needs, entrepreneurship and the attraction of international students. Additionally, cooperation of visa-free countries on returns and readmissions of their nationals are a pre-requisite for the implementation of visa-free regimes, which – being part of the visa liberalisation benchmarks (see introduction) – are closely monitored by the Commission and concerned Member States.

As Ireland and the United Kingdom do not take part in EU visa policy and have in place national requirements to facilitate all short-term stays, the analysis in this section will present findings reported by Ireland and the United Kingdom separately – where relevant – from those reported by other EU Member States and Norway.

According to Eurostat data, the total number of first residence permits issued to nationals of the eight visa-free countries has more than doubled since 2008 and nationals from these countries represented a gradually increasing share of all third country newcomers too in the EU and Norway, from 14% in 2008 to a peak of 26% in 2017 (see Figure 7 below). This would suggest that there may be some relation between visa liberalisation and legal migration.

A closer examination of the reasons for which residence permits were issued showed that increasingly, nationals from the visa liberalisation countries came for employment reasons. While these represented generally half of all residence permits until 2015, since then this share has exceeded 60% and reached 77% in 2017 (see Figure 8 below). As shown in Figure 9, a majority of residence permits for remunerated reasons were issued to Ukrainian nationals (see also section 2.2.1). Residence permits issued for family reasons rank second and for education reasons third.

Figure 7: Total number of first-time residence permits issued in the EU (without IE and UK) and Norway, 2008-2017

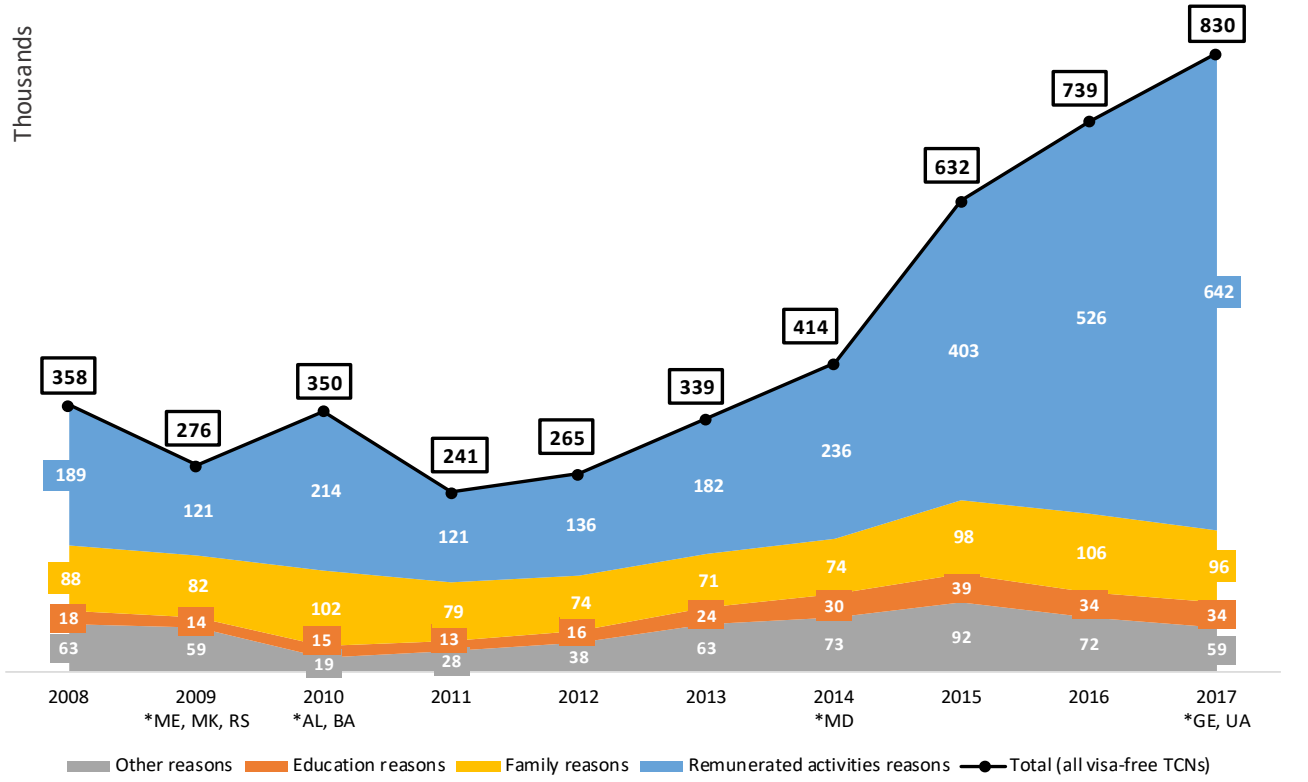


Source: Eurostat [migr_resfirst], data extracted on 09/11/2018.

Notes: The dataset excludes Ireland and the UK which are not part of the EU visa policy.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Figure 8: Total number of first-time residence permits issued to visa-free country nationals by reason in the EU (without IE and the UK) and Norway, 2008-2017



Source: Eurostat [migr_resfirst], data extracted on 09/11/2018.

Notes: The dataset excludes Ireland and the UK which are not part of the EU visa policy.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

2.2.1. Visa liberalisation and countries of destination labour market

While visa liberalisation has not created any right to legally reside in a Member State and to access the labour market there (which is regulated by EU and national laws), facilitated short-term access to the EU could encourage third-country nationals of these countries to consider moving to the EU for the purpose of work. As a rule, in most EU Member States and Norway, third-country nationals benefiting from visa liberalisation would need to lodge an application for a residence permit for remunerated activities reasons *before* entering the territory of a Member State. In contrast and as a rule in eight Member States and Norway,[53] third-country nationals can apply for a residence permit, including for remunerated reasons, when legally staying in those Member States. Thus, visa liberalisation could facilitate a third-country national to undertake one or more short trips to explore employment opportunities in a Member State of his/her choice and in some cases, make an application for residence on the grounds of employment from the territory of the Member State.

The overall number of residence permits for remunerated activities reasons to nationals of the visa-free countries has risen sharply in the last few years, collectively representing 71% of the total residence permits granted for this reason in 2017 (see Figure 9). However, the analysis below shows that this was mostly driven by high numbers of Ukrainian nationals whose migration choice may have been influenced by the situation of political unrest in their own country, and by specific national schemes to facilitate migration put in place by the Czech Republic and Poland and which were not linked to visa liberalisation. Concerning other Eastern Partnership visa-free countries, no marked increase in residence permits issued to nationals of Moldova between 2014 and 2017 was observed in the EU Member States and Norway, with the exception of Poland and Czech Republic. Lastly, Poland was also the main country of destination of Georgian labour migrants in 2017 (over 1 200 residence permits) and Germany second (almost 500 residence permits).

Eurostat figures show that the number of residence permits issued for remunerated activities reasons to nationals of visa-free countries decreased somewhat in the years following the implementation of the visa-free regimes, in line with the overall negative trend which can be attributed to the economic crisis, while gradually increasing in 2016 and 2017 (see Figure 9).

The reduction in the numbers of residence permits issued for remunerated reasons, particularly noticeable between 2011 and 2013, can be largely attributed to

53 AT, BE, EE, HU, LT, LV, SK, PT and NO. In France this is only possible for employments that last maximum three months (the legal duration of stay with a short-stay visa) and in Spain, only for specific types of permits (e.g. highly qualified professionals, entrepreneurs, researchers, investors).

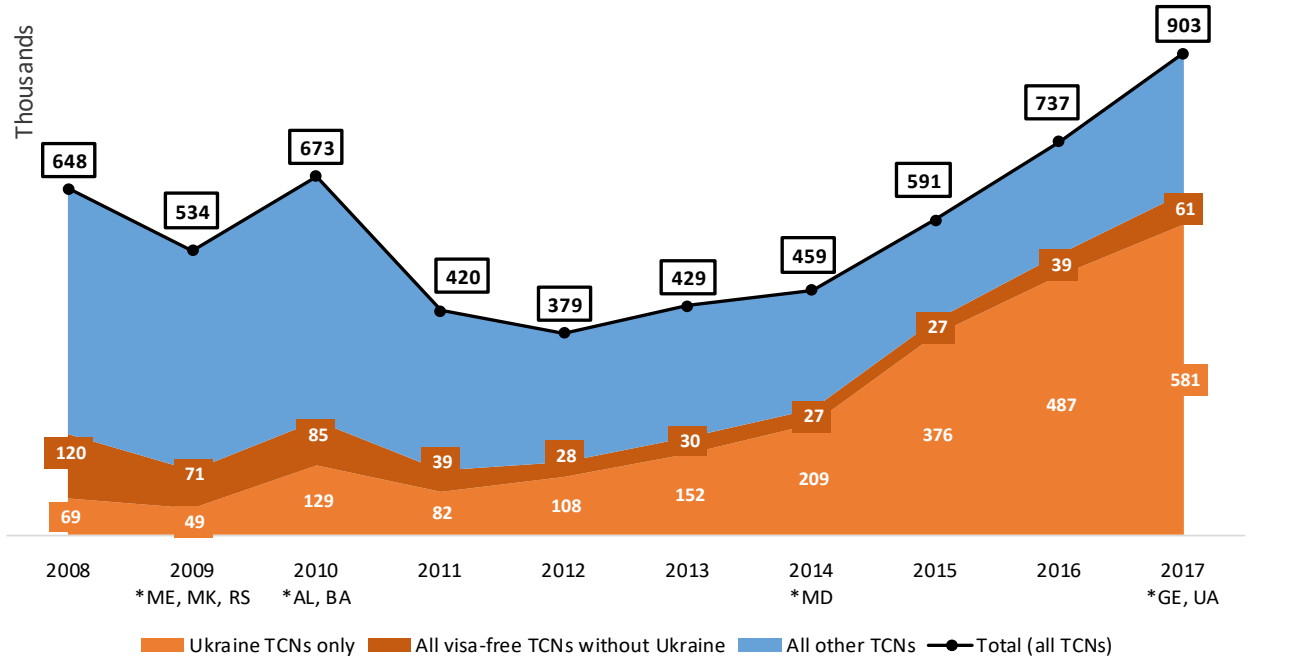
the economic crisis and the measures taken in some Member States to curb migration. Italy, for example, has reduced its annual employment quotas since 2011 in light of the reduced need of new workers. The Italian system of quotas was used to cooperate on migratory themes and contributed to strengthening collaboration on labour migration with visa-free countries and their nationals benefitted from reserved quotas within the annual decree that sets the numbers of entries for work.

Box 1: Ukrainian nationals receive the highest number of residence permits for remunerated activities reasons

Ukrainian nationals received more than half of all residence permits issued for remunerated activities since 2015. This represents nearly 600 000 persons in 2017, the year of visa liberalisation (see Figure 9). In 2017, the main country of destination for Ukrainian nationals was Poland with 545 000 permits issued for remunerated activities, followed by Czech Republic and Italy ranking second and third with more than 9 700 and 8 600 issued permits respectively. More recently, Estonia noted a substantial increase in short-term employment registrations by Ukrainian nationals, passing from 5 590 short-term work registration decisions in 2017 to 6 640 in the first 6 months of 2018.

The high number of residence permits issued to Ukrainian nationals was mostly due to proactive Czech and Polish labour market initiatives and to the fact that Ukraine accounts for the highest populated country among all visa-free countries examined. As an example, Ukrainian nationals wanting to migrate to Poland benefited from a scheme introduced by the government as early as 2008, which enables them to obtain short-term employment in Poland (maximum 6 months in a 12-month period) without having to apply for a work permit.[54] Similarly, the Czech Republic adopted a special migration scheme – in 2016 and broadened it in 2017 – in favour of Ukrainian nationals under which they could access long-term (exceeding one year) employment opportunities in the Czech Republic.

Figure 9: Total number of first-time residence permits issued for remunerated activities reasons in the EU and Norway (without IE and UK), 2008-2017



Source: Eurostat [migr_resfirst], data extracted on 09/11/2018.

Notes: The dataset excludes Ireland and the UK which are not part of the EU visa policy.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

54 Third-country nationals are allowed to work upon a declaration by the employer.

As regards nationals of visa-free Western Balkan countries (see Figure 10 below), this trend was most visible concerning residence permits issued to Albanian nationals by States participating in the EU visa policy, which dropped from 29 309 to 10 386 between 2010 and 2011. From 2015, an increase was observed but this has not yet reached the level before visa liberalisation (5 627 in 2017). While historically – and confirmed by Eurostat data, Italy and Greece were the main Member States issuing permits for remunerated activities grounds to Albanian nationals, Germany ranked first in 2017, confirming a trend which started in 2016.

Labour migration from Bosnia and Herzegovina to Member States participating in the EU visa policy has increased steadily since the introduction of visa-free travel in 2010 (3 713 permits), increasing in 2016 (11 472 permits) and 2017 (20 420 permits). These labour migrants went mainly to Slovenia and Italy until 2011-2012, and since then to Germany.

The majority of labour migrants from Serbia also went to Italy, Slovenia and Germany until 2016, but Hungary and the Slovak Republic have also become important destination countries of labour migration since 2017.[55]

The number of residence permits for remunerated activities reasons issued to nationals from Montenegro by EU Member States and Norway remained low throughout 2008-2016, barely exceeding 250 permits issued.

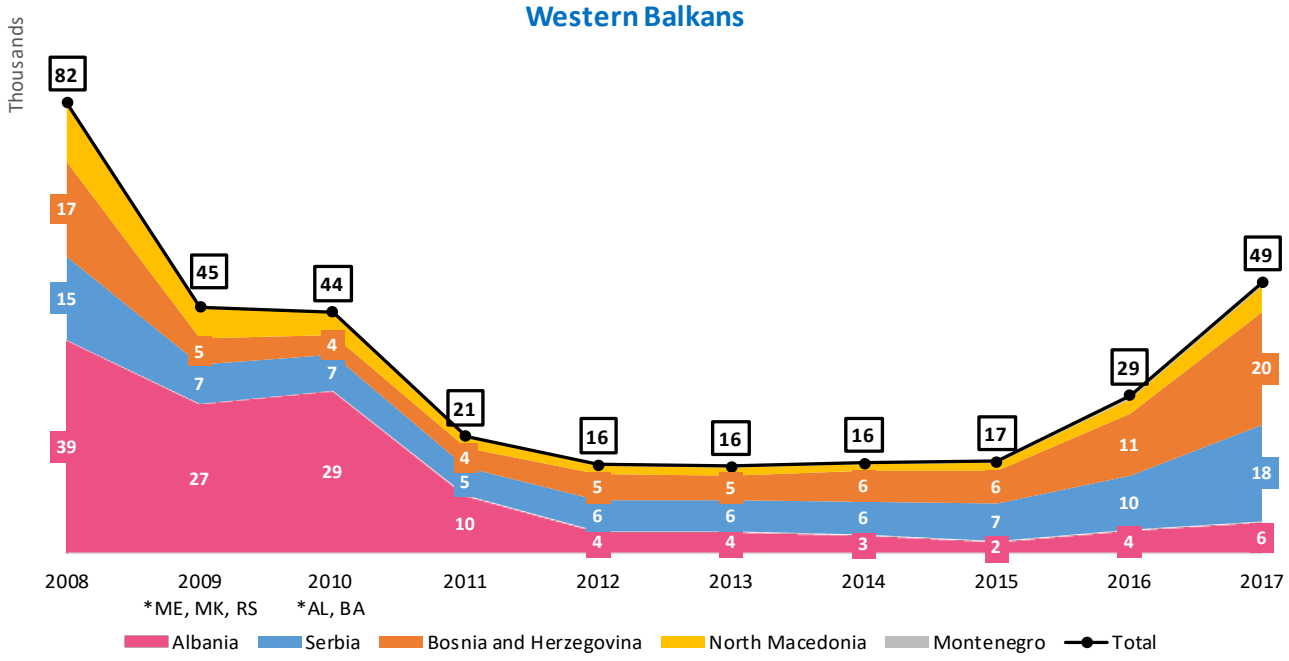
As with other Western Balkan visa-free countries, Germany was the main country of destination of Montenegrin labour migrants in 2016 and 2017, issuing around half of the permits for remunerated activities purposes.

Box 2: Labour migration scheme for Western Balkan nationals in Germany

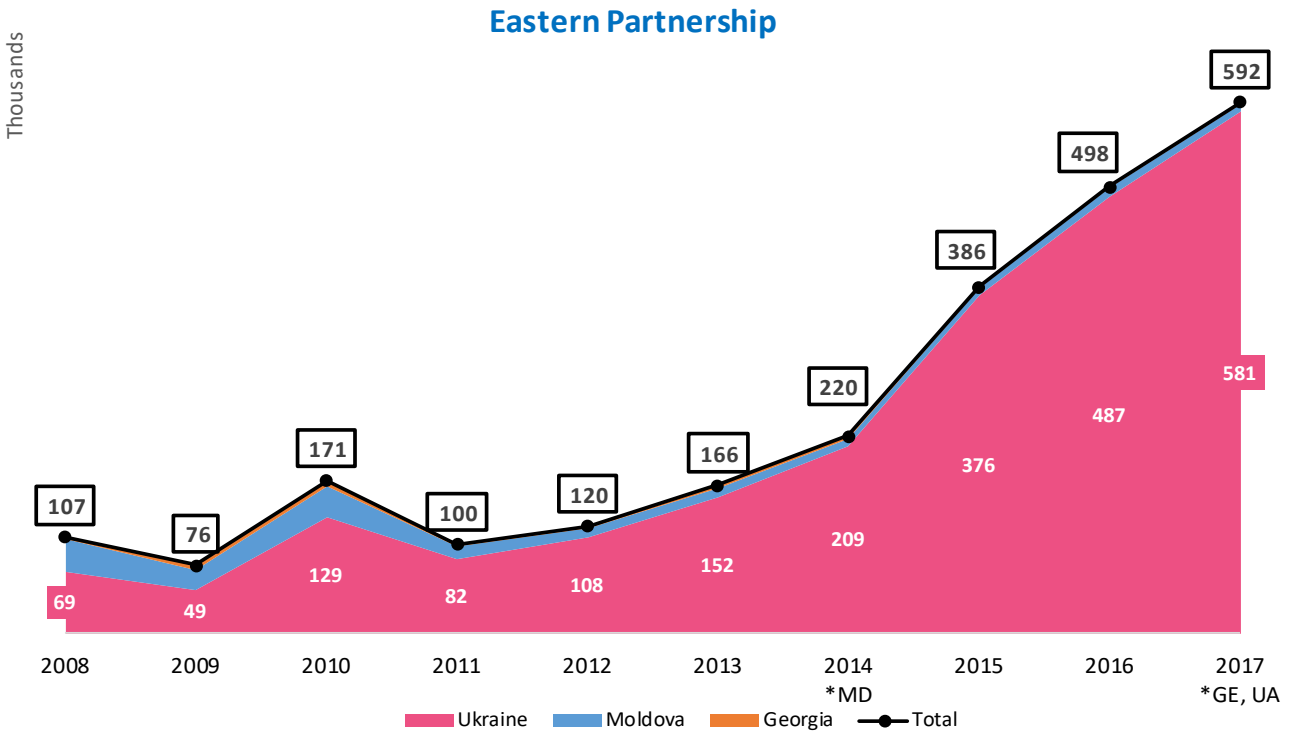
Since early 2016 there was a steady increase in visa-free nationals from the Western Balkans in Germany attributed to a simplified legal labour migration scheme, called the 'Westbalkanregelung' (the Western Balkans Scheme), introduced in the same year. This scheme is open to nationals of the Western Balkan countries that had not received any asylum seekers' benefits in Germany in the preceding 24 months of applying for a residence permit. The scheme requires a visa application in the country of origin.

This scheme enables nationals of Albania, Bosnia and Herzegovina, Kosovo, Republic of North Macedonia, Montenegro and Serbia to more readily obtain a residence permit for employment grounds for a limited period until the end of 2020. They can access any employment, regardless of meeting other requirements (knowledge of German language and completion of vocational training in Germany), as long as a concrete job offer has been made in Germany before the residence permit is issued.

Figure 10: Total number of first-time residence permits issued in the EU (without IE and UK) and Norway, 2008-2017



55 In 2017, Germany issued 4782 permits for remunerated grounds to Serbian nationals, Slovenia 2589 permits, Slovak Republic 2484 permits and Hungary 2056 permits. A total of 17 694 permits for remunerated grounds were issued by Member States (participating in the EU visa policy) and Norway.



Source: Eurostat [migr_resfirst], data extracted on 21/01/2019.

Notes: The values reflect the total number in individual EU Member States plus Norway.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

2.2.2. Visa liberalisation and attracting entrepreneurs

In the case of migration for the purpose of employment, third-country nationals wanting to move to the EU to become entrepreneurs need to apply for a residence permit in most instances[56] and meet the conditions set in national legislation. In addition, around half of the Member States have legislation and/or administrative procedures in place to specifically provide for admission of immigrant investors.[57] The assumption is again that 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. The analysis below however shows that no such link could be established and that 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.

Where statistics were available,[58] they showed an overall increasing trend in the number of entrepreneurs from the Western Balkans being issued residence permits, from around 30 in 2009 to 193 in 2017 (see Figure 11). This trend was mainly driven by permits issued to nationals of North Macedonia and Serbia. A similar trend was observed in the case of Eastern Partnership countries, where the number of residence permits issued to Ukrainian nationals stands out, peaking in 2014 – hence before visa liberalisation but during the period of internal political instability, with 1 556 permits issued mainly by Lithuania and the Slovak Republic.

The overall number of third-country entrepreneurs from visa-free regimes remained too low to show any discernible trends in the individual Member States.[59] In fact, none of the Member States noted any particular growth in the number of residence permits, nor in the number of businesses owned by nationals of the visa-free countries under review as a result of visa liberalisation. As an example, in Lithuania, national legislation tightened the procedure to issue residence permits for self-employment and business-related reasons, supplemented by an increase in controls by national authorities of business activities undertaken by third-country nationals in Lithuania, which resulted in a drop in permits issued on business-related grounds starting in 2015. In Ireland,[60] where the EU visa-free regime does not apply, there were no approvals under the national schemes for entrepreneurs and investors from nationals of visa free countries.

56 As for instance, there is no residence permit register in the UK.

57 EMN 2015 Study on Admitting third-country nationals for business purposes: CY, ES, EL, FR, HU, IE, LU, LV, NL, PT, SI, UK; since the publication of the study, CZ, EE and FI have adopted specific migration channels for business purposes; other Member States do not have specific migration channels defined (AT, BE, DE, IT, LT, PL, SE, SK). Study available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_admitting_third_country_nationals_for_business_purposes_synthesis_report_04may2015.pdf. In this study, the definition of immigrant investors was as follows: "third-country nationals meeting the criteria set by a Member State and admitted on a long-stay visa to a Member State for making a (substantial) financial investment either in financial products or in a business but without involving in the day to day operations or in the management of business".

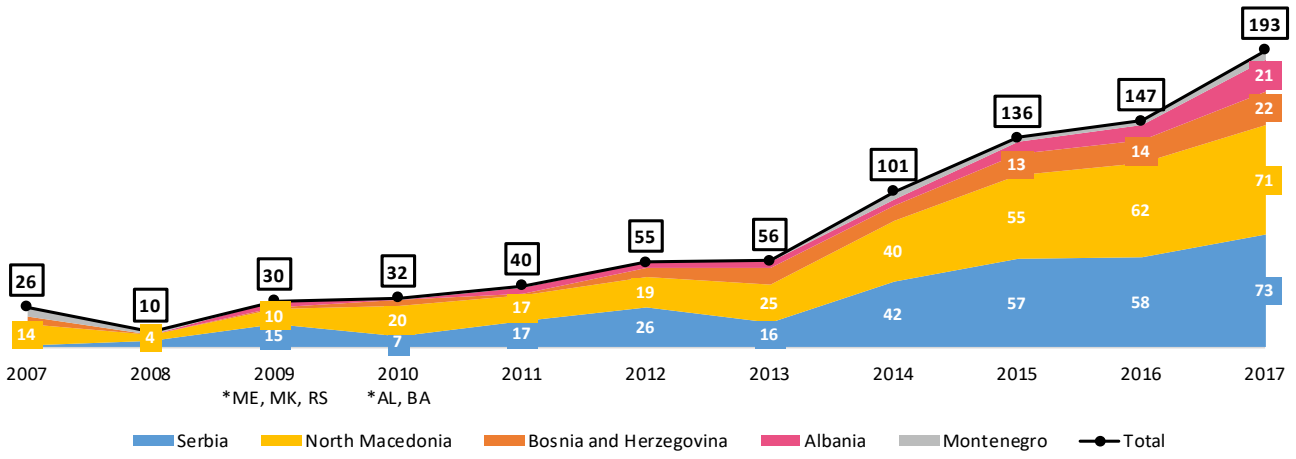
58 Statistics on nationals from visa-free countries were available in BE, CY, CZ, DE, EE, ES, FI, FR, HR, IE, IT, LT, LU, LV, NO, PT, SE and SK. Data was available only as of 2009 in SE, 2010 in ES and NO, 2011 in FI, as of 2014 in IT, and starting 2015 in CZ.

59 This mirrored the overall low numbers of permits issued to third-country national entrepreneurs as reported in national reports for this study (e.g. numbers exceeding approximately 1 000 permits per year were reported only by Lithuania, Portugal and Slovak Republic).

60 Data available only as of 2012.

Figure 11: Total number of first residence permits issued to entrepreneurs (including self-employed persons) from visa-free countries in the EU and Norway, 2007-2017

Western Balkans

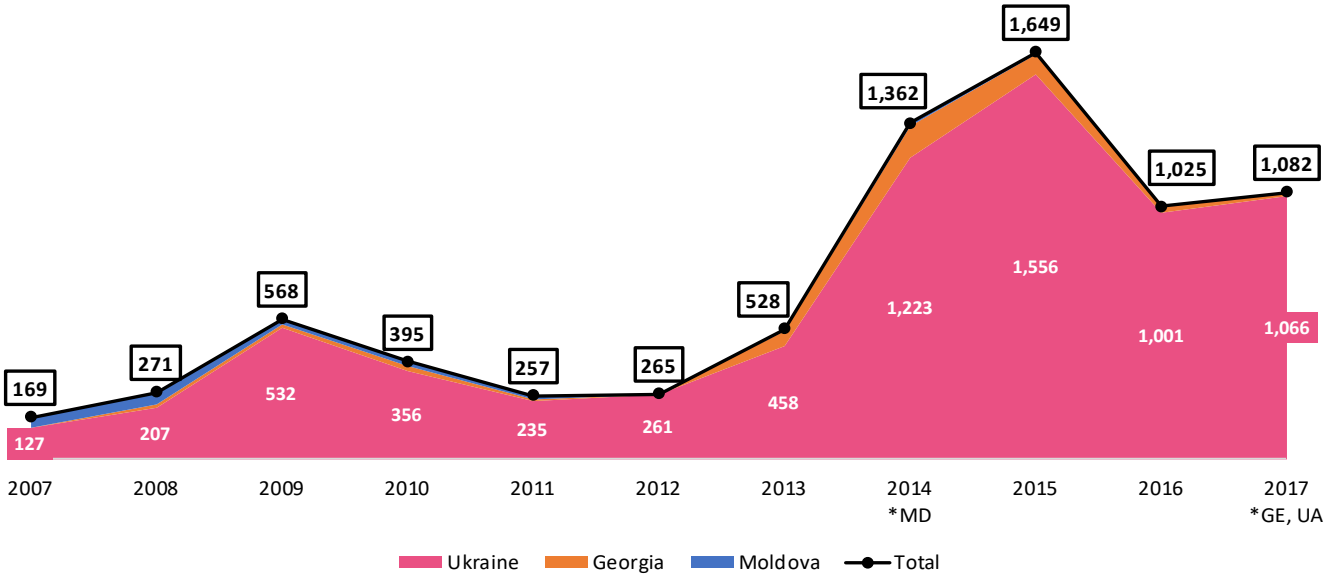


Source: National data provided by Member States and Norway in their reports for this study.

Notes: The following Member States plus Norway provided national data for this indicator: CZ (data as of 2015), DE (no data on Serbia and Montenegro), EE, ES (data as of 2010), FI (data as of 2011), FR, HR (data as of 2012), IE (data as of 2012), IT (data as of 2014), LT (data as of 2008), LU (data as of 2011), LV, PT (data as of 2008), SE (data as of 2009), SK and NO (data as of 2010).

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

Eastern Partnership



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: CZ (data as of 2015), DE (no data on Serbia and Montenegro), EE, ES (data as of 2010), FI (data as of 2011), FR, HR (data as of 2012), IE (data as of 2012), IT (data as of 2014), LT (data as of 2008), LU (data as of 2011), LV, PT (data as of 2008), SE (data as of 2009), SK and NO (data as of 2010).

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

2.2.3. Visa liberalisation and attracting international students

As in the case of migration for the purpose of employment, third-country nationals wanting to study in the EU for a period exceeding three months need to apply for a residence permit as regulated in EU and national law.[61] 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.[62] The assumption is again that visa liberalisation could encourage students to explore possibilities to take up education in those EU Member States and Norway, where this applies. The analysis below shows that, although a gradual increase was noted, no clear connection could be established with visa liberalisation, with other factors, such as national policies and cultural links also playing a role. The number of nationals from third countries that benefit from visa liberalisation to the EU and Norway for the purpose of education, 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.

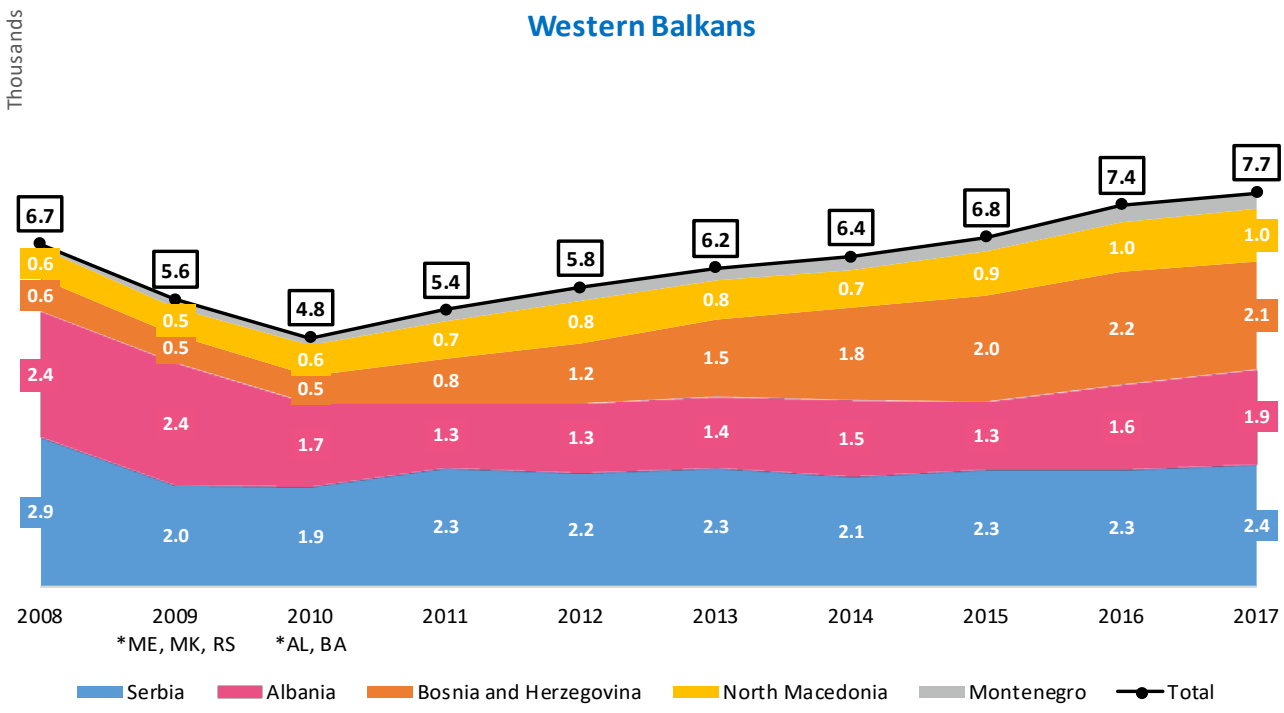
The sharpest increase in the number of residence permits for education reasons issued to nationals of the visa-free Western Balkan countries was recorded for nationals of Bosnia and Herzegovina, which rose by 400% between the introduction of the visa-free regime in 2010 and 2017 (see Figure 12). The top three Member States issuing these permits during this period were Austria, Germany and Slovenia. Visa liberalisation with Albania was also introduced in 2010, yet no significant change was observed (from 1 700 residence permits in 2010 to 1 600 in 2016). Compared to the evolution in the number of residence permits issued to Bosnia and Herzegovina, those issued to nationals of Serbia (from 1 900 to 2 300), nationals of North Macedonia (600 to 1 000) and of Montenegro (200 to 470) showed increases between 2009 and 2016 of respectively 21%, 66% and 135%.

Regarding the visa-free Eastern Partnership countries, residence permits to nationals of Moldova increased by 31% from 2014 to 2016 (passing from 1 449 to 1 900); a large majority of these permits (between 60 to 80%) were issued by Romania. Ukrainian nationals, which benefit from visa-free travel only as of 2017, are mainly issued a residence permit for education reasons in Poland, mirroring a trend noted regarding permits issued for work and entrepreneurs. After a peak of 29 622 permits issued in 2015 however, the number of permits issued for this reason to Ukrainian nationals decreased by nearly 25%, with 22 627 permits in 2017. Having also acceded access to visa-free travel in 2017, the number of Georgian nationals obtaining a permit for education grounds remained overall low throughout 2008-2017 – not exceeding 2 000 per year – with a steady increase from 809 permits in 2013 to 1 572 in 2017. In 2016 and 2017 the main Member States receiving students from Georgia were Germany and Poland.

61 IE and UK are not bound by the students and researchers Directive adopted in 2016 (Directive (EU) 2016/801 of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing), thus national rules apply. See details in the forthcoming EMN Study on Attracting and retaining international students in the EU (not yet published at the time of publication of this report).

62 AT, BE, EE, HU, LT, LV, PT, SI and SK. In Spain, both options are possible.

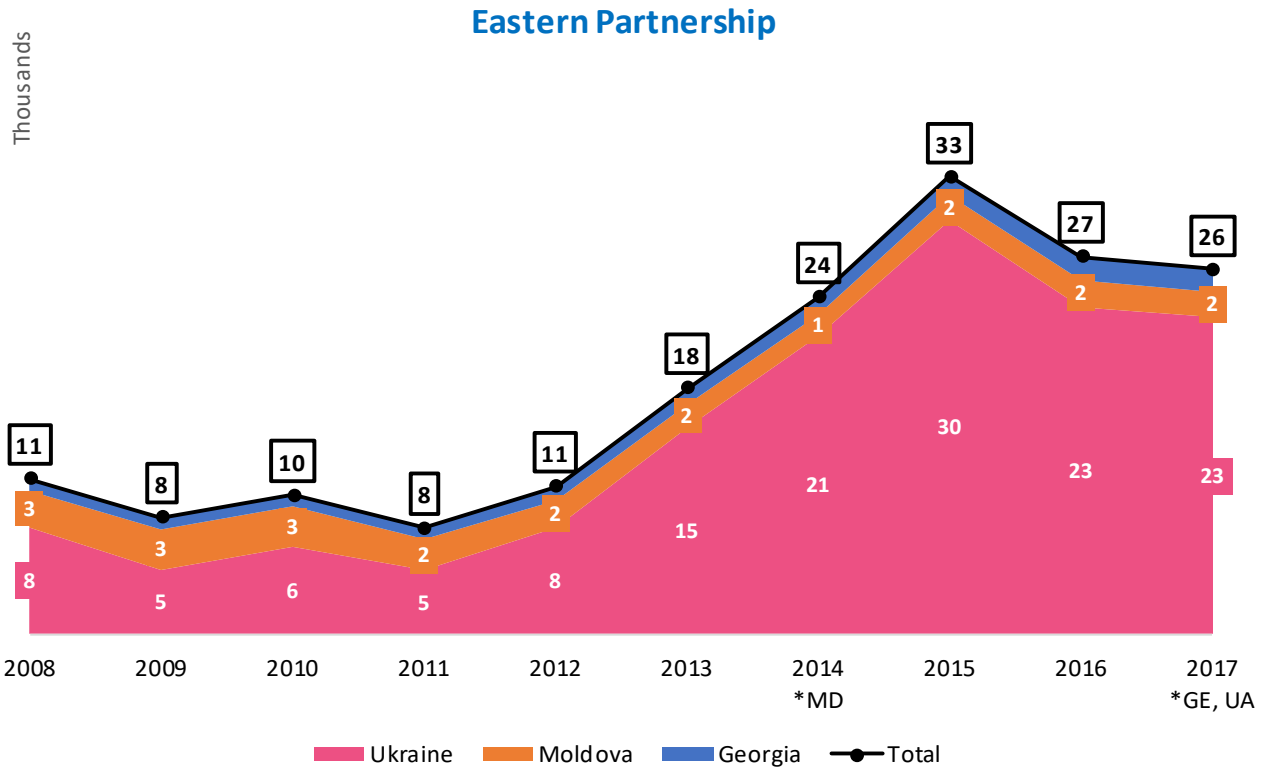
Figure 12: Total number of first residence permits issued for education reasons to visa-free country nationals in the EU (without IE and UK) and Norway, 2008-2017



Source: Eurostat [migr_resfirst], data extracted on 21/01/2019.

Notes: The values reflect the total number in individual EU Member States plus Norway.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*



Source: Eurostat [migr_resfirst], data extracted on 21/01/2019.

Notes: The values reflect the total number in individual EU Member States plus Norway.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

The number of international students from visa liberalisation countries coming to the EU and Norway has been shaped by a range of other historical and policy factors in EU Member States and Norway. Pre-existing links between certain visa-free countries and some Member States[63] has played a role. For example, Hungary has a wide diaspora of ethnic Hungarians living in neighbouring Ukraine and Serbia, and following a simplification of the naturalisation procedure for these groups, statistics do not show them as foreign students studying in Hungary but as new citizens. In Slovenia, many of international students are coming from the Western Balkan and former Yugoslav Republics, where family ties in some cases remained strong and languages barriers were not so prominent. Portugal reported that it focused on attracting students from the Community of Portuguese Language countries rather than the countries with which a visa liberalisation agreement had been signed. Policy changes, such as the introduction of (higher) application and tuition fees for students from third-countries implemented in some Member States (for example Sweden) may also have played a role.

2.2.4. Cooperation on return and migration policies with visa-free countries

Overall, Member States encountered few issues with regard to implementing returns and cooperation with the visa liberalisation countries. Eight Member States reported increased cooperation on migration matters after visa liberalisation, with a particular focus on return and asylum,[64] and 10 Member States reported on the effective implementation of the readmission agreements with visa-free Western Balkan and Eastern Partnership countries.[65] As an example, the Czech Republic established close cooperation with the North Macedonia and Serbia in the area of migration and supported these countries to strengthen their capacities in the area of asylum and migration infrastructure.

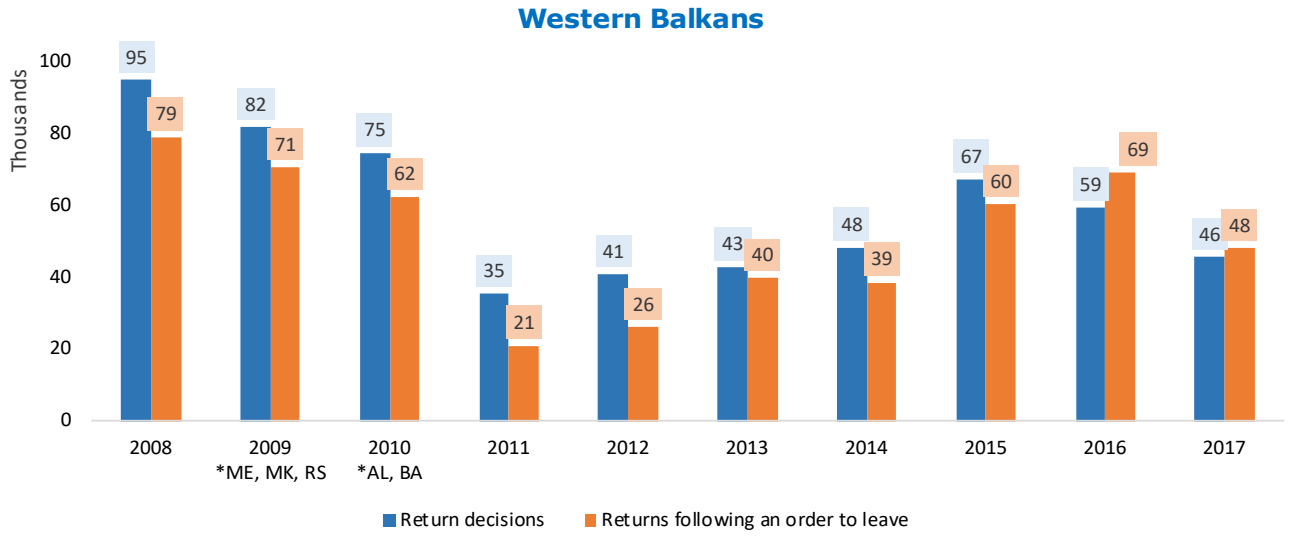
Regarding the cooperation on returns, existing Eurostat data shows that, in general, the number of actual returns followed closely the number of return decisions issued by EU Member States and Norway, therefore the cooperation and process of returns with the visa-free countries appears to have been effective (see Figure 13).

With regard to return decisions (see Figure 14), the number of such decisions concerning nationals of the Western Balkans, across the EU, has remained relatively stable from 2008 – 2017, with the exception of Albania which, since the introduction of the visa-free regime in 2010, showed a sharp drop in the following year, followed by a steady increase up to 2015 and a decreasing trend in the two following years. Numbers of return decisions with respect to nationals from the Eastern Partnership countries also remained relatively stable, with the exception of Ukraine where numbers have gone up significantly since 2014, which coincided with a period of internal political unrest, and when the visa liberalisation regime with Ukraine was not in place.

For (assisted) voluntary returns, national data (see Figure 15) shows fluctuations in the uptake by nationals across the Western Balkans and the Eastern Partnership, which cannot always be attributed to visa liberalisation. Belgium however noted that the uptake of voluntary return increased for Serbian (+280%), and North Macedonia (+600%) nationals in the years following visa liberalisation in 2009 and 2010. In the same vein, the number of Albanian nationals increased 20 times from 2009 to 2011. In one year (2016-2017) the uptake of voluntary returns by Albanian nationals increased fourfold in France. In Germany, in 2015 the number of assisted returns of Albanian nationals increased to more than ten times the number of 2014 and increased further in 2016 before declining again sharply in 2017. In the case of Eastern Partnership countries, national data showed an important gradual uptake by nationals of Ukraine since the 2014 political unrest, before visa liberalisation was in place. As for nationals of Moldova, the uptake of voluntary return did not seem to be affected by visa liberalisation,[66] while the number of nationals of Georgia increased significantly between 2016 and 2017 according to national data where this was available.

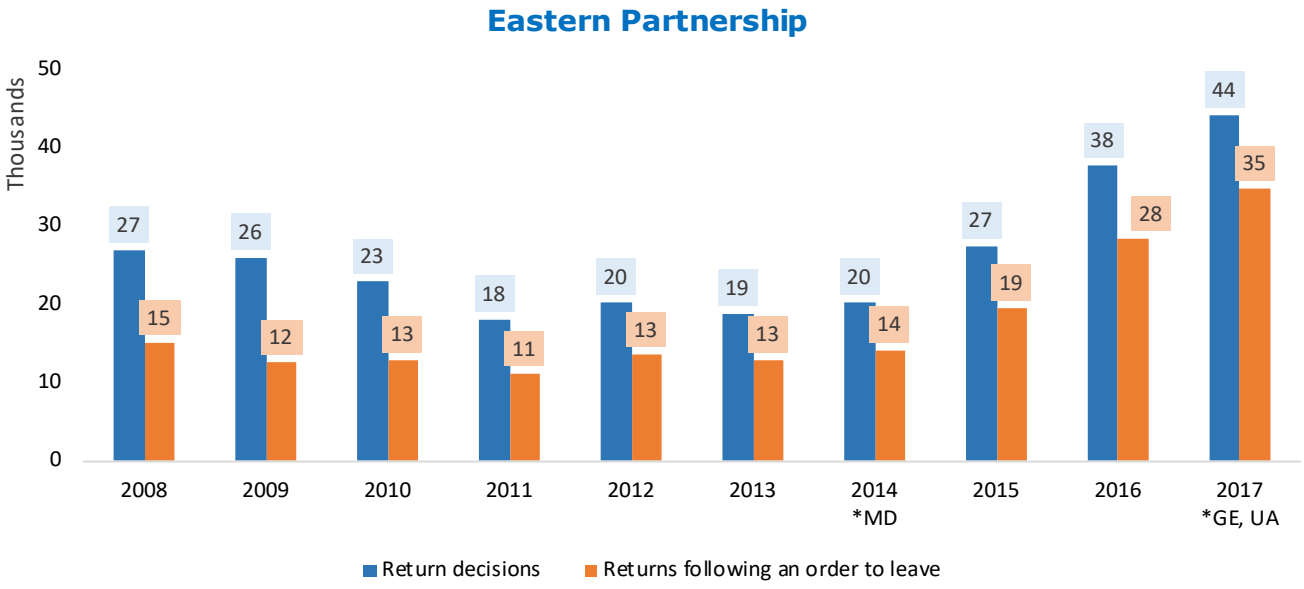
63 For example, in HU, SI and SE. Further analysis on measures implemented as a result of the influx of asylum applications can be found in other sections of this report (sections 3.2.4).
64 AT, BE, CZ, DE, ES, FR, HU, LU and NL.
65 BE, CZ, DE, EE (with the Eastern Partnership countries), ES, HU, LU, NL, PT and SE. EU readmission agreements were signed with each of the visa-free country subject of this study (https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en); for an overview of the implementation of readmission agreements and related implementation protocols, see EMN 2017 Annual Report on Migration and Asylum, Annex 1, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_annual_report_on_migration_2017_highres_en.pdf.
66 However, Czech Republic and Germany saw an important uptake in 2016 and a further increase in 2017 for Moldova.

Figure 13: Total number of return decisions issued to visa-free country nationals and actual returns for these nationalities disaggregated by region in the EU (without IE and UK) and Norway, 2008-2017



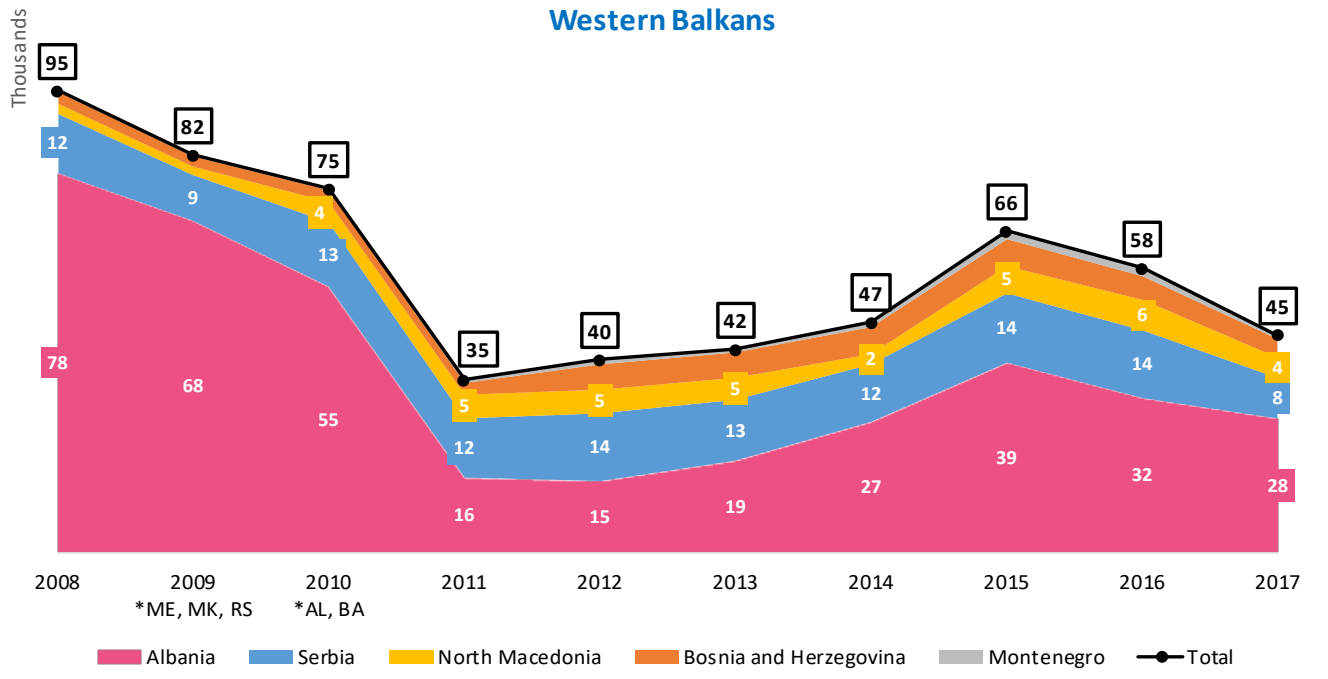
Source: Eurostat [migr_eiord] and [migr_eirtn], extracted on 01/10/2018.

Notes: *Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009),, Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).



Source: Eurostat [migr_eiord] and [migr_eirtn], extracted on 01/10/2018.

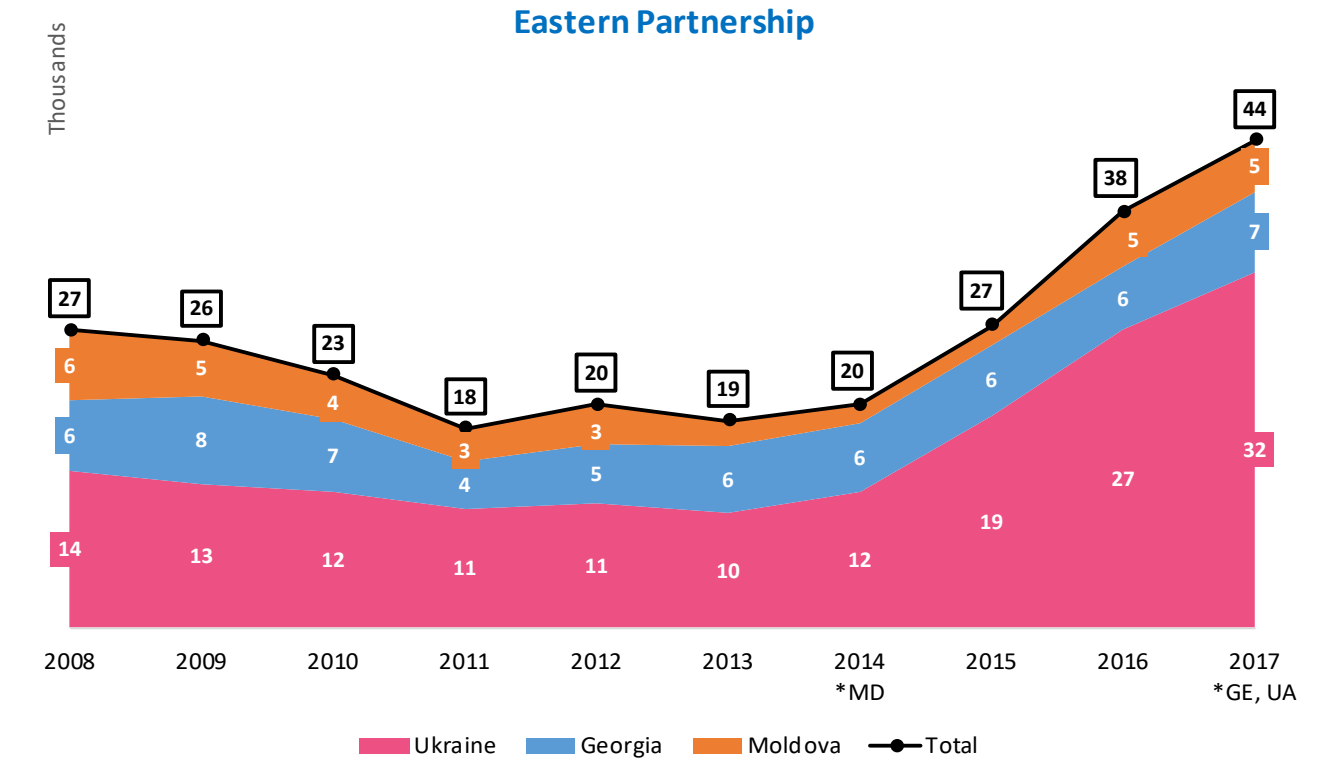
Figure 14: Total number of return decisions issued to nationals from the visa-free countries in the EU (without IE and UK) and Norway, 2008-2017



Source: Eurostat [migr_eiord], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

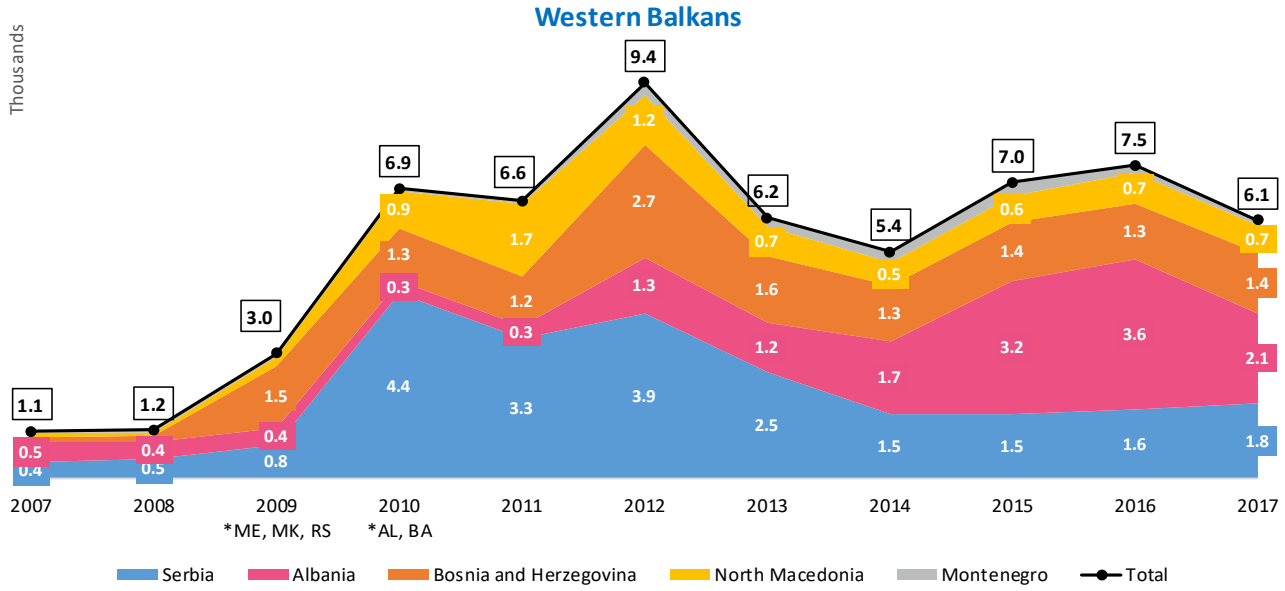


Source: Eurostat [migr_eiord], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

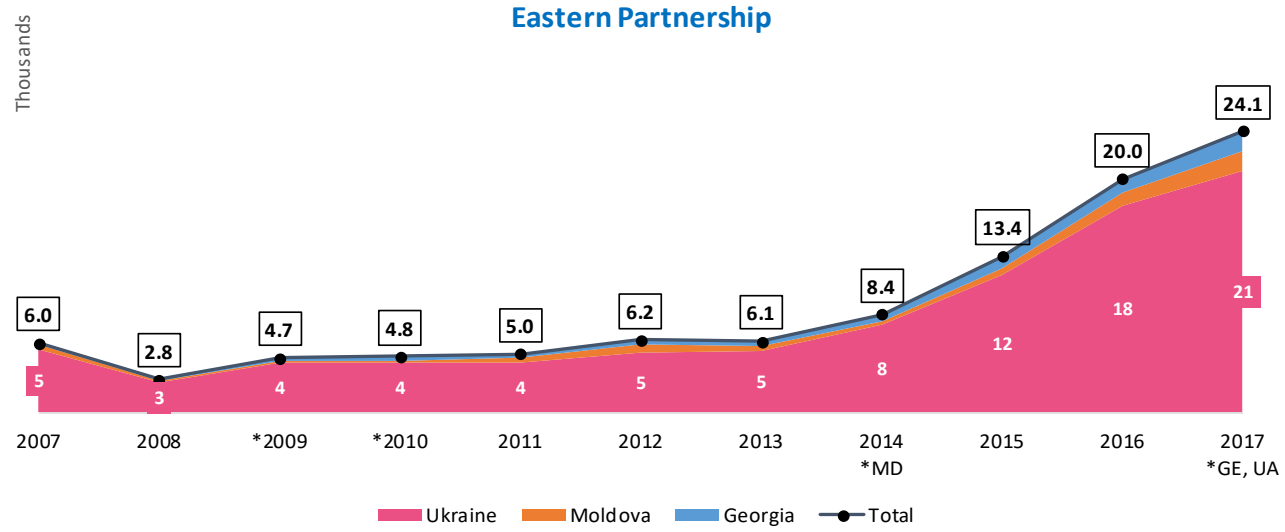
Figure 15: Total number of voluntary returns (all types) by nationals of visa-free countries in the EU and Norway, 2007-2017



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 (data as of 2017), BE (data as of 2009), CY (data as of 2015), CZ (data as of 2009), EE (data as of 2014), EL (data as of 2015), ES, FI (data as of 2010), FR (data as of 2009), HR (data as of 2009), HU (data as of 2015), IE (data as of 2012), IT (data as of 2014), LU (data as of 2008), LV, MT (data as of 2012), NL, PL, SE, SI (data as of 2010), SK, UK and NO. For UK data from before 2014 are not directly comparable from 2014 onwards due to a change in the way returns are classified.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*



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

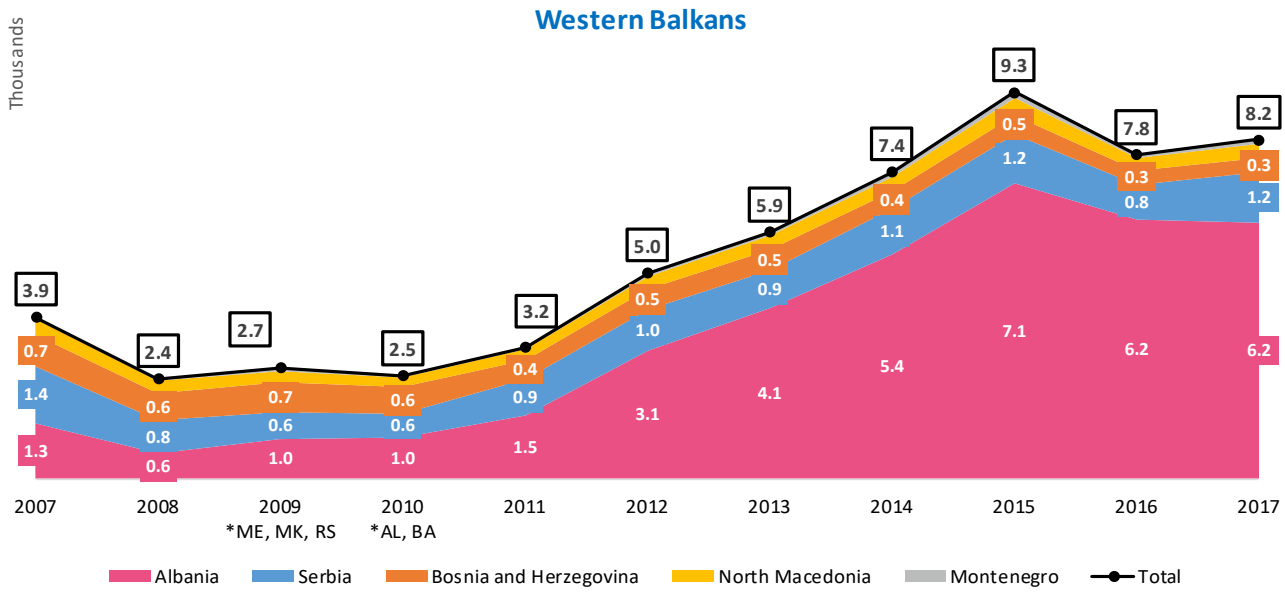
Notes: The following Member States plus Norway provided national data for this indicator: AT (data as of 2017), BE (data as of 2009), CY (data as of 2015), CZ (data as of 2009), EE (data as of 2014), EL (data as of 2015), ES, FI (data as of 2010), FR (data as of 2009), HR (data as of 2009), HU (data as of 2015), IE (data as of 2012), IT (data as of 2014), LU (data as of 2008), LV, MT (data as of 2012), NL, PL, PT (only for Ukraine), SE, SI (data as of 2010), SK, UK and NO. For UK data from before 2014 are not directly comparable from 2014 onwards due to a change in the way returns are classified.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

While Member States encourage voluntary return in general, with no specific focus on visa-free countries, eight Member States have specifically sought to promote the uptake of voluntary returns of nationals of visa-free countries.[67] Italy and Portugal even targeted these nationalities with specific programmes: Italy included Albanian nationals in a specific return programme, while the Portuguese programme mainly focussed on helping nationals of Ukraine to return. Five EU Member States and Norway did not consider it necessary to increase such efforts, as the number of voluntary returns from the visa-free countries was too low to merit specific attention,[68] or because the return programme was considered already attractive enough for nationals of the visa-free countries.[69] Additionally, Belgium,[70] France and Luxembourg did not offer return and/or reintegration support to nationals of visa-free countries or stopped to do so, and four Member States applied some restrictions to existing programmes to avoid, for example, the potential 'pull-effect' on manifestly unfounded asylum applications from Western Balkan countries' nationals.[71]

In relation to forced returns (see Figure 16), national data shows overall stable numbers for returns to the Western Balkans with the exception of Albania which, since visa liberalisation in 2010, shows a steady overall increase. The Eastern Partnership countries also show overall and low stable numbers with the exception of Ukraine where there has been more fluctuation. Challenges in removals were reported only by France concerning Albanian nationals, yet recent bilateral cooperation mechanisms were agreed between the two countries to overcome this challenge (see also section 3.2.4).

Figure 16: Total number of forced returns by visa-free country in the EU and Norway, 2007-2017

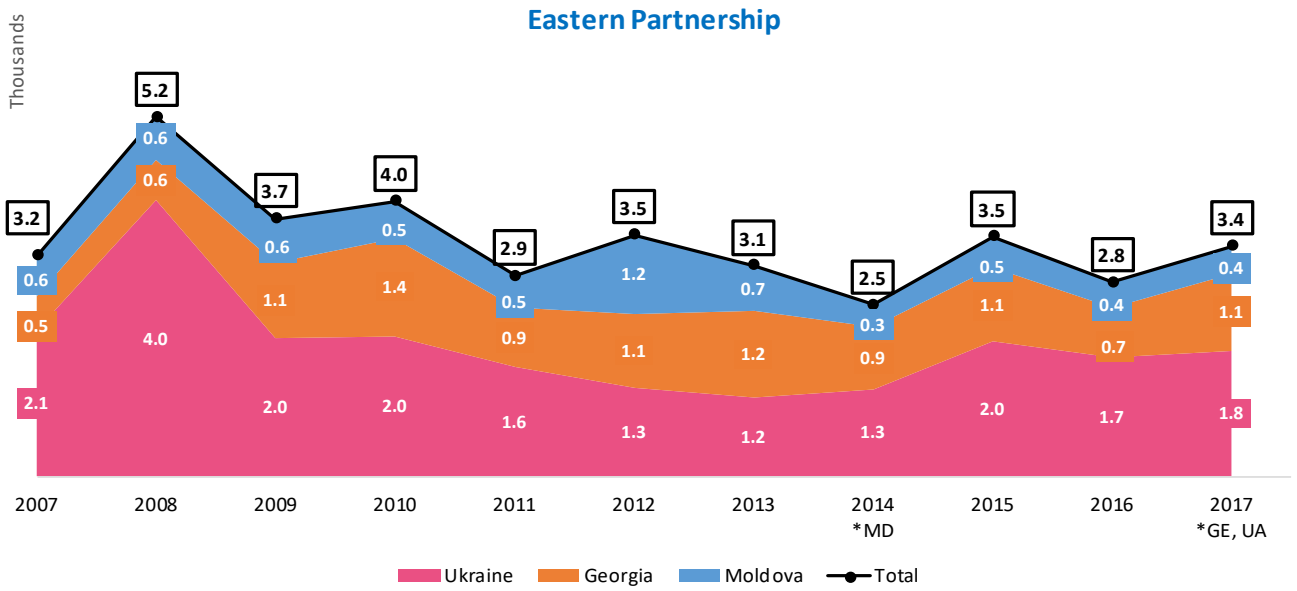


Source: National data provided by Member States and Norway in their reports for this study.

Notes: The following Member States plus Norway provided national data for this indicator: AT (data as of 2017), BE (data as of 2017), CY (data as of 2017), CZ, EE (data as of 2017), EL (Albania not included), ES, FI (data as of 2011), FR (data as of 2009), HR, HU (data as of 2014), IE (data as of 2012), IT (data as of 2012), LU (data as of 2008), MT (data as of 2010), NL, PL, PT (data as of 2008), SE, SK, UK and NO (data as of 2011). For UK data from before 2014 are not directly comparable from 2014 onwards due to a change in the way returns are classified.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

67 BE, DE, FI, FR, IT, LU, MT and PT.
68 ES, LT, HR, LV, SE and NO.
69 EE, especially for nationals of Ukraine, Moldova, and Georgia, and NO.
70 In BE, nationalities from visa-free countries were excluded from the return programmes some months after the visa liberalisation came into effect.
71 AT, DE, FI and NL.



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 (data as of 2017), BE (data as of 2017), CY (data as of 2017), CZ, EE (data as of 2017), EL (Albania not included), ES, FI (data as of 2011), FR (data as of 2009), HR, HU (data as of 2014), IE (data as of 2012), IT (data as of 2012), LT (only for Ukraine and Georgia), LU (data as of 2008), MT (data as of 2010), NL, PL, PT (data as of 2008), SE, SK, UK and NO (data as of 2011). For UK data from before 2014 are not directly comparable from 2014 onwards due to a change in the way returns are classified.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Bilateral cooperation on migration between Member States and visa-free countries is however also influenced by other factors than the introduction of visa-free regime, such as (joint) history, adjacent geography, previous political and economic ties, and the existence of diaspora communities in the country of destination.[72] Twelve Member States did not report any other significant changes in their cooperation in the area of migration with the eight third countries after visa liberalisation.[73]

72 E.g. AT, CZ, DE, IT and SI with Western Balkan countries; CZ, EE, LV, LT and PL with Eastern Partnership countries.
73 CY, EE, FI, HR, LT, LV, MT, PL, PT, SE, SI, and SK.

3. CHALLENGES REPORTED BY COUNTRIES OF DESTINATION AND MEASURES IMPLEMENTED TO PREVENT OR ADDRESS THEM

This section examines the migratory and security-related risks that the countries of destination have faced since the introduction of visa-free regimes and the responses of EU Member States and Norway to deal with these challenges.

3.1. OVERVIEW

In its most recent assessment of visa liberalisation benchmarks,[74] the Commission considered that, overall, visa liberalisation requirements continued to be fulfilled by all countries.[75] In particular, the report noted that cooperation on return and readmission remained very satisfactory with all Western Balkan and Eastern Partnership visa-free countries. To ensure the sustainability of the visa liberalisation process, the Commission identified several areas where additional measures needed to be adopted, mainly in the areas of migration, public order and security. A general measure required from all visa-free countries in the 2017 and the 2018 reports was the set-up of targeted information campaigns to clarify the rights and obligations stemming from visa-free travel to Schengen States.

The Commission's reports also highlighted the need for additional efforts to tackle the issue of irregular migration and (manifestly unfounded) asylum applications from some countries. For example, while it was too early to assess the impact of visa liberalisation on some of the Eastern Partnership countries, the 2017 and 2018 reports noted a sharp increase in asylum applications from Moldovan and Georgian nationals, the latter being more significant. Also, the latest data collected by the Commission show an increasing number of nationals of Serbia, Georgia and Moldova found to be illegally staying in the EU.[76]

The Commission also assessed the impact of visa liberalisation on public order and security, in particular referring to the prevention and fight against organised crime, for which it was noted that all eight countries needed to step up their actions.[77] The 2017 and 2018 reports concluded that organised crime groups from the visa-free countries were still active in trafficking illicit firearms, drugs and tobacco; property crime; money laundering; cybercrime; and, trafficking in human beings and migrant smuggling.

3.2. REPORTED CHALLENGES

With the introduction of visa-free travel, the number of visa-free third-country nationals coming to the EU has increased significantly, as can be seen from the number of visitors to the EU staying in hotels or other accommodation (see Figure 3 and section 2.2.1). As discussed under section 2, over the same period the number of those legally migrating to the EU (see sections 2.2.1-2.2.2) also increased.

This EMN Study has identified several broad areas where EU Member States and Norway have reported to have experienced challenges in this context. In most cases, however, it was not possible to establish a direct causal link between the challenges identified (see Table 1) and visa liberalisation as there were other factors which could have played a significant role (e.g. economic crisis, conflicts, sudden changes in wider migration flows having potentially a 'pull' effect). The available data could not reliably isolate the effects of visa liberalisation from other factors and the report must be understood in this context. It should be noted that Ireland and the United Kingdom do not participate in EU visa policy, therefore they can be used to draw comparisons with the Member States that do apply the EU visa policy.

The challenges presented in Table 1 were based on the information gathered from the national reports and the available statistics contained therein. Tables 2 and 3 are also based on the national reports and map the challenges by country of origin.

The most frequently reported challenges were irregular stay, reported by 19 Member States, followed by

74 Visa liberalisation benchmarks are divided in four 'blocks', namely: (1) document security, including biometrics; (2) integrated border management, migration management and asylum; (3) public order and security; (4) external relations and fundamental rights.
75 European Commission, First report under the Visa Suspension Mechanism, 20 December 2017, COM(2017) 815 and SWD(2017) 480; Second report under the Visa Suspension Mechanism, December 2018, 19 December 2018, COM(2018) 856 final.
76 European Commission, Second report under the Visa Suspension Mechanism, December 2018, 19 December 2018, COM(2018) 856 final.
77 European Commission, SWD(2017) 480, op. cit.

increased refusals at the border[78] as highlighted by 15 Member States taking part in this study (see Table 1). Similarly, overstay, illegal employment and an (immediate) increase in asylum applications (many unfounded) were reported as a challenge by 12 Member States. In a few cases, visa liberalisation may have led to an increased risk of trafficking and prostitution[79] and an (immediate) increase in crime.[80]

Twelve Member States reported a rise in the number of asylum applications from visa-free nationals (see Table 1 and Figure 18), particularly from Serbia and Albania in the Western Balkan region and Georgia and Ukraine from the Eastern Partnership countries. Where applicable, the increased number of asylum applications (many considered unfounded), irregular stay, and applications for residence and work permits or short-term employment were reported as causing an increased administrative burden.[81] These instances were more visible for Member States sharing a border with third countries, as reported by Hungary and Poland. Eight Member States reported an increase in criminal activities and use of forged documents. Lastly smuggling and trafficking was reported as a challenge by five Member States while the facilitation of unauthorised entry, transit and residence was reported by three Member States.

The specific challenges faced by EU Member States and Norway varied somewhat in terms of countries of origin, and an overview of the most common challenges by visa liberalisation country is presented in Tables 2 and 3.

In the Western Balkans, Albania and Serbia were most often highlighted in relation to specific challenges whilst Georgia and Ukraine were most often identified for the Eastern Partnership countries. In general, it was considered too early to assess the challenges emerging from these two countries since the visa-free regime entered into force only in 2017.[82]

When analysing these challenges by countries of origin (see Tables 2 and 3), some EU Member States and Norway reported that, after visa liberalisation, a significant increase in asylum applicants came in particular from Albania, Serbia, Georgia and Ukraine. In other instances, visa liberalisation led to an increase in illegal employment, irregular stay and overstay especially in the case of nationals of Albania, North Macedonia, Moldova and/or Ukraine.

The information collected to date indicated that there was a noticeable increase in criminal activities in about a quarter of the Member States (e.g. fraud, forgery, counterfeiting, property crimes, extortion, and drugs related offences) relating to nationals of Albania, Serbia, Georgia and Ukraine after visa liberalisation entered into force. Similarly, the number of refused entries at external borders was highest for nationals coming from Albania, Georgia, Moldova and Ukraine among the third countries included in this study (see Tables 2 and 3).

When analysing Ireland and the United Kingdom separately (as a 'control group' since they are not participating in the EU visa policy) the data shows that the experience of these two countries broadly mirrored the trends identified at EU level.

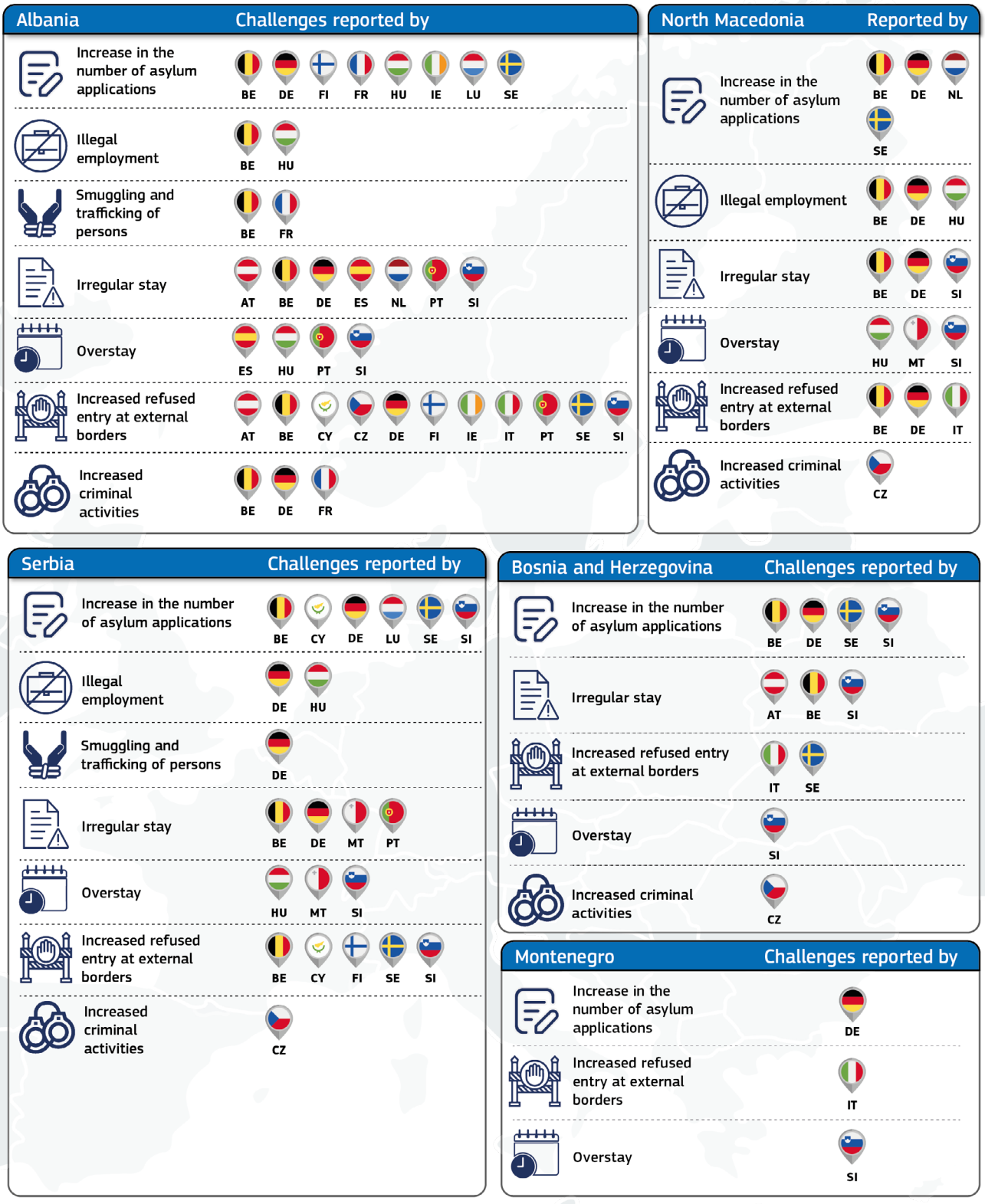
78 A higher number of refusals can also be proof that visa liberalisation is working as intended, meaning that despite the visa liberalisation, persons who do not fulfil the criteria of visa-free entry are not allowed to enter.
79 AT, SI and BE.
80 CZ (not immediate), FI and SE (only applies to Georgian nationals).
81 CZ, FI, HU, LU, MT, PL, SK in relation to applications for residence and work permits and IE.
82 This was also emphasised explicitly by BE, CZ, HU and IT.

Table 1: Overview of challenges reported by Members States and Norway

Reported challenges	Reported by
An immediate (or delayed) increase in the number of asylum applications	BE CY DE ES FI FR HU IE NL LU SE SI
Overstay	BE DE EE ES HU LT LV MT PL PT SI SK
Irregular stay	AT BE CZ DE EE ES FI FR EL HU IT LU MT NL PL PT SE SI SK
Illegal employment	AT BE CZ DE EE FR HU LT LV MT PL PT
Facilitation of unauthorised entry, transit and residence	DE FR PT
Smuggling and trafficking of persons	BE CY DE FR HU
Increased refused entry at external borders	AT BE CY CZ DE EE FI IE IT LT PL PT SE SI SK
Increased criminal activities	BE CZ DE HU FI FR LT SE
Increased usage of forged documents	BE CZ EE HU MT PT SE

Source: National reports submitted by Member States and Norway, including national and Eurostat data.

Table 2: Reported challenges by Members States and Norway - Western Balkans



Source: National reports submitted by Member States and Norway, including national and Eurostat data.

Table 3: Reported challenges by Members States and Norway - Eastern Partnership

Moldova	Challenges reported by
Increase in the number of asylum applications	DE, NL
Illegal employment	CZ, DE, HU, LV, PT
Smuggling and trafficking of persons	DE
Irregular stay	CZ, DE, EE, PT, SI
Overstay	EE, HU, PL, PT, SI
Increased refused entry at external borders	BE, CY, DE, EE, FI, IE, PT, SK
Increased usage of forged documents	CZ

Ukraine	Challenges reported by
Increase in the number of asylum applications	CY, ES, LU
Illegal employment	BE, CZ, EE, HU, LT, LV, PL
Smuggling and trafficking of persons	FR
Irregular stay	CZ, EE, HU, SI, SK
Overstay	HU, LT, LV, PL, SI, SK
Increased refused entry at external borders	CY, DE, FI, LT, PL, SE, SK
Increased usage of forged documents	CZ, EE
Increased criminal activities	CZ, FR
Facilitation of unauthorised entry, transit and residence	DE, FR

Georgia	Challenges reported by
Increase in the number of asylum applications	BE, CY, DE, ES, FI, FR, HU, IE, LU, SE
Smuggling and trafficking of persons	FR
Facilitation of unauthorised entry, transit and residence	FR
Increased refused entry at external borders	BE, CY, DE, FI, IE, LT, PL, SE
Increased criminal activities	BE, DE, FI, FR, SE

Source: National reports submitted by Member States and Norway, including national and Eurostat data.

3.2.1. Responding to 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.[83] The impacts were however experienced differently across the EU Member States and Norway, with some countries of destination reporting a considerable increase and others close to none.[84] The analysis suggests that although many other factors played a role, such as internal political unrest (e.g. Ukraine), unemployment, poverty and discrimination, visa liberalisation made it at least easier for nationals of these countries to arrive in the EU and lodge a claim for asylum. However, the exact impact of visa liberalisation on the number of asylum applications from visa-free countries cannot be measured, as also illustrated by the data from Ireland and the United Kingdom, countries that experienced similar trends despite not applying visa liberalisation. A partial answer for this similarity can be explained by the fact that visa-free travel to the EU might also have an impact on facilitating travel to Ireland and the United Kingdom. For example, asylum applications from Albanian nationals rose substantially after visa liberalisation in the United Kingdom (going from 235 in 2010 to 1 875 in 2017); likewise, after visa liberalisation with Georgia, Ireland experienced a rise in asylum applications from Georgian nationals going from 75 in 2016 to 305 in 2017.[85]

The analysis below also shows that most Member States undertook measures to better manage the mixed flows of migrants to the EU, many of which were also applicable to nationals of the visa-free countries. In particular the introduction of national lists of safe countries, which usually included most (if not all) Western Balkan and some Eastern Partnership countries specifically impacted on nationals of these countries (see sub-section on measures below). Such lists helped Member States to apply accelerated asylum procedures to process and if unfounded, to reject claims where the risk of persecution was not evidenced.

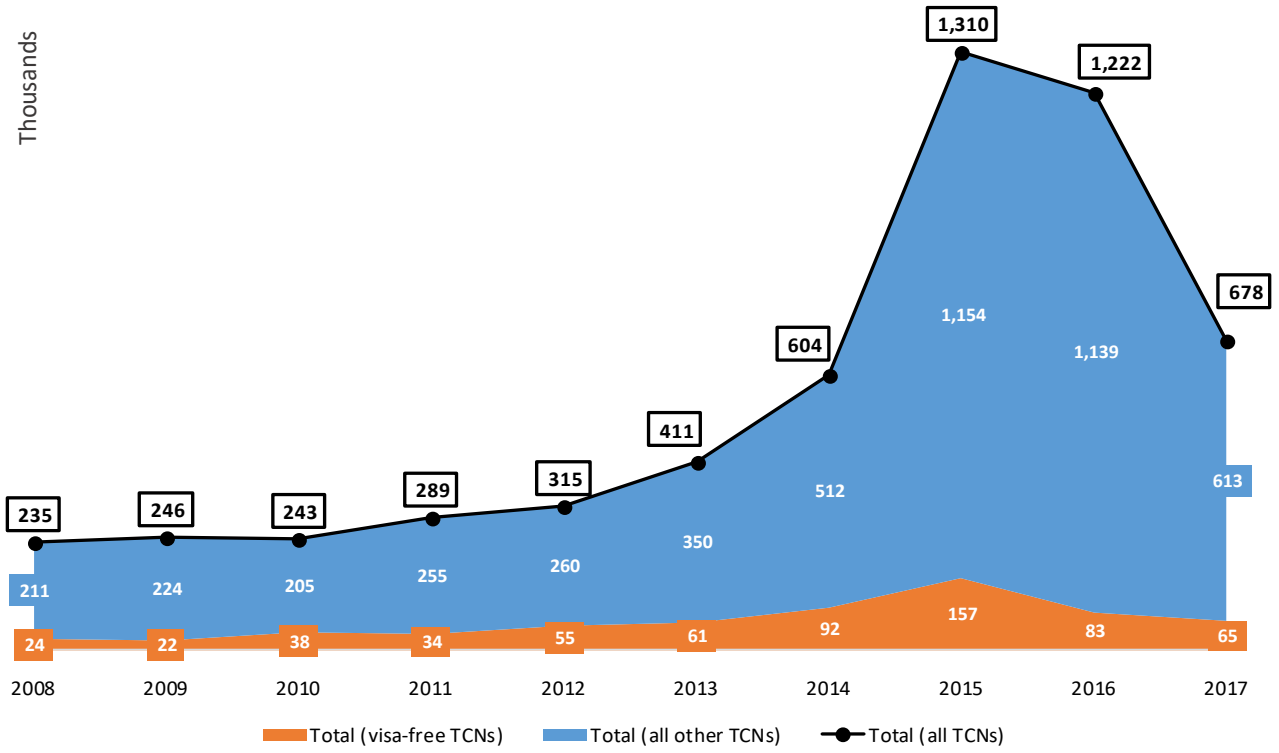
Impacts and challenges

When analysing possible impacts of visa liberalisation on the numbers of applications for asylum, these findings must be understood in a larger context. The most striking phenomenon during the period of analysis was the migration crisis that peaked in 2015, when 1.35 million asylum applications were lodged in the EU Member States and Norway, and declined rapidly in 2017 (see Figure 17).[86] According to Frontex data,[87] in 2015 there were 1.8 million irregular border crossings along EU entry routes of which 760 000 were recorded on the Western Balkans route. Figure 17 shows that the number of asylum applications from visa-free countries increased steadily from 2008, spiked in 2015, and began to decrease in 2017 in line with the overall EU trend. This overall trend however impacted different countries in different ways: Norway and Germany, for example, were aligned with the overall EU trend and experienced a decrease in 2017 while other countries such as France or Italy received higher numbers of applications in 2017, particularly from Albanian and Georgian nationals.[88]

Eurostat data shows that where the number of asylum applications increased, these came from very specific visa-free nationals (see Figure 18 for a breakdown between regions). For example, in the case of Germany and France most applications came from Albania, Serbia, North Macedonia and later Georgia and Ukraine.[89] Similar trends were observed in several Member States, including Ireland and the United Kingdom which are not part of the visa liberalisation policy (see Tables 1 to 3 above). In these countries of destination most of the applications came from a few visa-free countries, predominately Albania and later Georgia and Ukraine.[90] Nine Member States registered zero or almost no asylum applications from visa-free countries after visa liberalisation.[91]

83 With some exception in individual Member States such as Belgium (the peak from Western Balkans nationals in Belgium was in 2010 and 2011).
84 The impact also differed according to the third country in question. For example, in the UK asylum applications from the Western Balkans increased substantially over 2007 to 2017. However, when looking at individual countries, Albanian nationals accounted for most of the increase in applications in the UK.
85 Eurostat asylum data for Ireland and the UK [migr_asyappctza], extracted on 01/10/2018.
86 Please also see the 2017 EMN Study Changing influx of asylum seekers in 2014-2016, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_changing_influx_study_synthesis_final_en.pdf.
87 Frontex data, available at: https://frontex.europa.eu/along-eu-borders/migratory-map/.
88 In the case of France: the total number of asylum applications (first applications, re-examinations, reopening of closed files; including accompanying minors) from Albanian nationals went from 7 432 in 2016 to 12 131 in 2017 and for Georgian nationals from 1 164 in 2016 to 2 101 in 2017.
89 The visa-free countries have very different overall population numbers (see the visa liberalisation timeline in the introduction), reason why Moldova or Montenegro are not among the top countries of origin of asylum applicants, even if a larger proportion of the population emigrates to claim asylum in the EU and Norway.
90 For the UK, over the period 2007-2017, asylum applications for Georgia and Ukraine reached their highest points in 2009 (for Georgia) and 2014 (for Ukraine), thus before the visa-free regime was introduced with these countries.
91 BG, CZ (only in case of Montenegro and Albania), EE, HR, MT, PT, RO, SK, SI and UK (in the case of Montenegro nationals). In the case of BG, HR and RO, special conditions apply in the context of this study as they do not fully apply the Schengen acquis.

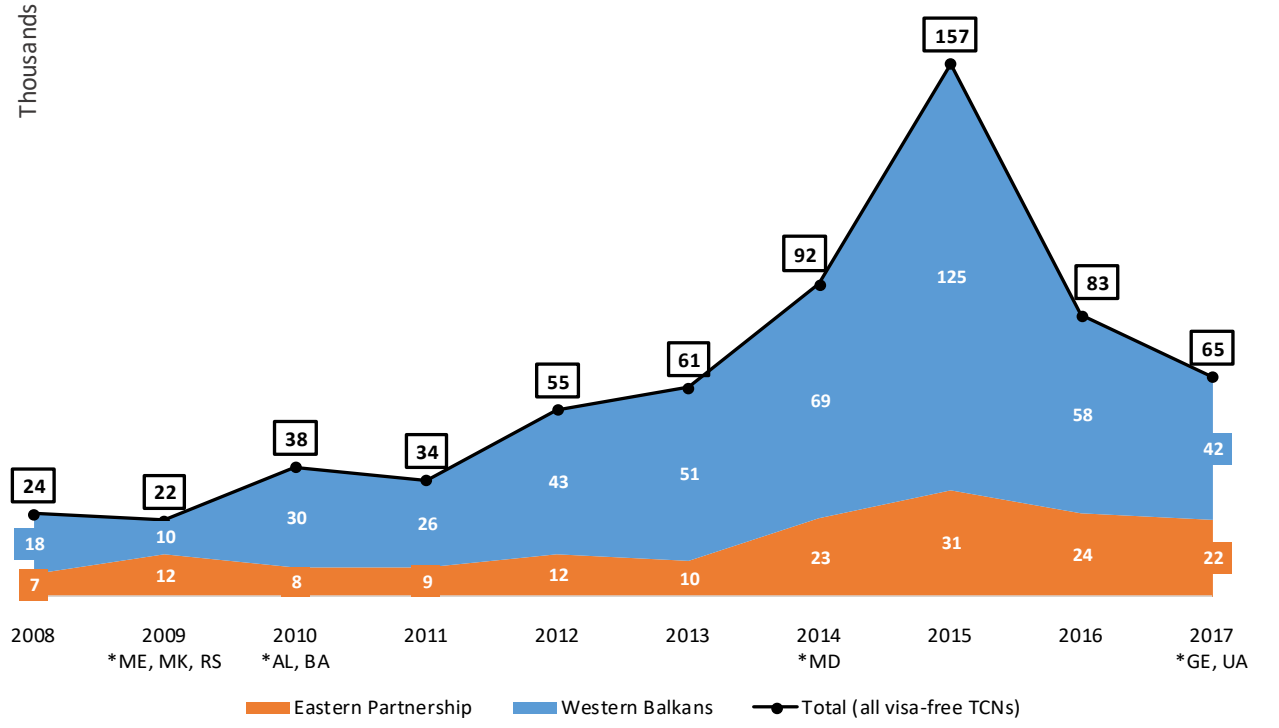
Figure 17: Total number of asylum applications in the EU (without IE and UK) and Norway, 2008-2017



Source: Eurostat [migr_asyappctza], data extracted on 24/10/2018.

Notes: The dataset excludes Ireland and the UK which are not part of the EU visa policy.

Figure 18: Total number of asylum applications received from visa-free countries in the EU (without IE and UK) and Norway by region, 2008-2017



Source: Eurostat [migr_asyappctza], data extracted on 24/10/2018.

Notes: The dataset excludes Ireland and the UK which are not part of the EU visa policy.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

The number of asylum applications from Albanian nationals registered the overall highest levels in the period 2008 - 2017 (see Figure 19), followed by nationals of Serbia and North Macedonia. For example, Germany received around 200 000 applications in the period 2008 - 2017 from Albania and Serbia. In the case of Albanian nationals, the largest number of applications were lodged in Germany, Italy, Finland, France, Luxembourg and Sweden. The highest numbers of asylum applications from Serbian nationals were received in Belgium, Germany, Finland, Luxembourg and Sweden; and from nationals of North Macedonia, in Belgium, France and Germany.

In some Member States, the number of asylum applications from third countries increased significantly, shortly after they were granted visa liberalisation. France for example registered an exponential yearly increase in asylum applications from Albanian nationals after visa liberalisation, going from 411 in 2010 to 8 351 in 2017[92]. Sweden registered an immediate increase in applications from nationals of Serbia going from 585 in 2009 to 6 260 in 2010: numbers of applications then slowly decreased in the years that followed the post-visa liberalisation spike. [93] This was also the case in Belgium with a sharp increase in the number of asylum applicants noticed in the years after visa liberalisation with increased applications coming from North Macedonia (from 305 in 2009 to 1 740 in 2010), Serbia (from 1 020 in 2009 to 2 220 in 2010), Albania (from 245 in 2010 to 1 290 in 2011) and Bosnia and Herzegovina (from 145 in 2010 to 540 in 2011). Similarly, Germany registered an immediate increase from nationals of Serbia from 890 in 2009 to 6 800 in 2010, and nationals of North Macedonia from 160 in 2009 to 3 500 in 2010. The number of Albanian applicants was very low compared to other countries (85 applications in 2011) and only started to increase in 2013. In the case of Germany, the number of applications remained high after the initial increase and peaked in 2015, which coincided with the highest level of asylum applications received during the migration crisis.

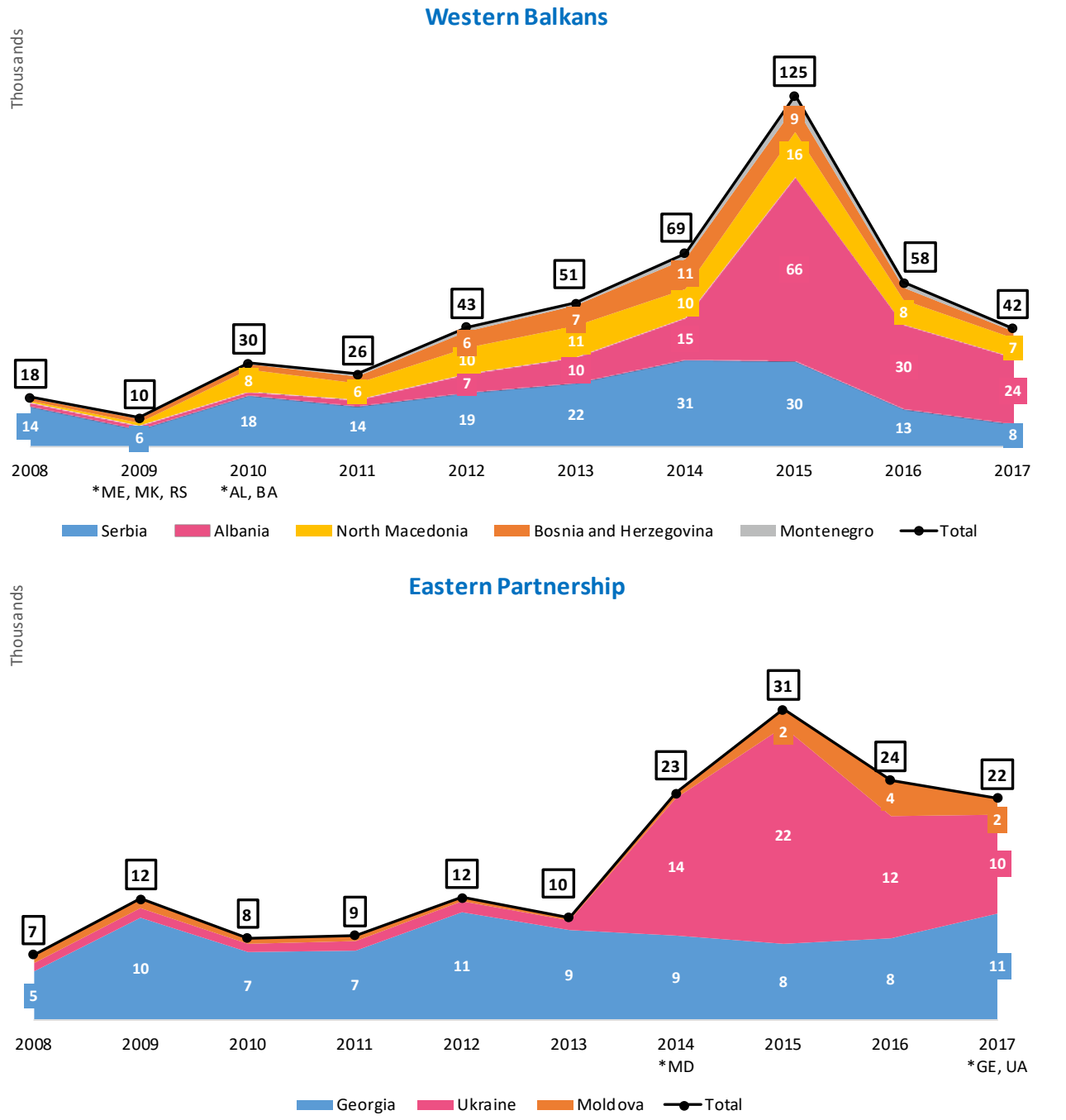
The overall number of asylum applications from Georgian and Ukrainian nationals also increased after visa liberalisation, although these had already been high as a result of the internal political context and conflicts.[94] For Ukrainian nationals in particular, this also led to higher shares of (first instance) positive decisions (see Figure 20).[95] Some Member States closely monitored the increase in asylum applications filed by Georgian and Ukrainian nationals since the implementation of visa liberalisation,[96] in particular when they were perceived to be misusing visa-free travel to their territory (asylum applications and registrations to the health care system).[97]

The rejection rates of asylum applications lodged by nationals of visa-free countries over the period covered by the study were very high, ranging between 94% and 99% with the exception of Ukraine, for which the rejection rate was 78%, see Figure 20. Since 2010, the rates of negative decisions on asylum applications among visa-free countries were the highest for nationals of Serbia and since 2014 also for Albania. These two nationalities were consistently in the top five nationalities by number of rejections in the respective periods.[98]

In comparison, Figure 21 shows that the number of asylum applications from visa-free countries in Ireland and the United Kingdom also increased over the 2008 – 2017 period with a sharp increase between 2010-2014 (mostly in the United Kingdom). This can be explained by the fact that most of the asylum applications in Ireland and the United Kingdom came from Albania, a country from which the rate of asylum applications has grown year on year from 50 in 2008 to 2 155 in 2017, peaking in 2015.

92 Total excluding accompanying minors: first applications, re-examinations, reopening of closed files. The total number of asylum applications including accompanying minors is 517 in 2010 and 12 131 in 2017.
93 Eurostat [migr_asyappctza], extracted on 01/10/2018.
94 Georgia's conflict with Russia in 2008 and Parliamentary elections in 2012; conflict in Eastern Ukraine in 2014.
95 CY, IT and PT. Eurostat data shows that Ukraine's rate of positive decisions increased starting with 2014 ranging an average of 30% between 2014-2017 compared to 12% in the years 2008-2013.
96 CY, DE, FI (the number of Georgian asylum seekers increased six-fold, from about 20 applicants per year to 120 in 2017) and FR.
97 AT.
98 Eurostat [migr_asydcfsta], data extracted on 01/10/2018

Figure 19: Total number of asylum applications received from visa-free countries in the EU (without IE and UK) and Norway by visa-free country, 2008-2017

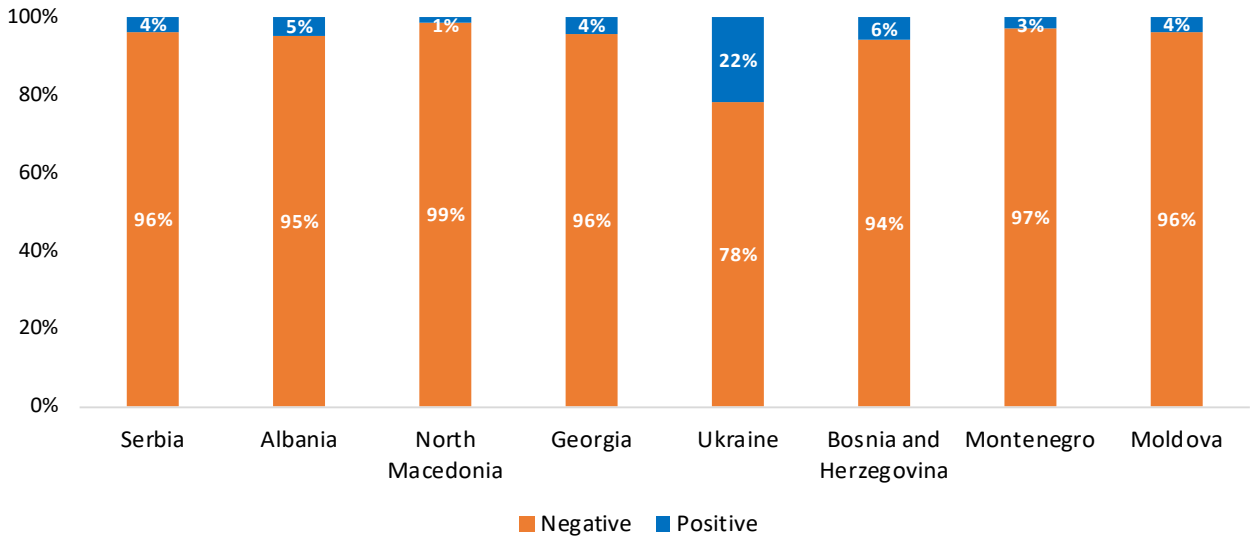


Source: Eurostat [migr_asyappctza], data extracted on 24/10/2018.

Notes: The dataset excludes Ireland and the UK which are not part of the EU visa policy.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Figure 20: Percentage of negative and positive decisions on asylum applicants by visa-free country in the EU and Norway, 2008-2017

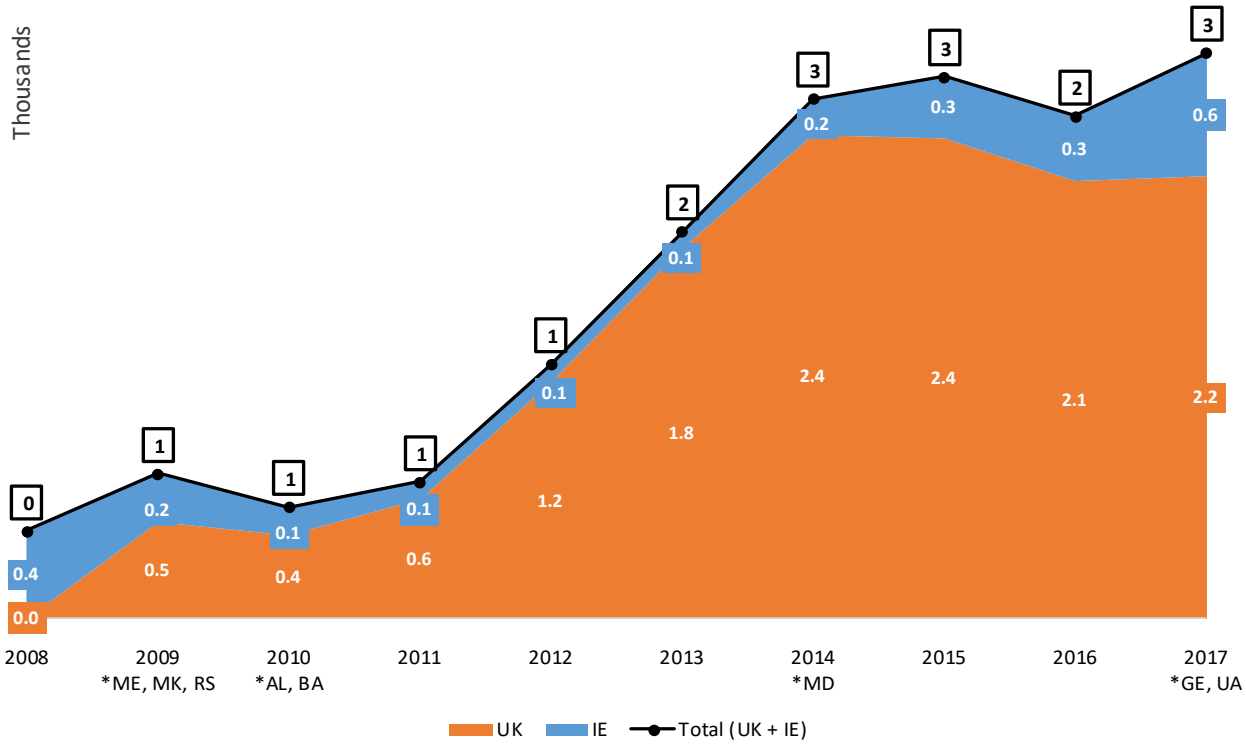


Source: Eurostat [migr_asydcfsta], data extracted on 01/10/2018.

Notes: Ukraine's rate of positive decisions increased starting with 2014 ranging an average of 30% between 2014-2017 compared to 12% in the years 2008-2013.

The values reflect the total number in individual EU Member States plus Norway.

Figure 21: Total number of asylum applications received from visa-free countries in Ireland and the UK, 2008-2017



Source: Eurostat [migr_asyappctza], data extracted on 24/10/2018.

Notes: **Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

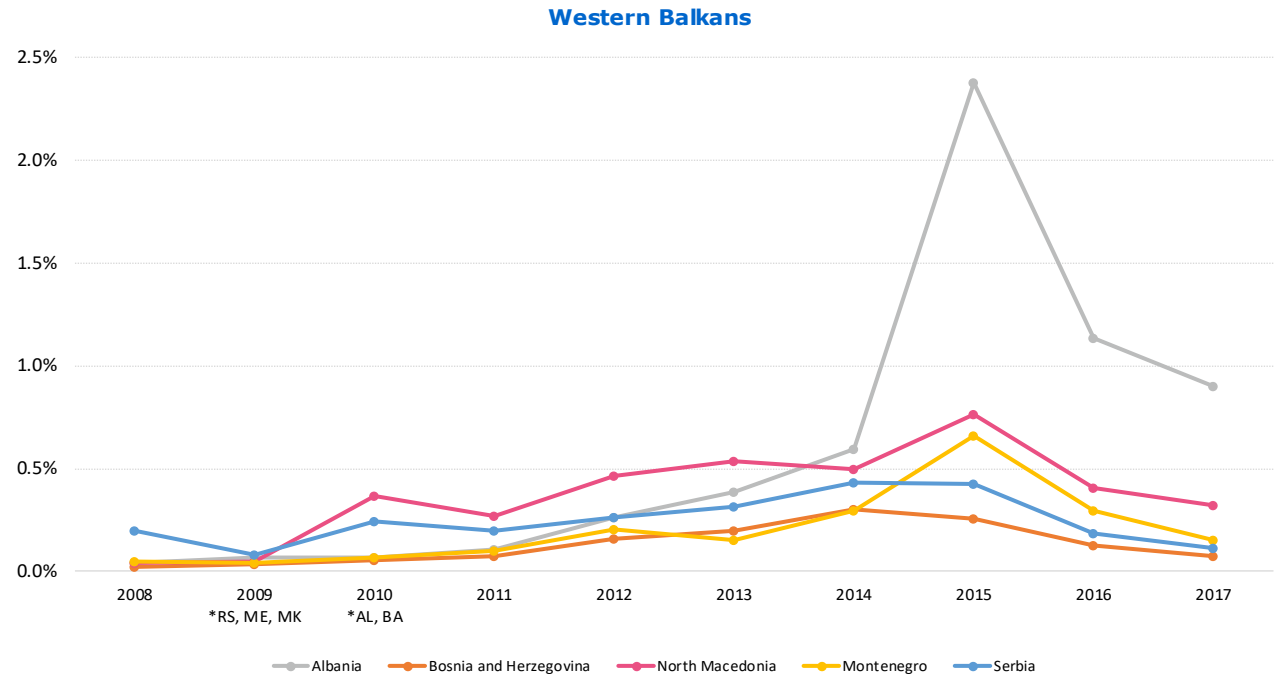
The impact of visa liberalisation on asylum applications was not equally distributed among the countries of destination. For example, nine Member States[99] did not register any increase in the number of asylum applications from Western Balkan countries after visa liberalisation. A similar experience was registered with the Eastern Partnership countries, with some exceptions. For example, Spain noted a sharp increase in asylum applications from Georgian nationals in 2017 (going from 70 in 2016 to 350 in 2017) while applications from Ukrainian nationals remained high but lower than in previous years (3 440 in 2015 versus 2 260 in 2017).[100]

Figure 22 shows the proportion of asylum applications by visa-free country compared to their total population in the period 2008 - 2017. As it can be seen in the figure, for all Western Balkan countries applications increased after visa liberalisation and remained broadly under 0.5% of total population until the onset of the migration crisis in 2014 when rates increased from all countries, in particular from Albanian nationals that had the highest proportion of applications in 2015 at 2.5% (or 2.5 nationals lodged an asylum application in the EU and Norway for every 100 Albanian nationals, which is a fivefold increase compared to 2014).

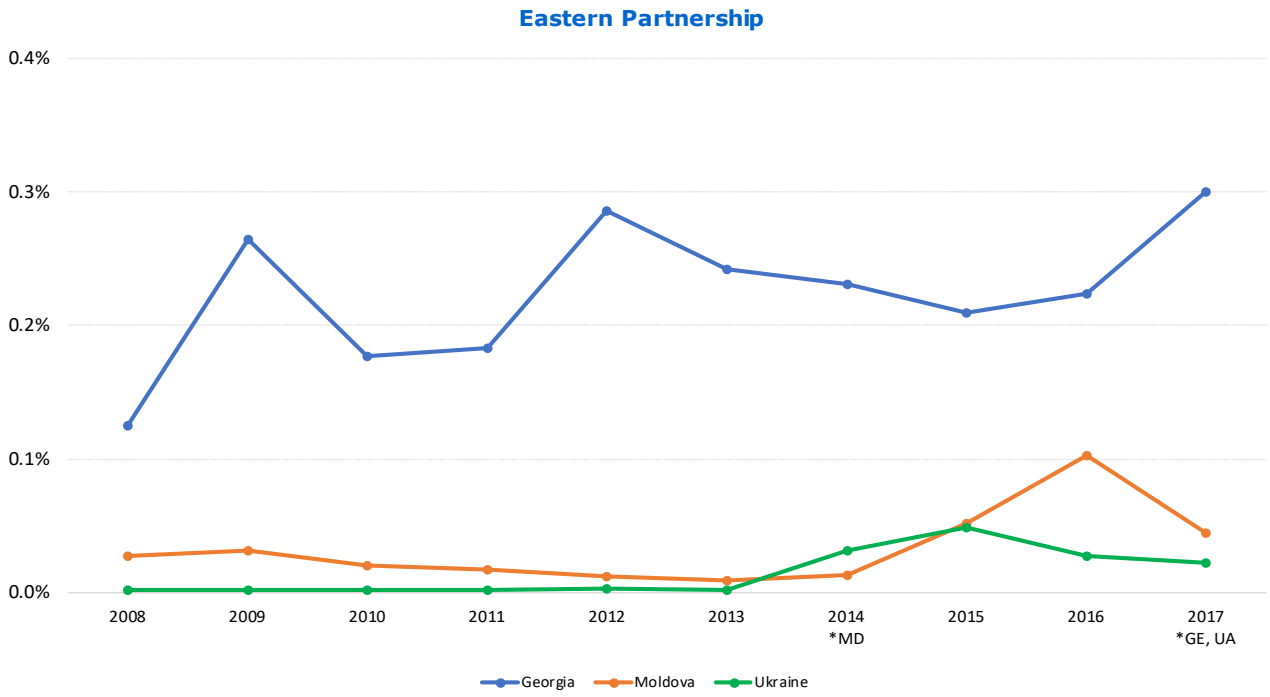
For the Eastern Partnership countries, the number of applications from Moldovan nationals registered a sharp increase starting with 2014, the year of visa liberalisation. Georgian nationals also registered a sharp increase in 2017 following visa liberalisation and has consistently maintained the highest levels in the Eastern Partnership group with a much higher proportion of applications than Moldova or Ukraine when accounting for their total population. Ukraine registered a gradual increase during 2013-2015 which then decreased slowly towards 2017. In general, when accounting for its total population, the share of asylum applications from Ukraine has been low compared with the other visa-free countries subject of this study.

These findings show that, when considering the total population of the visa-free countries, Albanian and Georgian nationals have submitted the largest share of asylum applications. In this context, the number of asylum applications from Bosnia and Herzegovina, Serbia, Moldova and Ukraine can be considered low when looking at the size of their population. In the case of Montenegro and North Macedonia nationals, these two nationalities also had a significant increase in asylum applications in 2015 (doubling or tripling).

Figure 22: Total number of asylum applications received from visa-free countries in proportion to their total population in the EU and Norway, 2008-2017



99 BG, CZ, EE, ES, LV, MT, PT, PL, and SI.
100 Eurostat [migr_asyappctza], accessed 24.10.2018.



Source: Eurostat [migr_asyappctza], data extracted on 24/10/2018 and World Bank [population data, total], data extracted on 21/01/2019.

Notes: Each percentage point translates to 1 national out of 100 applying for asylum.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Measures adopted by Member States in response to increasing numbers of asylum applications

From 2014 to 2016, in response to the unprecedented influx of incoming applicants for international protection, Member States adopted various measures across several areas, ranging from reinforcing border controls and law enforcement, to strengthening reception services, registration and asylum procedures, and integration measures.[101] Where applicable, these measures were also applied to manage the increase of asylum applications from visa-free countries and tackle the associated administrative burden, including:

- Implementing accelerated[102] and prioritisation[103] procedures to process asylum applications;
- Joint examination of asylum applications and applications for residence permits on other grounds filed by the same applicant (FR);
- Additional resources allocated to national authorities processing asylum applications,[104] for example by contracting additional staff;[105]
- Creating additional reception centres (BE and DE);
- Measures targeted at ensuring swift return of rejected asylum applicants,[106] (e.g. significantly reducing the support for voluntary return);
- Increasing the number of border crossings points (ES), and modernising ICT systems (PL);
- Targeted information campaigns (BE, DE and FI);
- International cooperation with the countries of origin.[107]

101 See the 2018 EMN study on Changing Influx of Asylum Seekers (2014-2016) that provides an overview of the changes to national strategies, approaches and measures in response to the unprecedented migratory movements to EU Member States and Norway between 2014 and 2016; available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_changing_influx_study_synthesis_final_en.pdf.
102 BE, CZ, CY, FI, FR, LU, NL, NO and SE (e.g. multidisciplinary teams set to deal with recent influx of asylum applicants from Georgia in 2017 and 2018).
103 DE.
104 DE, FR, LU, PT and SE, SI.
105 BE, DE, FR, LU, LV, MT and PL, SI.
106 BE, DE, ES, FI, FR, LU and NL.
107 BE, DE, ES, FR and LU (e.g. multiple visits to Serbia).

Box 3: 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.

In addition to the aforementioned measures and specifically to accelerate the examination of asylum applications by nationals of visa-free countries, a specific measure was the addition of visa-free countries to existing national lists of safe countries of origin.[108] Furthermore, the establishment of a EU list of safe country of origin is currently being discussed at EU-level based on a 2015 proposal from the Commission amending the Asylum Procedures Directive to introduce a common EU list of safe countries of origin; initially, the proposal included Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia and Turkey.[109]

Box 4: Adding visa liberalisation countries to national lists of safe countries of origin

The top six countries designated as safe countries of origin by number of Member States were all Western Balkan countries (including Kosovo): Albania (in 14 MS[110]), Bosnia and Herzegovina (14 MS[111]), North Macedonia (14 MS[112]), Montenegro (14 MS[113]) and Serbia (14 MS[114]).[115] 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,[116] Moldova[117] and Ukraine[118]), while others investigated the possibility to add them to such lists.[119]

By adding visa-free countries to national safe country of origin lists, the procedure to process asylumapplications could be accelerated, thereby halving the time required to process applications from visa-free nationals (with some variation by Member State).[120] In addition, Germany introduced specific restrictions in accommodation, social benefits and access to the labour market and integration measures for asylum applicants from safe countries of origin.

Generally, the measures outlined above allowed national authorities to process more efficiently the number of asylum applications lodged by nationals of the visa-free Western Balkan countries.[121] Member States' authorities also stated that they would be better 'equipped' should they experience an increase in number of asylum applications in the future, including asylum claims from the more recent Eastern Partnership visa-free countries. Some of the above- mentioned measures were either implemented pre-emptively, shortly after visa liberalisation or are being considered to be applied to nationals of Eastern Partnership countries.[122] As an example, and in addition to extend national lists of safe countries of origin to include these countries, four Member States intend to extend the application of accelerated examination procedures;[123] Germany stepped up its cooperation with Georgia to tackle the increased number of asylum applications from this country and France strengthened its cooperation with Georgia to fight irregular migration

108 AT, BE, BG, HR, CZ, FR, DE, HU, IE, LU, NL, SK, SI and UK. A detailed overview of the safe countries of origin lists adopted by Member States can be found in the EMN Inform on Safe Countries of Origin published in March 2018, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_inform_safe_country_of_origin_final_en_1.pdf.
109 European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU, COM(2015) 452.
110 AT, BE, BG, HR, CZ, (FI), FR, DE, HU, LU, NL, SI, UK (NO).
111 Ibid.
112 Ibid.
113 Ibid.
114 Ibid.
115 EMN Inform on Safe Countries of Origin published in March 2018, Annex, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_inform_safe_country_of_origin_final_en_1.pdf.
116 AT, BE, BG, FR, NL (not safe in specific regions) (NO).
117 FR, UK (NO).
118 AT, BG, LU, NL (not safe in specific regions), UK.
119 FI; IE amended its national safe country of origin list to add certain Western Balkan and Eastern Partnership countries in April 2018. In BE Georgia was added to the list of safe countries of origin in 2016, anticipating on the upcoming the visa liberalisation. In DE, a draft law adding Georgia (as well as Algeria, Morocco and Tunisia) to the list of safe countries of origin is currently being discussed in Parliament, and CZ plans to add Eastern Partnership countries on the safe country of origin list in 2019.
120 See EMN Inform on Safe Countries of Origin.
121 DE, FI, FR, HU, PL, NL, SE and NO.
122 BE, CZ, DE, FI, FR and IE.
123 CY, CZ, FR and LU.

Box 5: Introduction of transit visa requirements for nationals of visa-free countries in Ireland[124]

Ireland introduced a transit visa requirement for nationals of Georgia and Ukraine in 2017 as a preventive measure following the introduction of visa-free travel in the Schengen area for these nationals. The requirement was put in place to assist in identifying travellers that may pose a risk of disembarking in transit and either claim asylum or attempt to remain in the country irregularly or travelling onward to the United Kingdom. An upward trend of Georgian nationals seeking to disembark in Ireland while in transit following the introduction of visa-free travel was noted by Irish authorities. Thus, the transit visa requirement was introduced in June 2017 for Georgian nationals to lower the risk of such actions. Likewise, a transit visa requirement was introduced for Ukrainian nationals in June 2017 as a preventive measure.

3.2.2. Irregular stay and overstay

Underpinning assumptions and potential causality links between visa liberalisation and irregular stay of nationals of the visa-free countries in the Schengen area often run in two opposite directions. On the one hand, one scenario contends that more movement of persons leads to higher levels of irregular migration and that the latter would increase after visa liberalisation in the absence of internal border controls in the Schengen area and an effective control on exits and monitoring of overstayers in the Schengen area is yet to be established (e.g. European Travel Information and Authorisation System and Entry/Exit System). On the other hand, visa liberalisation may reduce the demand for irregular migration as nationals of the visa-free countries have the possibility to legally enter the Schengen area for short-term visits.

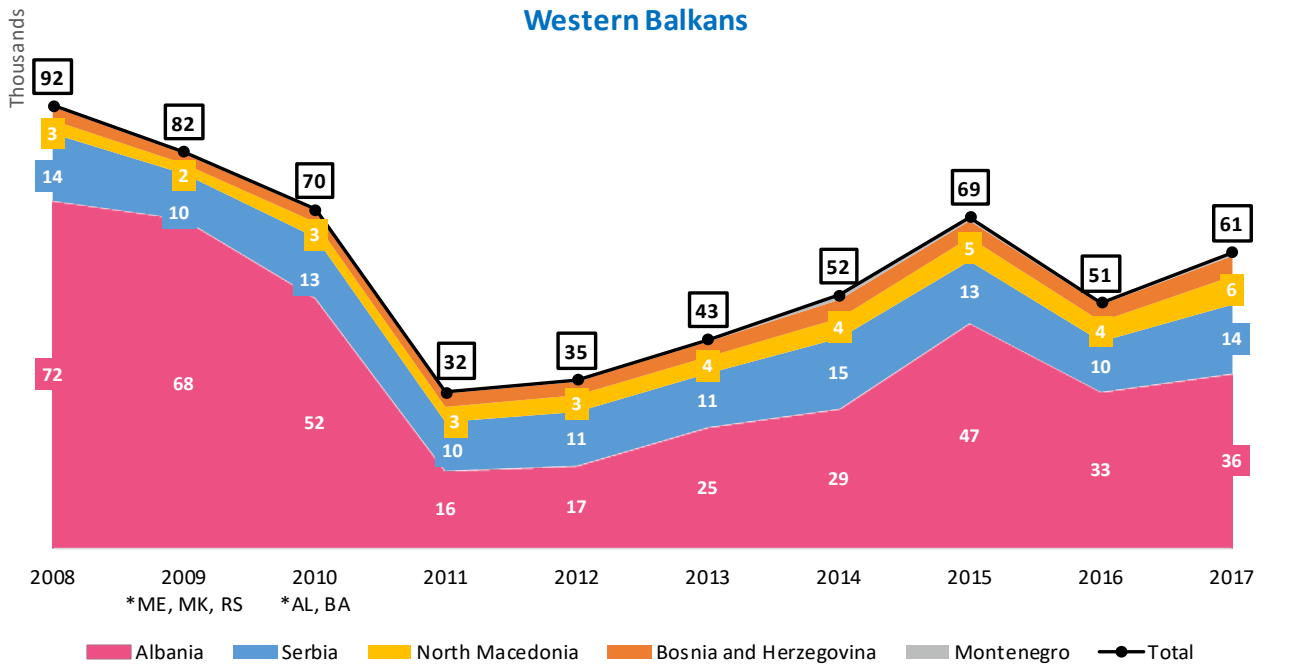
A first analysis of the number of persons found to be staying irregularly in the EU from the Western Balkans showed some fluctuation and a rise since 2011, yet figures did not reach pre-visa liberalisation levels. Irregular stay of nationals from Eastern Partnership countries showed a slow but constant increase (see Figure 23, Eurostat data). Similarly, the number of persons from visa-free countries overstaying the maximum period allowed rose (see Figure 29, national data).

Comparing Eurostat data on the number of persons from visa-free countries found to be irregularly staying with those legally staying, namely the number of residence permits issued to the same third-country nationals, contributes to a better contextualisation of the trends: while irregular stay represented an increase in absolute figures, proportionally, this represented a low share of all those that obtained a long-term legal stay. A similar conclusion can be reached by comparing national data on overstay with those on tourism (see section 2.1.1). However, these indicators only partially explain the relationship between visa liberalisation, overstay and irregular stay; as any other analysis of migratory trends, other factors are to be taken into account: (fluctuation of) size and population of a third-country, policies implemented by Member States (e.g. proactive labour migration policies in favour of certain third-country nationals) and other events (e.g. migration crisis and the Western Balkan route).

When comparing data between 2008 and 2017 on the number of persons issued a residence permits and the number of persons found to be irregularly staying from the Western Balkan visa-free countries (see Figure 24), the number of residence permits are higher than the number of persons in irregular stay.

124 The Irish Short Stay Visa Waiver Programme applicable, among other countries, to nationals of Bosnia and Herzegovina, Montenegro, Serbia and Ukraine, was introduced in 2011 and allows for travel to Ireland for a maximum period of 90 days for nationals of the eligible countries under the Programme who hold a UK short stay visa (and who have landed in the UK and cleared UK immigration). The Programme does not apply to direct travel to Ireland. The Programme is not a reciprocal visa programme – a UK visa to travel to the UK, including Northern Ireland, is required. It is a requirement under the Programme to have landed and gained lawful entry to the UK, prior to travel to Ireland. Transit passengers through the UK to Ireland, who do not pass through immigration, will still require an Irish visa.

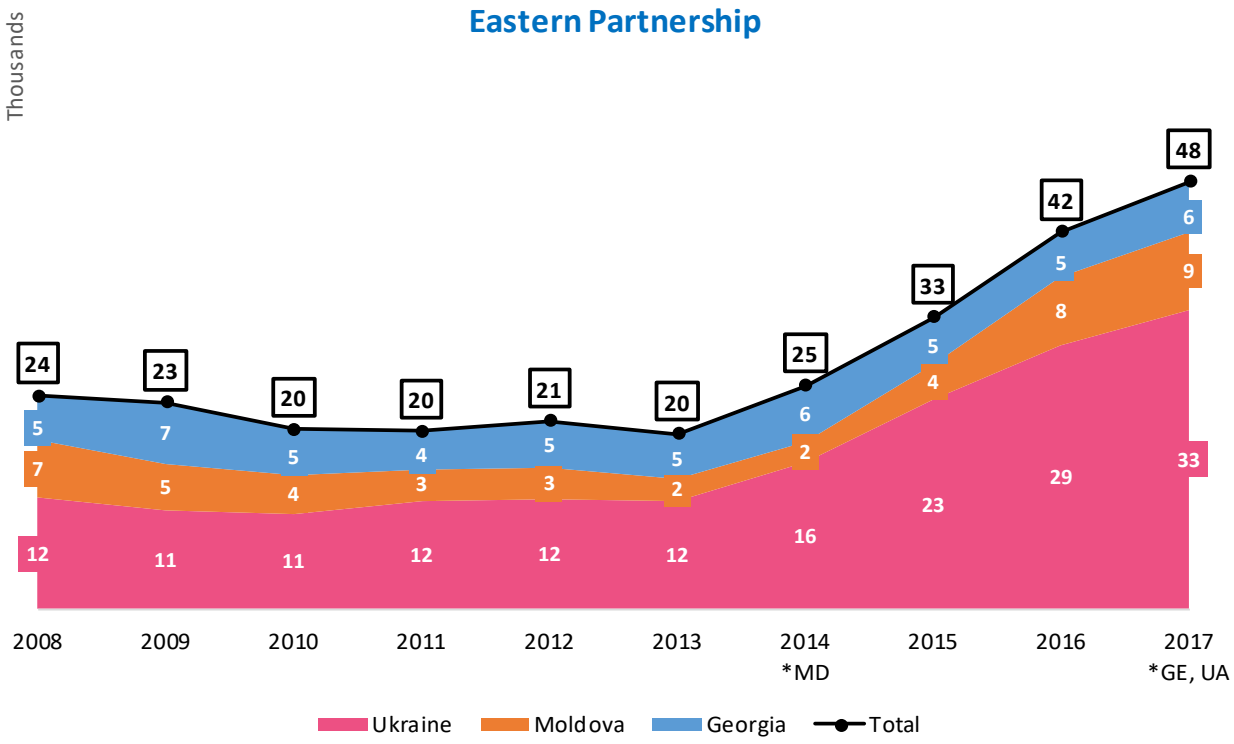
Figure 23: Total number of nationals found to be irregularly present in EU Member States and Norway from the visa-free countries in the EU (without IE and UK) and Norway, 2008-2017



Source: Eurostat [migr_eipre], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

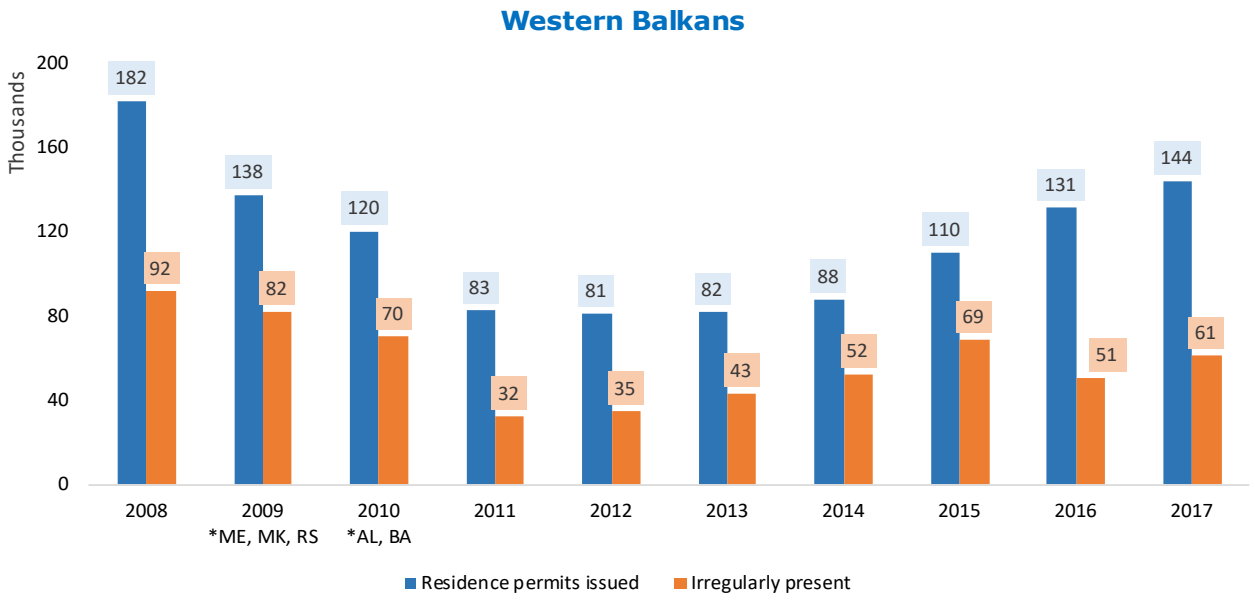


Source: Eurostat [migr_eipre], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Figure 24: Total number of residence permits issued and nationals found to be irregularly present from the Western Balkan countries in the EU (without Ireland and UK) and Norway, 2008-2017



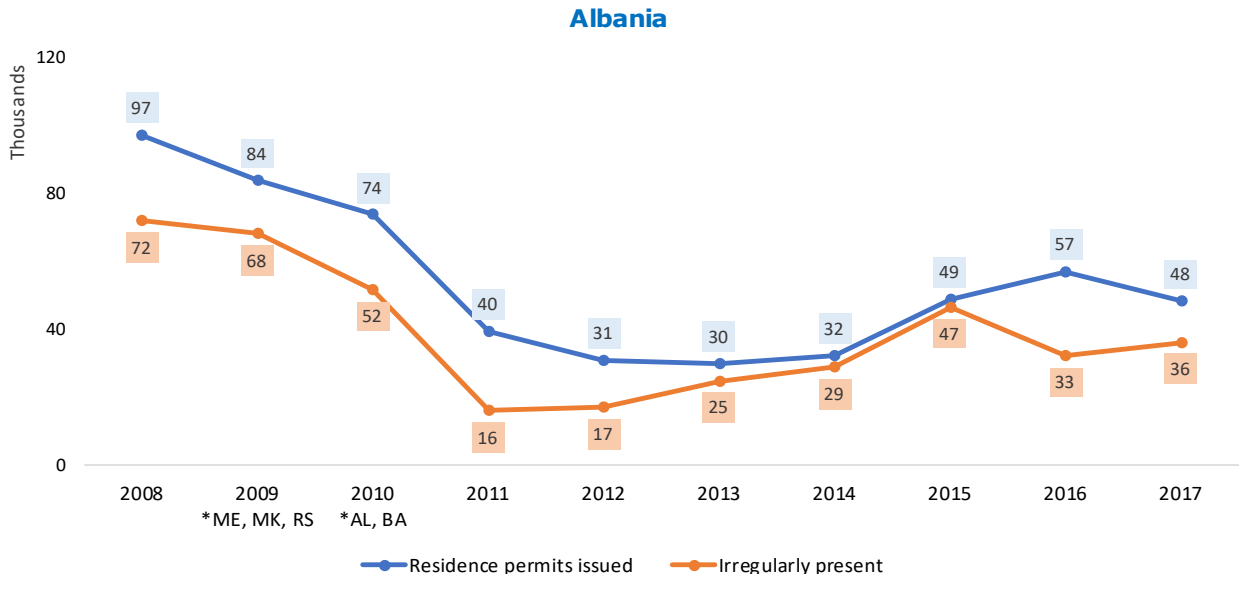
Source: Eurostat [migr_resfirst] and [migr_eipre], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway, except IE and UK.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

The number of Albanian nationals found to be irregularly present represented on average more than 50% of the total nationals of the Western Balkan countries detected to be in irregular stay over 2008-2017 (also see Figure 25). Irregular stay of Albanian nationals significantly decreased in the year that followed visa liberalisation and then gradually increased between 2011 and 2017, with a peak in 2015, without however reaching pre-visa liberalisation levels. The number of residence permits issued to Albanian nationals followed similar patterns in the immediate aftermath of visa liberalisation, namely they decreased by almost half between 2010 and 2011 and continued to decrease in 2012; the numbers showed only a moderate increase between 2012 to 2017, with the highest number of permits issued – after visa liberalisation – in 2016.

Figure 25: Total number of residence permits issued and nationals found to be irregularly present from Albania in the EU (without Ireland and UK) and Norway, 2008-2017



Source: Eurostat [migr_resfirst] and [migr_eipre], data extracted on 01/10/2018.

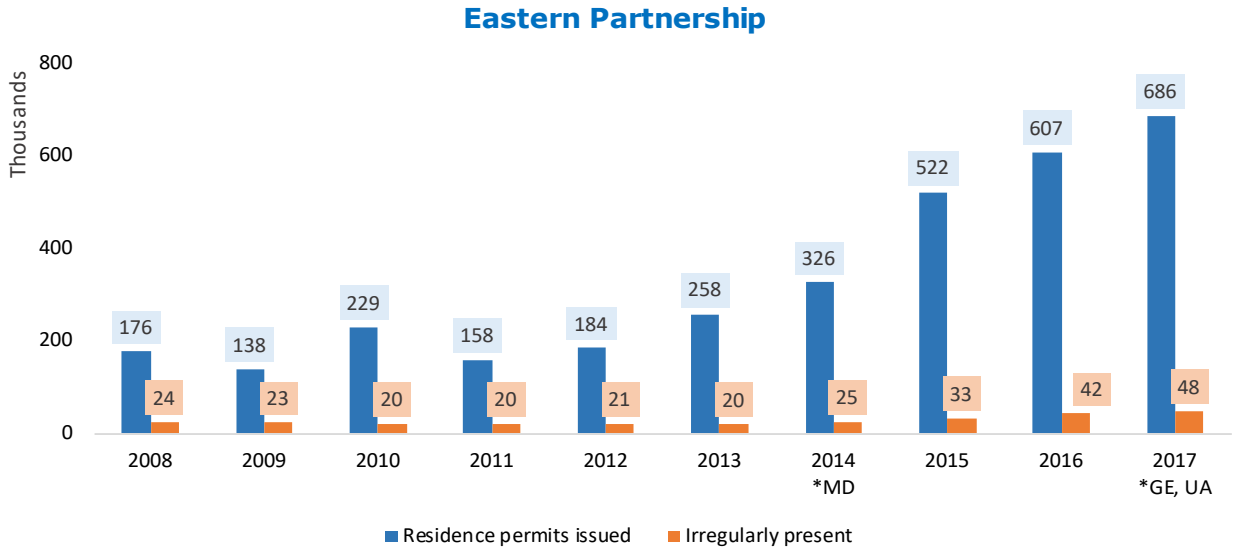
Notes: The values reflect the total number in individual EU Member States plus Norway, except IE and UK.

**Visa liberalisation dates: North Macedonia, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

In the same vein, the number of residence permits issued to nationals of the Eastern Partnership countries largely outweigh the number of persons detected in a situation of irregular stay, again in most part due to the large number of Ukrainian nationals shaping both of these trends, even before visa liberalisation was introduced in 2017 (see Figure 26 and 28).

Focusing on the trends regarding Moldovan nationals, the difference between irregular stay and the number of residence permits is not as wide, with the gap between them closing since 2014: the number of residence permits stabilising at 17 000 since 2015 while the number of persons found in irregular stay increased about four times, from 2 000 persons in 2014 to 9 000 in 2017 (see Figure 28).

Figure 26: Total number of residence permits issued and nationals found to be irregularly present from the Eastern Partnership countries in the EU (without Ireland and UK) and Norway, 2008-2017

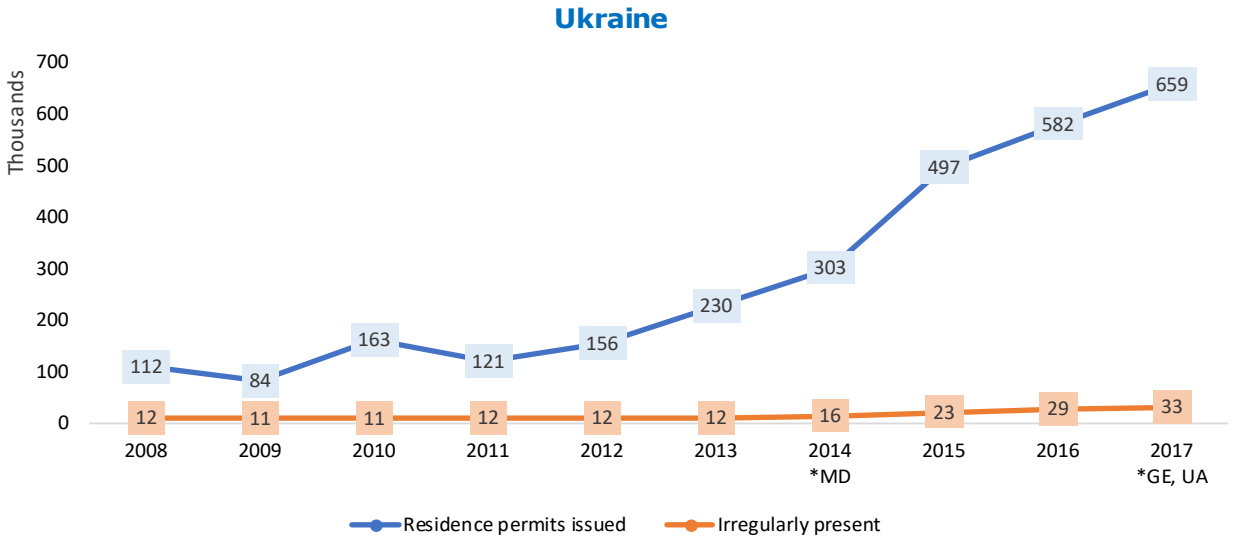


Source: Eurostat [migr_resfirst] and [migr_eipre], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway, except IE and UK.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Figure 27: Total number of residence permits issued and nationals found to be irregularly present from Ukraine in the EU (without Ireland and UK) and Norway, 2008-2017

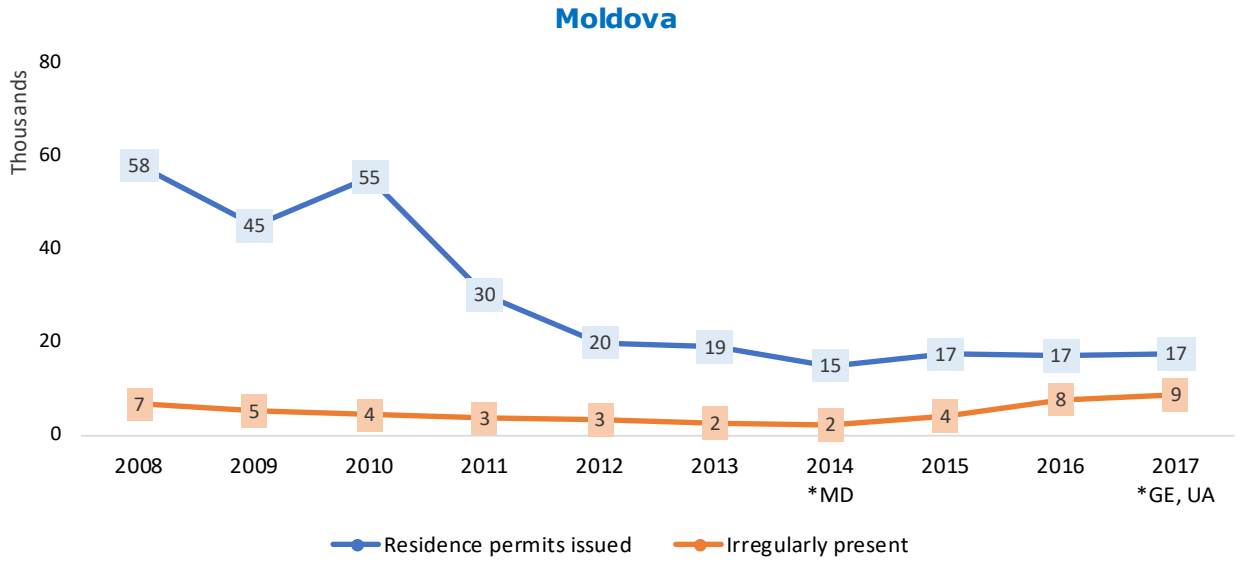


Source: Eurostat [migr_resfirst] and [migr_eipre], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway, except IE and UK.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Figure 28: Total number of residence permits issued and nationals found to be irregularly present from Moldova in the EU (without Ireland and UK) and Norway, 2008-2017



Source: Eurostat [migr_resfirst] and [migr_eipre], data extracted on 01/10/2018.

Notes: The values reflect the total number in individual EU Member States plus Norway, except IE and UK.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Based on this data, it is not possible however to establish a clear link between visa liberalisation and irregular stay, or visa liberalisation and overstay, as evolution of migration trends is influenced by several other factors: size and number of total population of a third country, as well as proactive labour migration policies implemented by certain Member States. Additionally, to some extent, the reporting of higher numbers of persons found to be irregularly staying may also result from the higher levels of scrutiny applied by Member States as a result of the migration crisis.

Irregular stay and overstay challenges

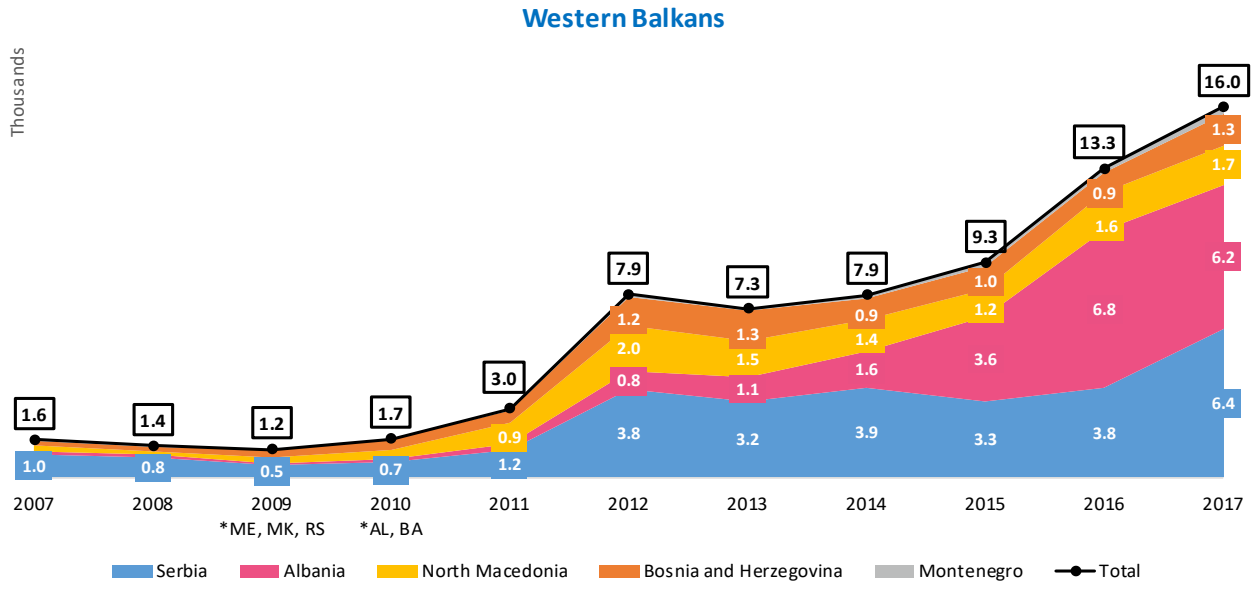
Both overstay and irregular stay are hidden phenomena that are very difficult to measure (i.e. most cases are detected when third-country nationals are trying to leave a country of destination), making it very challenging to collect reliable and accurate statistics.[125] Twelve EU Member States[126] identified an increase in overstayers after visa liberalisation.

According to the available national data (see Figure 29), the highest number of overstayers from the Western Balkan region were from Serbia with a large proportion detected in Hungary (4 300 in 2017 compared to 1 800 in 2012) and from Albania (most being detected in Germany). In relation to nationals from the Eastern Partnership countries, the aggregated data showed a gradual increase in overstays since 2014 which counted 4 600 overstayers and peaking in 2017 with 14 000 overstayers. This was mostly driven by high numbers of Ukrainian nationals that counted for 10 800 overstayers in 2017 – particularly in one neighbouring country, Poland – after a constant increase since 2010 when they counted 1 600. As visa-free travel for nationals of Ukraine was introduced only in 2017, this upward trend cannot be attributed to visa liberalisation and was likely influenced by other factors, such as the internal political unrest and the escalation of the conflict in 2014. An increase of overstays by Moldovan nationals has been observed since 2015: 488 overstayers were counted in 2015, a number which increased to 2 185 in 2017; this trend was mainly observed in Hungary, Poland and Slovenia.

125 The following MS did not provide data on overstayers: AT, BE, CZ, ES, FR, HR, IE, IT, LU, MT, NL and UK. Germany and Norway explained that their figures for overstay are based on third-country nationals detected as not fulfilling, or no longer fulfilling, the conditions for stay or residence when they tried to exit their territory.

126 BE, DE, EE, ES, HU, LT, LV, MT, PL, PT, SI and SK.

Figure 29: Total number of overstayers from the visa-free countries in the EU and Norway 2007-2017



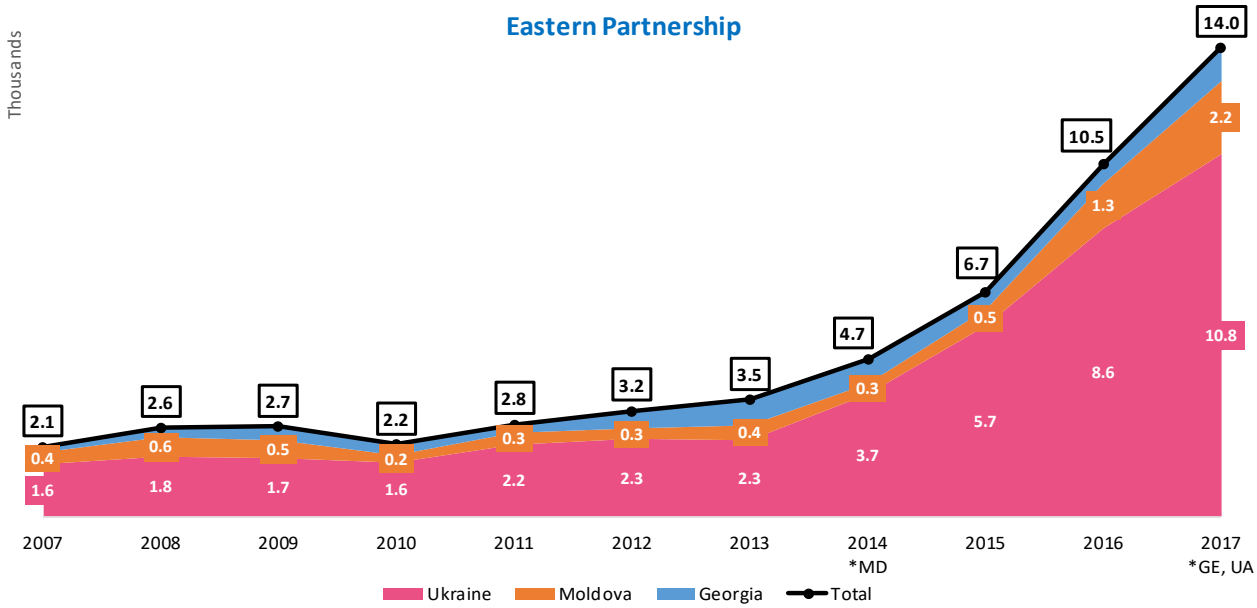
Source: National data provided by Member States and Norway in their reports for this study.

Notes: The following Member States plus Norway provided national data for this indicator: CY (data as of 2013), DE, EE (data as of 2010), EL (data as of 2014), FI, HU (data as of 2012), LT, LV, NL (data as of 2013), PL (data as of 2014), PT, SE, SI (data as of 2009), SK (data as of 2010) and NO (data as of 2009).

The majority of the data regarding Serbian nationals comes from Hungary and for Albanian nationals from Germany.

Data from DE and NO is based on third-country nationals detected as not fulfilling, or no longer fulfilling, the conditions for stay or residence when they tried to exit their territory.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010)*



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: CY (data as of 2013), DE, EE (data as of 2010), EL (data as of 2014), FI, HU (data as of 2012), LT, LV, NL (data as of 2013), PL (data as of 2014), PT, SE, SI (data as of 2009), SK (data as of 2010) and NO (data as of 2009). The majority of the data for Ukraine comes from Poland.

Data from DE and NO is based on third-country nationals detected as not fulfilling, or no longer fulfilling, the conditions for stay or residence when they tried to exit their territory.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Once third-country nationals do not or no longer fulfil the conditions for staying in a Member State or Norway, their stay becomes irregular. Nineteen Member States and Norway[127] reported an increase in irregular stay of nationals of at least one of the eight countries benefiting from visa liberalisation, but the significance of the increase differed between Member States and countries of origin. The number of persons from visa-free countries detected to be irregularly present increased in some Member States during the migration crisis, which may be due, in part, to the higher level of border controls and surveillance set up by countries of destination.[128] Such increases were particularly noted in Austria, France, Germany and Spain where the number of Albanian nationals irregularly present between 2010 and 2017 rose substantially, with peaks in 2015 in Germany[129] and Greece, and in 2017 in Austria and France.[130] Irregular stay among Serbian nationals increased mainly in Germany, Hungary, and Sweden starting with 2010. Similarly, the presence of nationals of North Macedonia increased in Germany, Hungary, Slovenia and Sweden, while Montenegrins were found increasingly in Germany after visa liberalisation.

Eurostat data shows that in the case of the Western Balkans, Albanian nationals represented the largest group found to be staying irregularly in EU Member States and Norway, although overall their number remained lower than pre-visa liberalisation levels (see Figure 23 above). Irregular stay of nationals from the Eastern Partnership countries shows a gradual but constant increase since 2013, mainly because of the higher number Ukrainian nationals following the 2014 conflict.

Data on return decisions can also be used as a proxy indicator for estimating the scale of overstay and irregular stay (see Figure 14, see section 2.2.4), as often the return of nationals from visa-free countries is 'fast-tracked' in the Member States. These data follow a similar pattern as identified for overstay and irregular stay, namely a gradual increase which overall however did not reach the levels before visa liberalisation.

Measures to combat irregular stay and overstay

Fewer than half of the Member States undertook any specific measures to combat overstaying and irregular stay of nationals from visa-free countries. As a rule, detected overstayers in most Member States bound by the Return Directive will be issued a return decision, together with an entry ban if required by circumstances. In addition to these general measures, 12 Member States[131] introduced specific measures to reduce irregular stay of nationals from visa-free countries or included these countries in wider measures.[132] As an example, in Spain, surveillance of the perimeters of the ports of Santander and Bilbao had to be increased due to the attempts of Albanian nationals to board ferries to the United Kingdom. Furthermore, travel documents of passengers travelling to the United Kingdom from small Spanish airports needed to be carefully checked to detect forgeries by, among others, Albanian nationals.

Other measures focused more specifically on:

- Strengthening cooperation with authorities of visa-free countries (AT, BE, DE, FR) (see also section 2.2.4);
- Running information campaigns (BE, CZ, DE) or consultation services (EE);
- Promoting voluntary return (BE, CZ, DE, SI) (see also section 2.2.4);
- Introducing changes to criminal law (HU, IT);
- Introducing fines for irregular stay (IT);
- Increasing awareness of border guards (EE, ES, MT);
- Tightening identity checks at the borders (ES, SE, SI);
- Improving inter-agency cooperation (CZ, LT);
- Creating options for regular stay after expiration of the visa-exempt period (AT).

3.2.3. Illegal employment

Measuring the level of illegal employment of third-country nationals in the EU is challenging (see Figure 30) as data is very patchy, especially for the Western Balkans region. Also, a recent EMN Study on illegal employment showed that statistics on identification of illegal employment rather reflected Member States' enforcement (and hence detection) efforts without offering a full picture of illegal employment in a given Member State, as many cases of illegal employment remain unidentified.[133]

Focusing on the data available regarding visa-free countries' nationals, out of 15 Member States[134] that provided national statistics on illegal employment, 11 did not report any major challenges in illegal employment following its introduction,[135] taking into account that eight Member States did not have (full) disaggregated data on illegal employment from 2007 to 2017, making it difficult to analyse trends (see Figure 30).[136]

From the data available at national level on the Western Balkan visa-free countries (see national reports), it appears that illegal employment has affected Austria (mainly nationals of Serbia and Bosnia and Herzegovina),

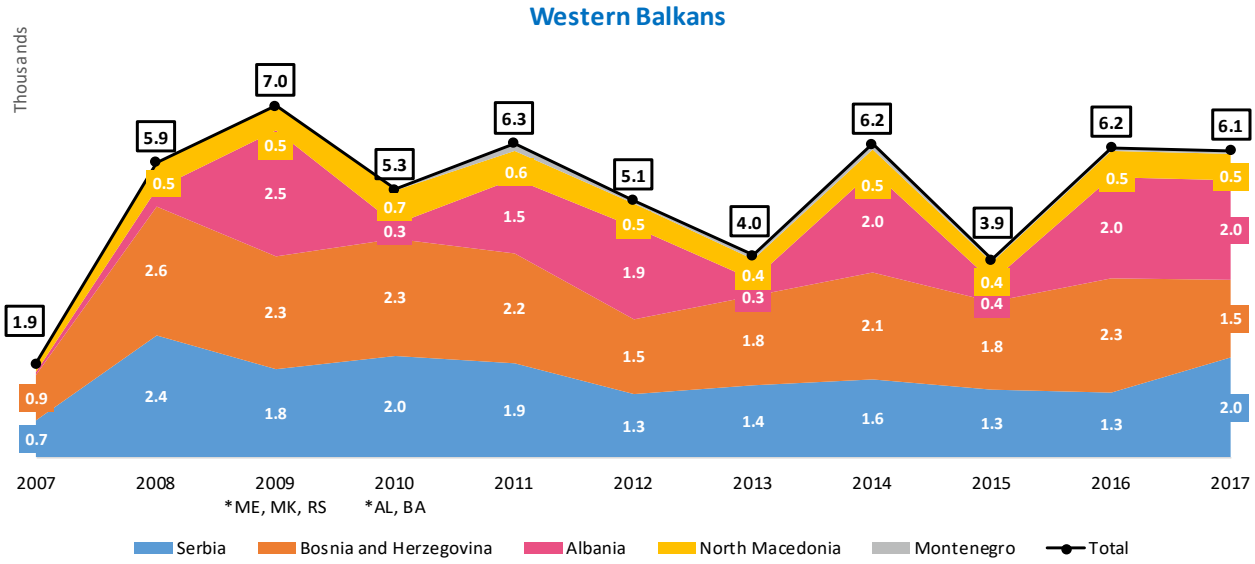
127 AT, BE, CZ, DE, EE, EL, ES, FI, FR, HU, IT, LU, MT, NL, PL, PT, SE, SI and SK.
128 See EMN Study on Changing Influx of Asylum Seekers 2014-2016, section 3.1.1.
129 In the case of Germany, in 2014 approximately 1,900 Albanian nationals were found to be irregularly present. In 2015, Albanian nationals found irregularly present were nearly 18,000. For other Western Balkans nationalities, the difference between 2014 and 2015 is not relevant compared to the observed trend in number of Albanian nationals.
130 In terms of irregular immigration, nationals from Albania represents a major challenge for France, with an increase noted across all indicators in 2017: abuse of the asylum application process, +1,756% since 2010 and +61% between 2016 and 2017; non-admissions, +25% compared to 2016; arrests +10% from 2016 to 2017; removal measures imposed, +50% from 2016 to 2017. Over several years, Albania has been one of the main countries of origin for irregular immigration to France (first nationality for asylum applications in the territory in 2017).
131 AT, BE, CZ, EE, ES, FR, HU, IE, IT, LT, MT, SI and SE.
132 Seven Member States (DE, FI, IE, LU, LV, PL and PT) did not introduce new measures targeting nationals found to be illegally present.
133 See 2017 EMN Study on Illegal Employment, and its Annex 5, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_illegal_employment_synthesis_report_final_en_0.pdf.
134 The following Member States provided data for this indicator: AT, BE, CY, CZ, DE, EE, FI, FR, HR, IT, LV, NL, PT, SI and SK.
135 BE, CY, ES, FI, IT, LT, LU, NL, PL, PT, and SK.
136 CY, CZ, EE, FI, FR, NL, SI and PL. For example, in EE and FR, statistics are available only as of 2011, in PL as of 2012, in CY as of 2013, and in BE, CZ and FI as of 2015, in NL data available only from 2010 to 2017.

Italy (Albanian nationals) and the Slovak Republic (Serbian nationals).

The number of apprehended Ukrainian nationals in illegal employment has shown an upward trend since 2014, coinciding with the 2014 political unrest in the Ukraine (see Figure 30). Five Member States noted specific concerns regarding Ukrainian nationals who made up a large share of the total number of third-country nationals detected in illegal employment, and the potential for this to increase as a result of visa-free travel.[137] Twelve Member States reported that they had encountered some challenges with regard to illegal employment following visa liberalisation.[138] In Germany, investigations of illegal employment of nationals from visa-free countries showed that this had increased since the introduction of the visa-free regimes, although it usually took some time for people to be detected. The sectors in which most cases of illegal employment were detected included construction[139] , trade,[140] agriculture,[141] manufacturing industry,[142] the hotel and catering sector,[143] and transport.[144]

Given the overall low numbers of persons from visa liberalisation countries detected in illegal employment, only a few Member States took specific measures to reduce or fight against their illegal employment; measures reported were in all cases part of wider initiatives to address this phenomenon.[145] Such measures included, for example, the fight against labour exploitation in the farming sector in Italy, ad hoc regularisations of third-country nationals involved in illegal employment in Luxembourg and adoption of an 'Illegal Employment Prevention and Prohibition Action Plan' in Estonia.

Figure 30: Total number of nationals from the visa-free countries found in illegal employment in the EU and Norway, 2007-2017

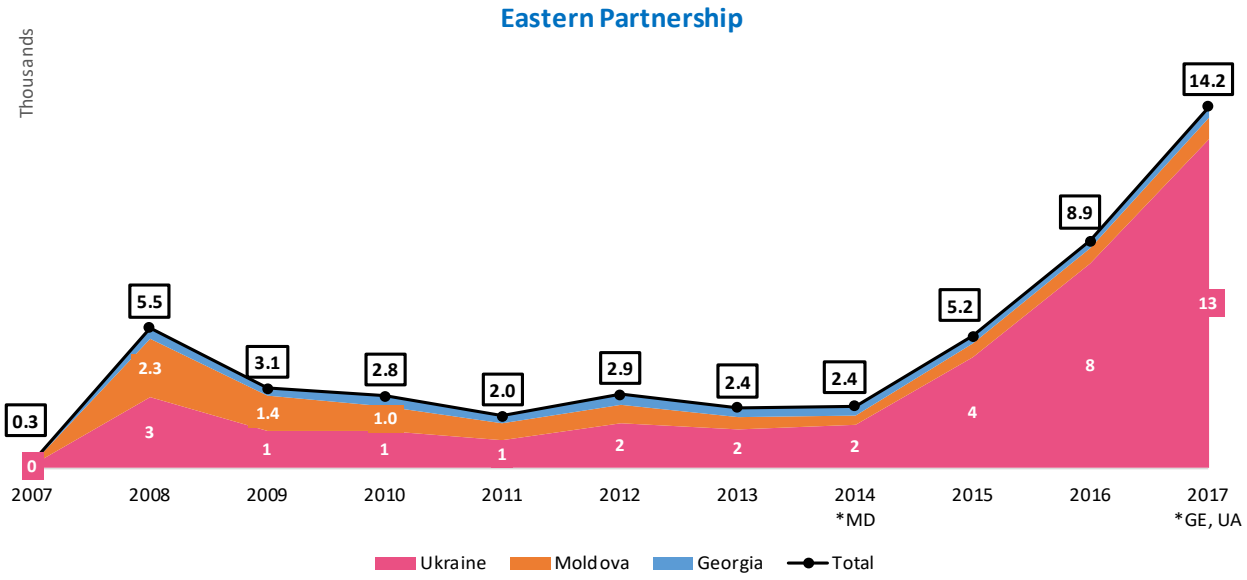


Source: National data provided by Member States and Norway in their reports for this study.

Notes: The following Member States plus Norway provided national data for this indicator: AT, BE (data as of 2015), CY (data as of 2013), CZ (data as of 2015), DE, EE (data as of 2012), FI (data as of 2015), FR (data as of 2011), HR, IT (data as of 2008), LT, LV, NL (data as of 2010), PL (data available as of 2012), PT, SE, SI (data as of 2009) and SK. Most of the data for Albania comes from Italy.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

137 CZ, FI, EE, LT, and LV.
138 AT, BE, CZ, DE, EE, FR, HU, LT, LV, MT, PL, and PT.
139 AT, DE, EE (Ukrainian nationals), FR and FI (Ukrainian nationals).
140 FR.
141 AT, EE (Ukrainian nationals) and FR.
142 EE (Ukrainian nationals).
143 DE and FR.
144 DE and FR.
145 BE, CZ, EE, IT and LU; see also the 2017 EMN Study on Illegal Employment.



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, BE (data as of 2015), CY (data as of 2013), CZ (data as of 2015), DE, EE (data as of 2012), FI (data as of 2015), FR (data as of 2011), HR, IT (data as of 2008), LT, LV, NL (data as of 2010), PL (data available as of 2012), PT, SE, SI (data as of 2009) and SK. Most of the data for Ukraine comes from Poland.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

3.2.4. Facilitation of irregular migration, smuggling, trafficking in human beings and other challenges to the public order of countries of destination

One of the initial assumptions on the effect of visa liberalisation on facilitation of irregular migration and smuggling of migrants was that, overall, it would reduce the demand for such services from nationals of the visa-free countries as most could lawfully enter the Schengen area. A main obstacle in confirming this hypothesis lies in the fact that identifying and accurately determining the number of facilitators and smuggled third-country nationals is a significant challenge for national authorities, as these are hidden phenomena for which data collection is difficult. In addition, more focus is generally placed on identifying smugglers and dismantling their network, rather than on collecting data on smuggled persons.[146] Likewise, identifying victims of trafficking in human beings is highly challenging, as it is again a significantly underreported phenomenon. Thus, any links or trends between these phenomena and visa liberalisation countries were largely inconclusive in most Member States. Furthermore, in most Member States, any actions taken to combat facilitation, smuggling of migrants and trafficking in human beings were general in nature and not specifically geared towards nationals of the visa-free countries.

Another assumption on the potential consequences of visa liberalisation this study attempted at verifying was that, with an increased number of persons being able to legally enter the Schengen area, this would constitute higher levels of risks to the public order as the level of controls carried out on nationals of visa-free countries is lighter with visa liberalisation compared with a full examination in a 'classic' visa application.[147] Due to inherent limitations linked to the collection of crime statistics by national authorities there is insufficient evidence to connect such risks with visa liberalisation.

Facilitation of irregular migration

Based on the information collected as part of the study, it was not possible to establish a clear link between visa liberalisation and the facilitation of unauthorised entry, transit and residence (see Figure 31). Eleven Member States did not observe any change in the number of convicted facilitators of unauthorised entry, transit and residence since the introduction of visa liberalisation.[148]

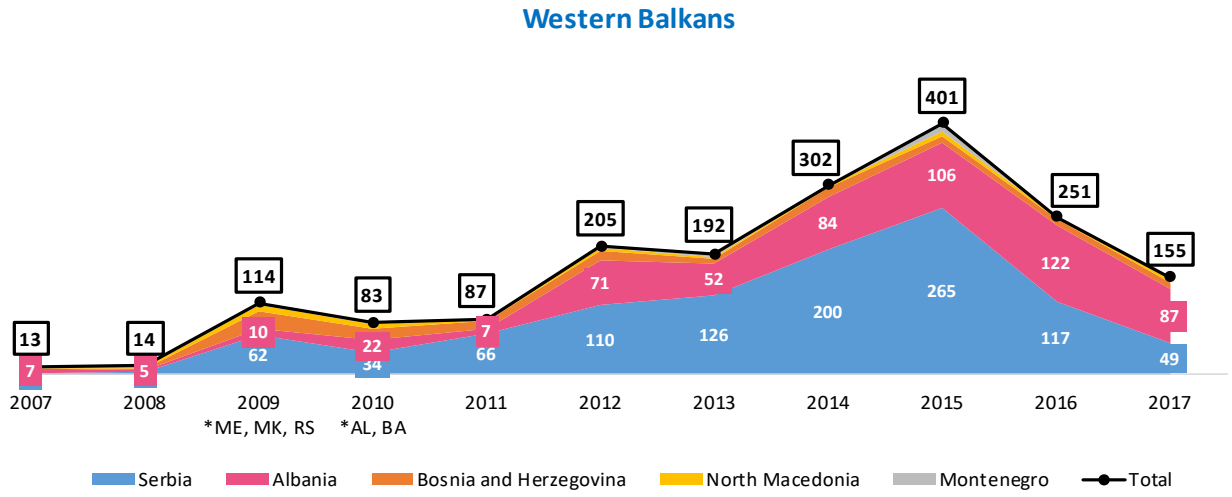
National aggregated data on the total number of convicted facilitators of unauthorised entry, transit and residence from the visa-free countries (final court rulings, see Figure 31) suggests that the year following visa liberalisation recorded a relative increase in the number of facilitators from Western Balkan countries, but this was more likely linked to changes in migration flows.[149] Most convicted facilitators were from Albania and Serbia, showing some fluctuation following visa

146 See for example the first report published by the European Migrant Smuggling Centre (Europol) on trends on migrant smuggling in the EU: https://www.europol.europa.eu/publications-documents/migrant-smuggling-in-eu.
147 Second Report under the Visa Suspension Mechanism, 19 December 2018, COM (2018) 856 final. For example, there are concerns that Serbia giving visa-free status to other countries that require a visa to enter the EU is a source of possible migratory and security risks (most recently Serbia terminated the visa-free status with Iran in October 2018 due to concerns of abuse by Iranian nationals of the visa-free travel to Serbia).
148 CY, CZ (a slight increase was only observed in the case of Ukrainian nationals), EE, ES, FI, HR, LT, LU, LV, SE and SI.
149 Five Member States (IE, IT, MT, NL and NO) mentioned that information and data on identified facilitators were not available.

liberalisation with a peak in 2014 and 2015. Germany, France and Hungary identified an increase in the overall number of convicted facilitators of Serbian nationality, with more than half of convictions issued by Hungary (up to 256 in 2015). Among the Member States that identified some increase in the overall number of convicted facilitators of Albanian nationality – namely Belgium, Croatia, Germany, France and Poland, only in the case of Croatia an increase was significant for Albanian nationals in 2014-2017, albeit figures reported were relatively low (around 50).

In case of Eastern Partnership countries data are not available due to the very recent introduction of the visa liberalisation regime. However, Poland witnessed an increase in the number of nationals of Ukraine convicted of offences related to facilitation of unauthorised entry, rising from six convictions in 2016 to 25 in 2017; likewise, nationals of Ukraine convicted of similar offences committed as part of an organised criminal group more than doubled between 2016 and 2017 (from 30 in 2016 to 68 in 2017).

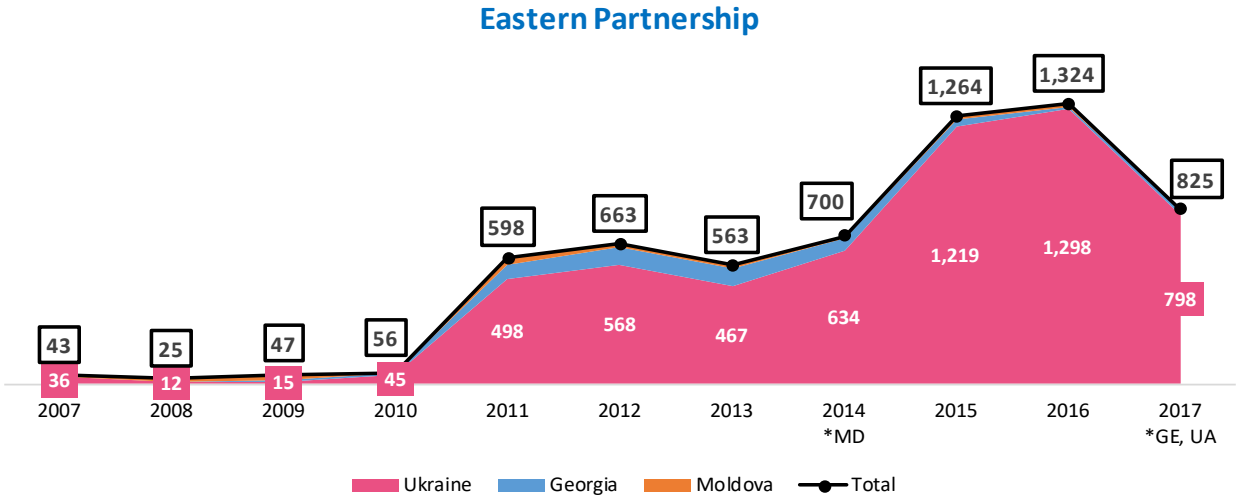
Figure 31: Total number of identified facilitators of unauthorised entry, transit and residence from the visa-free countries (final court rulings) in the EU and Norway, 2007-2017



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: BE (data as of 2010), CY (data as of 2013), CZ, FI (no data for 2017), FR (no data for 2017), HR (data as of 2009), HU (data as of 2009), LT, LU (data only as of 2010), PL (data as of 2011, no data for nationals of North Macedonia), and SK. Most of the data for Serbia is from Hungary.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*



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: BE (data as of 2010), CY (data as of 2013), CZ, FI (no data for 2017), FR (no data for 2017), HR (data as of 2009), HU (data as of 2009), LT, LU (data only as of 2010), PL (data as of 2011, no data for nationals of North Macedonia), and SK. Most of the data for Serbia is from Hungary. Most of the data for Ukraine is from Poland.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Detected facilitation activities ranged from forging and falsifying documents in four Member States,[150] recommending routes to reach countries of destination in Austria, organising transport including via shared-drivers' portals such as "Bla Bla Car" in Poland and facilitating illegal employment in Czech Republic and Estonia.

While all Member States have measures in place to fight against facilitation, supported by EU legislation and EU agencies,[151] seven Member States[152] reported additional or new measures to counter the activities of facilitators in preparation of or following visa liberalisation.[153] In particular, France put forward an Action Plan to fight against irregular immigration from Albania and Georgia, including measures to reinforce bilateral cooperation with these countries. Hungary, Italy and Latvia strengthened the penalties for, or outlawed altogether, attempts to facilitate irregular immigration. Ireland and the United Kingdom, which are not party to the EU visa policy, cooperated in a joint-police investigation to dismantle facilitators working with Georgian immigrants.

Smuggling of migrants

Data on the number of smuggled third-country nationals detected and collected in eight Member States – but mainly Austria and Germany – shows that numbers sharply declined after the implementation of visa liberalisation with regard to nationals from the Western Balkans.[154] For example, the number of Serbian nationals fell from 927 persons detected in 2009, the year of visa liberalisation, to 276 in 2010 and 162 in 2017 (see Figure 32). Similar trends were observed concerning nationals from North Macedonia and Bosnia and Herzegovina, albeit in smaller numbers.

Among visa-free Eastern Partnership countries, against the general trend observed regarding visa-free Western Balkan countries, the number of smuggled Moldovan national detected increased since the introduction of visa-free travel in 2014, increasing almost tenfold between 2014 and 2017 (from 20 detected persons to over 260 in 2017). The vast majority of these persons were detected by German authorities.

Given the low numbers of detected smuggled persons from visa-free countries, no specific measures have been adopted by Member States in addition to the ones already implemented to fight smuggling networks in general.

Box 6: 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, a ministerial action plan (DGEF/DCPAF) was prepared 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. At Albania's request, a framework cooperation agreement to develop operational, technical and institutional cooperation in several areas, including a section on the fight against irregular immigration, was signed by the French and Albanian Prime Ministers on 28 March 2017. In July 2017, Albania also prepared an action plan to prevent irregular immigration from its country to the EU, and specifically France.

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, as part of an official visit to France on 4 July 2018, Mr. Giorgi Gakharia, Vice-Prime Minister and Interior Minister of Georgia, proposed an action plan to fight against irregular immigration from Georgia. In addition, the ministers proposed to reinforce cooperation between the two countries through the signature of a bilateral internal security agreement to allow the implementation of a joint group dedicated to the fight against organised transnational criminal activities.

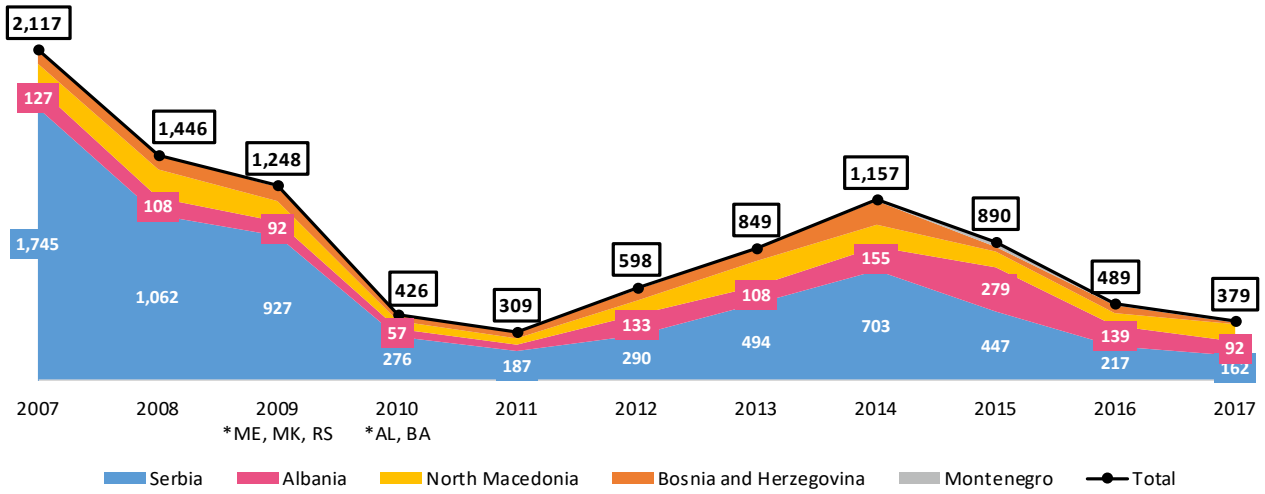
Trafficking in human beings

Based on data from 11 EU Member States and Norway,[155] the number of victims originating from visa-free countries overall remained low between 2008 and 2017, never exceeding more than 70 persons in a given year.[156] Four Member States noted some increase in trafficking in human beings but could not establish any link to visa liberalisation.[157] In most Member States, the actions taken to combat trafficking in human beings were general in nature and not specifically geared towards nationals of the visa-free countries.[158]

150 AT, CZ, DE and PL.
151 The EU adopted common rules for sanctioning facilitation of unauthorised entry, transit and residence, the 'Facilitators Package' composed of Directive 2002/90/EC establishing a common definition of the offense of facilitation of unauthorised entry, transit and residence, and of Framework Decision 2002/946/JHA, reinforcing the penal framework to prevent this crime by setting out minimum rules for sanctions. The EU Action Plan against Migrant Smuggling (2015-2020) (COM (2015)285) sets out several actions to enhance operational cooperation against migrant smuggling between EU Agencies, including EUROPOL and Frontex (European Border and Coast Guard Agency).
152 DE, FR, HU, IE, IT, LV and UK.
153 Five Member States (CZ, FI, LU, PT and SE) did not implement such measures as the numbers were too low to warrant specific measures targeted at facilitators for nationals of countries benefiting from visa liberalisation.
154 AT, BE, CY, DE, EE, HU, SI and SK provided data for this indicator.
155 AT, BE, CY, HR, IE, LU, PL, PT, NL, SE, SI and NO.
156 Figure based on the national reports data for this study.
157 EE, FI, HR and SE. In Sweden, most victims of human trafficking are EU nationals (Bulgaria and Romania) and not third-country nationals.
158 AT, BE, CZ, DE, EE, ES, FI, FR, HR, IE, IT, LT, LV, LU, MT, NL, PL, PT and SI.

Figure 32: Total number of smuggled persons from the visa-free countries in the EU and Norway, 2007-2017

Western Balkans

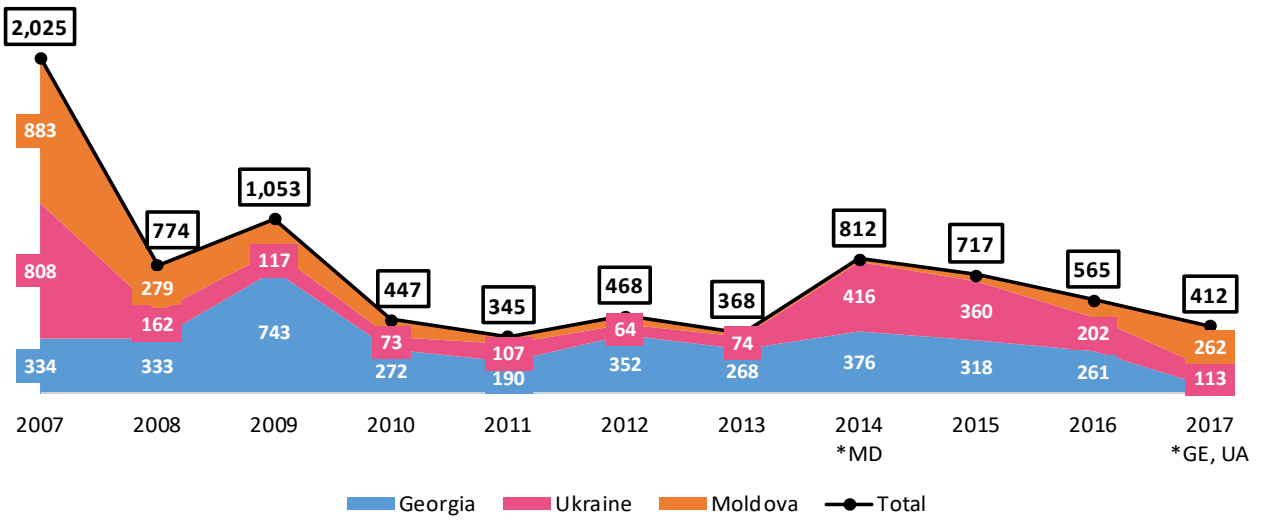


Source: National data provided by Member States and Norway in their reports for this study.

Notes: The following Member States plus Norway provided national data for this indicator: AT, BE, CY (data as of 2013), DE, EE, HU (data as of 2009), SI and SK. Most data for this indicator was collected from AT and DE.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*

Eastern Partnership



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, BE, CY (data as of 2013), DE, EE, HU (data as of 2009), SI and SK. Most data for this indicator was collected from AT and DE.

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

Potential security risks from nationals of the visa-free countries

In the context of this study security risks refer to offences committed by nationals of the visa-free countries in the following areas: 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 cyber-crime.[159] Five Member States reported they encountered challenges with regard to increased criminal activities,[160] while another six reported[161] an increase in the use of forged documents by nationals of the visa-free countries (see Figure 33).

The study attempted to analyse any increase in security risks following visa liberalisation by looking at Eurostat[162] and national data on the number of suspected and convicted persons, types of offences committed, and the number of final court rulings issued against nationals of the visa-free countries. The analysis of this data is however limited by the fact that crime statistics in particular are administrative data collected by national law enforcement authorities; they thus reflect the number of suspected and convicted persons identified by national authorities, yet the actual magnitude of crimes can be under-recorded. Additionally, establishing a link between the number of suspected and convicted persons and visa liberalisation is difficult due to the time lapse between the two types of data: establishing a link between a suspected person and his/her conviction is nearly impossible based solely on this data. Lastly, the type of offences detected may vary and depend on the priorities of the investigation authorities. As an example, three Member States reported that national crime statistics are not disaggregated by nationality making it thus impossible to identify any links between crime and nationality.[163] In the Czech Republic and Germany, while crime statistics were disaggregated by nationality, they did not differentiate on the length of stay or legal status of third-country nationals.

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,[164] or in the number of suspected persons[165] or final convictions[166] as a result of visa liberalisation.

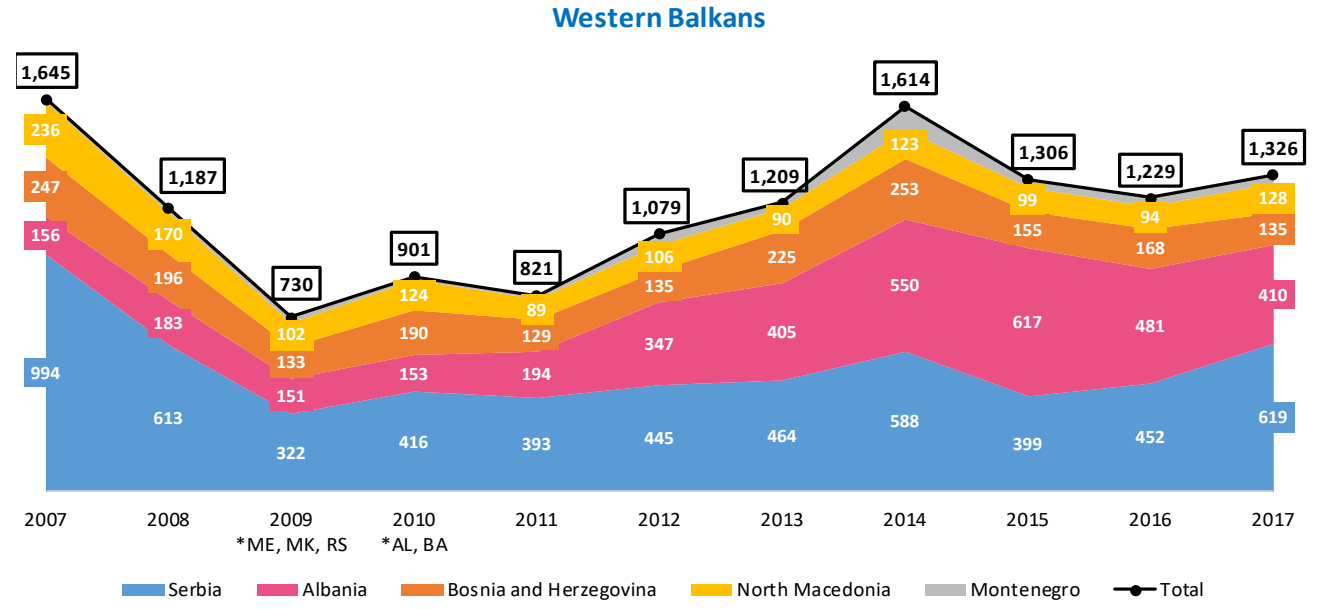
However, a few Member States[167] did observe an increase in criminal offences reportedly committed by Albanian[168] and Serbian[169] nationals since visa liberalisation. For example, in Belgium, national crime statistics showed that Albanian nationals were mostly prosecuted for fraud and counterfeiting, offences against property, extortion, and drug related offences. Hungary reported that, in the immediate aftermath of visa liberalisation, Serbian nationals were mostly investigated and prosecuted for document forgery related offences.

Looking at Eastern Partnership countries, the number of Moldovan nationals prosecuted for criminal offences in the Czech Republic fell slightly in the immediate aftermath of visa liberalisation in 2014 but more than doubled by 2017.[170] Visa liberalisation with Georgia and Ukraine was implemented only in 2017, hence any trends in crime statistics will require more time before a clear link can be made to visa liberalisation; however, seven Member States already noted an increase or were expecting an increase in public order risks by Georgian organised crime groups.[171] Such groups were mostly investigated and prosecuted for forged identity documents and crimes against property. A 2016 study published by the Swedish police noted that Georgian crime rings were listed as one of the major international crime rings that operated in Sweden, and that they favoured to operate in countries where asylum-processing times were long.[172]

These observations confirm up to a certain extent the trend in public order and security issues noted by the Commission in its first (2017) and second (2018) reports on the visa suspension mechanism,[173] which found that Albanian and Serbian nationals accounted for the most frequently reported nationalities for organised property crimes in the EU. Given the impact of Georgian organised crime groups throughout the EU (which are particularly active in France, Greece, Germany and Italy and mainly involved in organised property crime, corruption, document fraud, extortion and racketeering), the Commission paid particular attention in its reports to all measures implemented by the Georgian government to fight organised crime and ensure cooperation with other Member States on this topic.[174] The prevention and fight against organised crime from visa-free countries is a continuous process, closely monitored by Member States and Commission: any shortfalls in the cooperation of visa-free countries with Member States on public order and security issues could lead to the suspension of the visa-free travel for their nationals.[175]

159 See study specifications.
160 BE, CZ, HU, FI, and FR.
161 BE, CZ, EE, HU, MT and PT.
162 Eurostat data collects crime statistics by offence-type [crim_off_cat] and statistics on suspects and offenders by citizenship [crim_just_ctz] which only makes a distinction between two categories: nationals and foreigners.
163 IE, LU (e.g. statistics distinguish whether the author of the offence is a Luxembourgish national or not, and whether the third-country national is a resident or non-resident on the territory of the State), SE.
164 Crime statistics were provided in the national reports of AT, CY, EE, ES, HR, IT, LV, LU, MT, NO, PL, PT, and SI.
165 AT and DE.
166 LV and FR.
167 BE, CZ, ES, HU, FR and SE.
168 BE, DE, EL, FR and PT.
169 CZ (especially in 2017), HU and SI.
170 With the increase from 88 prosecuted Moldovan nationals in 2014 to 231 in 2017.
171 BE, CZ, DE, FI, FR, PT and SE. For example, in Finland, the number nationals of Georgia suspected and investigated for criminal offences in 2017 increased fivefold compared to 2016.
172 In Sweden, a large number of nationals of Georgia have been apprehended in the possession of a card issued to registered asylum seekers.
173 European Commission, First Report under the Visa Suspension Mechanism, op.cit., (COM(2017) 815 and SWD(2017) 480); Second Report under the Visa Suspension Mechnanism, 19 December 2018, COM(2018) 856 final.
174 European Commission, SWD(2017) 480, p. 28.
175 European Commission, First Report under the Visa Suspension Mechanism, op.cit., (COM(2017) 815 and SWD(2017) 480); Second Report under the Visa Suspension Mechnanism, 19 December 2018, COM(2018) 856 final.

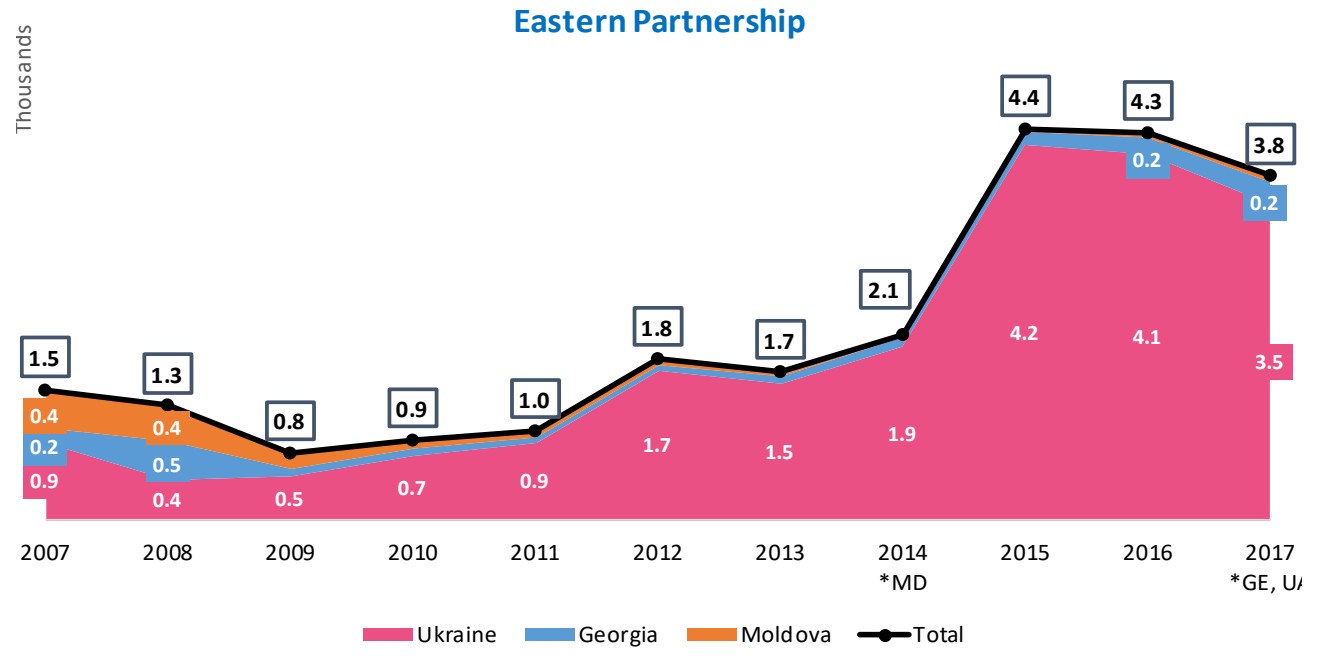
Figure 33: Total number of identity document fraud instances by visa-free country in the EU and Norway, 2007-2017



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: BE, CY, CZ, DE, EE (data as of 2010), ES, FI, HR, HU, IT (no data in 2007 and 2017), LT, LV, NL, PL (data as of 2012), PT, SE (data as of 2012), SI, SK (data as of 2012) and NO (data as of 2012). Most data collected for this indicator was provided by Hungary.

**Visa liberalisation dates: Montenegro, North Macedonia and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010).*



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

Notes: The following Member States plus Norway provided data for this indicator: BE, CY, CZ, DE, EE (data as of 2010), ES, FI, HR, HU, IT (no data in 2007 and 2017), LT, LV, NL, PL (data as of 2012), PT, SE (data as of 2012), SI, SK (data as of 2012) and NO (data as of 2012). Most data collected for this indicator was provided by Hungary and Poland (concerning Ukrainian nationals).

**Visa liberalisation dates: Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).*

4. CONCLUSIONS

As of 2018, **five Western Balkan countries and three Eastern Partnership countries** benefit from visa liberalisation (except in **Ireland** and the **United Kingdom** where national visa requirements apply for these nationalities). This situation has resulted from a staged process that started with visa facilitation agreements (coupled with readmission agreements) then followed by visa liberalisation dialogues and tailor-made visa liberalisation action plans and roadmaps.

This study investigated the **impact of visa liberalisation on EU Member States and Norway** (as countries of destination) based on an analysis of several indicators as used by the Commission to monitor the eight third-countries from the Western Balkans and the Eastern Partnership benefiting from the visa-free regime (as countries of origin). Data included information from several areas such as asylum and migration, tourism, labour market and higher education. The analysis covered a ten-year period from 2007 to 2017 and tried to identify the trends before and after visa liberalisation.

By focussing on the countries of destination, this synthesis brings added value to the reports issued by the Commission under the visa liberalisation monitoring mechanism that centre on the eight countries of origin. Published by the Commission in 2017 and 2018, the reports under the visa suspension mechanism found that all of the of the visa-free countries analysed by this study are meeting the benchmarks for visa liberalisation with some specific recommendations for immediate actions.

The impact of visa liberalisation in EU Member States and Norway was first analysed on the basis of direct and indirect benefits. Concerning **direct benefits**, the available data showed an immediate increase in short-term travel to countries of destination with a significant increase in the number of visa-free tourists visiting the EU and Norway after visa liberalisation. Several Member States (e.g. **Belgium, Estonia, Luxembourg, Poland** and **Slovak Republic**) reported a positive impact of visa liberalisation on tourism from the visa-free countries, particularly from Bosnia and Herzegovina, Serbia and Ukraine when looking at the number of tourist visitors. Nevertheless, these flows were modest in absolute numbers compared to the total number of tourists visiting the EU and Norway.

Secondly, visa-free regimes reduced the administration burden and workload of diplomatic staff in consulates. However, the decrease in the workload of some administrations was in some cases offset by a higher workload for other authorities namely border control authorities; a concern shared by ten Member States was the identification of the possible misuse of the visa-free regime, resulting in the need for more thorough and time-consuming controls to avoid identity fraud, irregular migration or illegal employment.

Concerning **indirect benefits**, it was noted that since 2008 the number of residence permits issued to nationals of visa-free countries more than doubled, of which a majority were issued for employment reasons, suggesting that there is a relationship between visa liberalisation and legal migration. In most EU Member States and Norway, third-country nationals benefiting from visa liberalisation must still apply for a residence permit for employment-related reasons *before* entering the territory of a Member State; however, visa liberalisation could facilitate short trips for third-country nationals to explore employment opportunities in a Member State. In nine EU Member States and Norway, third-country nationals can apply for a residence permit when legally staying on the territory, including on grounds of employment, thus, visa liberalisation can act as a facilitator for visa-free third-country nationals to access the labour market of these Member States.

With regard to the implementation of **return and readmission** with the visa-free countries included in the study, available Eurostat data shows that in general the number of actual returns followed closely the number of return decisions issued by EU Member States and Norway to these countries, suggesting that the cooperation and process of returns and readmission was effective. Overall, Member States encountered few issues with regard to implementing returns and cooperation with the visa liberalisation countries. Indeed, ten Member States reported particularly on the effective implementation of the readmission agreements with visa-free countries.

In terms of **international students**, this study has shown that, while a gradual increase in student numbers from these countries was noted, no clear connection was established with visa liberalisation. With regard to **entrepreneurship**, the overall number of third-country entrepreneurs from visa-free regimes remained too low to show any discernible trends in the individual Member States.

Almost a third of EU Member States and Norway reported **increased cooperation on migration matters**

after visa liberalisation, with a particular focus on asylum and return.

As well as the direct and indirect benefits identified in this study, EU Member States and Norway highlighted several challenges and measures regarding visa liberalisation.

The number of **asylum applications** lodged in the EU and Norway from visa-free countries overall increased following the introduction of the visa-free regime going from 25 000 in 2008 to 67 000 in 2017, with the highest numbers mirroring flows recorded during the 2014-2016 migration crisis (at 159 000 in 2015). The impacts were not consistent across the EU Member States and Norway, with some destination countries reporting significant increases (e.g. **Belgium, Germany, France and Sweden**) and others almost none (e.g. **Bulgaria, Estonia, Latvia and Malta**). Whilst many factors played a role, it can be concluded that visa liberalisation made it at least easier for asylum applicants from these countries to lodge their claim in the EU; however, data from **Ireland** and the **United Kingdom** showed that these countries experienced similar trends despite not applying visa liberalisation. This could be explained in part by the fact that in certain circumstances and in specific cases (for example Georgian nationals to **Ireland** and Albanian nationals to the **United Kingdom**) visa liberalisation may have facilitated travels to **Ireland** and the **United Kingdom**.

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 preliminary evidence suggests similar trends were observed for Georgia and Ukraine (until December 2017). 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%.

EU Member States and Norway adopted new measures to cope in general with the high number of asylum applications during the migration crisis, aiming at processing more effectively any manifestly unfounded applications. Such measures included, for example, designating visa-free countries as safe countries of origin which resulted in an accelerated procedure to reduce the time needed to process applications from visa-free nationals. Moreover, such measures were accompanied by 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.

The study analysed other challenges such as **irregular stay** and **overstay**. Overall, the number of persons from visa-free countries overstaying the allowed maximum period rose following visa liberalisation in absolute figures, although proportionally this represented a lower share of all of those that came to the Schengen area for a short-term stay. The numbers of people from the Western Balkans staying irregularly in the EU and Norway showed some fluctuation and a rise since 2011, whilst those from Eastern Partnership countries showed a slow but constant increase since becoming visa-free, a trend mainly driven by Ukrainian nationals. That said, it was not possible to establish a firm link between visa liberalisation, overstay and irregular stay, and indeed fewer than half of the Member States implemented any specific measures to combat irregular stay and overstay of nationals from visa-free countries.

With regard to **illegal employment**, **smuggling** and **trafficking in human beings**, these are hidden phenomena that are very difficult to measure, making it problematic to collect reliable and accurate statistics. The available data was inconclusive in establishing a direct link to visa liberalisation as a cause of any increases in these phenomena. Consequently, most EU Member States and Norway used existing legal frameworks to combat such instances.

Lastly, **organised crime** from visa-free countries was considered a security risk and its prevention and mitigation is a continuous process, closely monitored by EU Member States, Norway and the Commission. As such, further reinforced efforts are expected from all visa-free countries to tackle a broad range of criminal activities including trafficking of illicit goods, property crime, money laundering, trafficking in human beings, drugs, migrant smuggling, terrorism activities and cybercrime. In this regard, the use of forged documents by certain nationalities of visa-free countries has also increased since visa liberalisation and some Member States are tracking security risks stemming from organised crime groups, particularly from Albania, Serbia and Georgia.

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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

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