

Visa Roadmap A to Z

All the key concepts and technical terms explained

This glossary explains all the key concepts and technical terms that appear in the visa roadmaps for Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia. By understanding them, it becomes clear how far-reaching the reforms are that these states have to undertake to qualify for visa-free travel with the Schengen countries. It also becomes evident that these reforms will be beneficial not only to the Balkan countries, but also help protect the EU against crime and illegal immigration from all over the world.



Young people, like these students in Bosnia, wait impatiently for visa-free travel to the EU. Photo: University of Tuzla

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Breeder documents

Basic documents that are used to obtain other documents like passports, ID cards and driver's licenses. Typical breeder documents are birth certificates, marriage certificates, death certificates, divorce certificates and – in some countries – social security cards. Since breeder documents are the basis for other documents, it is crucial to safeguard their security and prevent their falsification or manipulation.

Making breeder documents secure requires a complex set of arrangements. This includes protecting the breeder documents against falsification and securing the various civil registries where personal data (such as birth and death data) is stored. Typically, such measures include strict limits on access to civil registers, adequate security controls, security design features that make it difficult to falsify certificates, adequate and securely stored duplicates (including central electronic databases), direct links to source databases to verify information, and comprehensive and continuous training programmes for staff involved in the verification or identification of documents (including courses on corruption awareness and fraud detection).

As with the **personalisation of travel documents**, the "four-eyes principle" and "separation of duties" need to be observed at all stages of the process.

ID cards

The visa roadmaps require Western Balkan states to ensure "a high level of security of breeder documents and **ID cards**" and define "strict procedures for their issuance". ID cards are included because they can function as travel documents, can on occasion be used as breeder documents, and are needed to identify a person when they request certificates, such as birth certificates.

Carriers' responsibility

Carriers' responsibility refers to the obligation of carriers (persons, companies and organisations that provide passenger transport by air, sea or land) to ensure that passengers have valid and recognised travel documents, including visas or residence permits where required. Carriers that fail to adequately control travel documents and allow unauthorised foreigners to enter a country are obliged to repatriate them at their own expense. They are also liable to fines.

Carriers' responsibility is enshrined in Article 26 of the 1990 Schengen *Convention*, which clarifies the implementation of the 1985 **Schengen Agreement**. An EU Directive adopted in 2001 (2001/51/EC) supplements Article 26 and explains legislation on carriers' responsibilities as a measure "aimed at curbing migratory flows and combating illegal immigration." To achieve these aims, the visa roadmaps demand that the Western Balkan countries implement legislation – and define sanctions – pertaining to carriers' responsibility.

Confiscation of assets of criminals

Legislation on this issue is necessary to ensure that criminals are not allowed to keep the proceeds generated through criminal activities. In general, criminal assets can also be seized, without compensation, if they have been transferred to another person. The confiscation of criminal proceeds must be based on a court decision which establishes that a crime was committed. Within the EU, a member state can request the freezing and confiscation of property related to the

commission of an offence in any other EU member states.

The Council of Europe has passed two conventions on the confiscation of assets of criminals (the conventions of 1990 and 2005), based on which the EU has passed legislation that is even stricter than the conventions.

Council of Europe Conventions

The Council of Europe (CoE) is a separate and older European institution than the EU. Founded in 1949, the organisation is based in Strasbourg and has 47 member states including the five Western Balkan states which participate in the visa liberalisation process (Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia).

The Council of Europe works mainly through conventions. By drafting conventions and international treaties, its member states agree common legal and other standards. The CoE conventions become legally binding in the member states if they sign and ratify them, and incorporate their provisions into national legislation. Several Council of Europe conventions have also been opened for signature to non-member states.

There are 205 Council of Europe treaties, according to the CoE's Treaty Office. The Western Balkan countries are required to implement the conventions in various fields, ranging from corruption to **personal data protection** and judicial cooperation in criminal matters (see next entry).

Council of Europe conventions relating to judicial cooperation in criminal matters

The two original Council of Europe treaties on judicial cooperation in criminal matters – occasionally called the "mother conventions" – are the 1957 European Convention on Extradition and the 1959 European Convention on Mutual Assistance in Criminal Matters. In total, however, there are 31 conventions and protocols concerning judicial cooperation in criminal matters, such as the supervision of conditionally sentenced or conditionally released offenders, transfer of proceedings in criminal matters, transfer of sentenced persons, corruption, suppression and prevention of terrorism, money laundering and seizure of assets of the proceeds of crime, statutory limitations, human trafficking, compensation of victims of violent crime and cyber crime.

The Western Balkan countries are asked to implement international conventions concerning judicial cooperation in criminal matters, in particular the Council of Europe conventions; and to take measures aimed at improving the efficiency of judicial co-operation in criminal matters of judges and prosecutors with the EU countries and countries in the region.

Corruption

Combating corruption is a priority for the EU. As disputes about the membership of Bulgaria and Romania have shown, many EU member states fear that the accession of 'corrupt' countries might water down the integrity standards of the Union.

Transparency International's Corruption Perception Index – probably the best-known global index on corruption – gives fairly bad grades to the countries of the

Western Balkans. On a scale of 1 to 10, where '10' signifies 'highly clean' and '0' 'highly corrupt', Western Balkan countries received ratings of 3.6 (Macedonia, the least corrupt in the group) and 3.2 (Bosnia and Herzegovina, the most corrupt in the group) in 2008. In comparison, Slovenia was rated 6.7; Denmark, the least corrupt country in the world according to TI, received 9.3 points, and Somalia was the most corrupt with 1.0.

The EU is thus keen for the Western Balkan states to implement measures against corruption by drafting and implementing anti-corruption strategies, and related action plans and legislation. The visa roadmaps also require specific measures to tackle corruption in border management agencies (e.g. border police, customs) and other bodies or institutions that handle travel documents and visas.

The roadmaps also require the Western Balkan states to implement relevant UN and Council of Europe conventions such as: the 2003 UN Convention on Corruption, the 1999 Council of Europe Civil Law Convention on Corruption and the Council of Europe Criminal Law Convention on Corruption from the same year.

EU joint action on travel ban

A "Joint Action" is a legal instrument of the EU's Common Foreign and Security Policy (CFSP). It is an action coordinated between the 27 EU member states to attain specific objectives derived from generally formulated policy goals (guidelines) set by the European Council (EU heads of state or government). If a joint action is agreed, various resources (human resources, expertise, funding, equipment, etc.) can be mobilised.

The EU has adopted several joint actions imposing travel bans on specific individuals coming from non-EU states. An example is the travel ban on senior figures of the regime in Zimbabwe, including President Robert Mugabe. The measure was motivated by the Zimbabwean government's continuing engagement "in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly." (For further information about the EU's Foreign Policy, [click here.](#))

EU legislative instruments

The EU uses a variety of legislative instruments, the most important being:

EU Regulation: This type of EU law is applicable in its entirety, without any changes, in the EU member states. It becomes applicable on a specified date, usually within a short period after publication in the EU's Official Journal. In case of any conflict with national laws, the Regulation prevails.

EU Directive: This type of EU law sets objectives that have to be achieved, but leaves the EU member states to decide on the form and method of achieving them. Each Directive sets a deadline, usually two or three years after adoption at EU level, by which time member states must have transposed its provisions into national legislation.

EU Decision: Both the EU Council (where all the member states are represented) and the European Commission can adopt Decisions. They are fully binding on those to whom they are addressed.

Eurojust

Eurojust is an EU body established in 2002. Based in The Hague, it is a permanent network of judicial authorities tasked with enhancing the effectiveness of the investigation and prosecution of serious cross-border and organised crime in EU member states. Eurojust has 27 national members, one from each EU member state – usually a senior prosecutor, judge or police officer – who have access to the judicial authorities and case files within their country. There are also 31 Eurojust contact points in non-EU countries (2007), including all Western Balkan countries. Eurojust works with them on cases involving the countries they represent.

In April 2009, for example, the organisation facilitated several coordinated and simultaneous arrests in Italy, the Netherlands and Colombia in a large human- and drug-trafficking case. Eurojust's role in the investigation was to organise coordination meetings between the judicial authorities from Colombia, the Netherlands and Italy.

The visa roadmap requires the Western Balkan countries to develop working relations with Eurojust, mainly through the Eurojust contact points. The goal is enhanced cooperation in fighting serious forms of transnational crime, including terrorism. Macedonia even signed a judicial cooperation agreement with Eurojust on 28 November 2008.

European Police Office (Europol)

Europol is a "service organisation" to EU member states with no coercive powers and no police force of its own. Its establishment was agreed in the Maastricht Treaty (effective 1993), and the agency – based in The Hague – has been fully operational since 1999.

Europol's main task is to facilitate cooperation between EU law enforcement agencies "in preventing and combating terrorism, unlawful drug trafficking and other serious forms of international organised crime." It achieves this through information exchange, intelligence analysis, expertise and training.

Strategic cooperation agreements

Europol cooperates closely with all Western Balkan countries and has concluded **strategic cooperation agreements** with them to enhance cooperation in fighting serious forms of international crime including drug trafficking, money laundering and illegal immigration. The agreements provide for the following:

The exchange of strategic and technical information; *strategic information* includes e.g. information on enforcement actions, routes and methods used by smugglers, threat assessments and crime situation reports; *technical information* refers to issues of police methodology, administrative measures undertaken by police forces, etc.

A capacity building element with regard to how the relevant authorities of the Western Balkan states can cooperate with Europol,

A gap analysis helping to identify problems regarding the "cooperation infrastructure" between the two parties,

The possibility to exchange liaison officers.

Operational cooperation agreements

The next step envisaged by the visa roadmaps for Western Balkan countries is "to prepare for the conclusion of **operational cooperation agreements** with Europol with special emphasis on data protection provisions." The current cooperation agreements with Western Balkan states are limited to structural and strategic issues such as the exchange of information on enforcement actions or threat assessments. Operational cooperation goes a step further and includes, among other things, the exchange of specific data on criminals, illegal migrants, etc. This, however, requires that Western Balkan states first implement adequate measures for **personal data protection**.

FRONTEX

FRONTEX is an EU agency based in Warsaw, which has been fully operational since October 2005. FRONTEX' main purpose is to coordinate operational cooperation between EU member states in the field of border security. It achieves this through a number of complementary activities. At the core of these activities is risk analysis: the identification, assessment and prioritisation of risks related to the security of the EU's external borders. The aim is to ensure the "right" amount of protection to counter an identified risk, without under-protecting, but also without over-protecting.

FRONTEX' activities include the coordination of operational activities of member states related to the security of external borders, assistance in training border guards, the establishment of common training standards, and research in the area of border control and surveillance. The agency also supports member states in identifying best practices regarding the acquisition of travel documents and the removal of illegal third country nationals.

FRONTEX has working agreements with non-EU countries in the EU's neighbourhood. Cooperation focuses on joint operational activities in the field of border control, training, as well as technical cooperation in the field of research and development. As of the end of April 2009, FRONTEX had established formal cooperation with the law enforcement authorities of nine non-EU countries, including four of the five countries participating in the visa liberalisation process (Albania, Bosnia and Herzegovina, Macedonia and Serbia). The remaining five were Croatia, Georgia, Moldova, Russia and Ukraine. The conclusion of a working arrangement with FRONTEX is one of the requirements of the visa roadmaps.

Group of States against Corruption (GRECO)

GRECO is an anti-corruption monitoring body of the Council of Europe. It was established in 1999 and is located in Strasbourg, France. Membership in GRECO is not limited to European states (e.g. the US is also a member), though all member states of the Council of Europe are also GRECO members. All five Western Balkan countries participating in the visa liberalisation process are members of the Council of Europe and GRECO.

The organisation's task is to identify deficiencies in member states' anti-corruption policies, particularly with regard to Council of Europe anti-corruption standards, and to suggest legislative, institutional and practical reforms.

GRECO aims to reduce corruption not by imposing sanctions, but by mutual

evaluation, persuasion and peer pressure. GRECO works in cycles, so-called evaluation rounds, which last three to four years. Specific themes are chosen for each evaluation round, which are then examined on a state-by-state basis. The current round, launched in 2007, deals with bribery and political party financing. At the end of an evaluation round, GRECO evaluates the implementation of its recommendations by each member country.

The visa roadmaps require the Western Balkan countries to implement all GRECO recommendations.

ICAO and EC standards regarding biometric information in travel documents

The International Civil Aviation Organisation, a UN organisation, sets standards for machine-readable travel documents and the biometric information they carry. For example, it defines biometric file formats, the requirements for facial images (e.g. frontal image, eyes open, no red eyes) and finger prints, as well as communication protocols to be used in passports (so as to make them interchangeable).

This goes back to a 2003 ICAO blueprint for the integration of biometric data into passports and other machine-readable travel documents (MRTDs). Although this was only a recommendation, most countries are now using ICAO standards to switch to biometric passports, which will increase security and protection against identity theft and falsification of travel documents. EU legislation on biometric passports (Council Regulation (EC) 2252/2004 of 13 December 2004 and related acts) is also based on ICAO standards. For more information see **Machine-readable biometric travel document**.

The visa roadmaps demand that Western Balkan countries issue machine-readable biometric travel documents in compliance with ICAO and EC standards. This will not only harmonise the type of travel documents used in the Balkans with that used in the EU, but also make it easier to identify and send back nationals from the region that may be found illegally residing in the EU.

Inland detection of illegal migrants

Inland detection is a strategy used by authorities to search for and apprehend illegal migrants within the borders of a country after they have illegally crossed state borders. The concept of inland detection is crucial for the prevention of illegal migration, as even in the case of highly sophisticated border control measures a large number of illegal migrants manage to cross state borders.

Inland detection is not random. It focuses on so-called "nexus points" – areas where illegal migration routes converge or pass through, or where services – such as safe houses and clandestine transport – are offered to illegal migrants.

The Western Balkan states are requested to define and apply inland detection in order to prevent the transit of illegal third-country migrants to the EU.

Integrity and security of the passport personalisation

Personalisation is a process by which empty (blank) passport documents – which are not usable as they are – are loaded with the information (including biometric data) of the person to whom the passport will be issued.

and distribution process

Security in the personalisation process is critical in order to ensure that the data loaded onto the document cannot be tampered with, modified or stolen by fraudsters and criminals. Similar precaution is necessary during the entire distribution process to prevent unauthorised persons from getting hold of either the blank or the issued (personalised) passport document. This is achieved through systematic controls throughout the entire personalisation and distribution process, including the consistent application of the "four-eyes" principle (whereby a critical task is always shared by two or more people, the idea being that it is more difficult to corrupt two individuals than one) and the application of "segregation of duties" (whereby different tasks of a larger process are assigned to different individuals, so that no single person has full control of the process thus making it more difficult to commit fraud). Technical controls such as encrypted communication are also used, as well as a high degree of automation with minimal human intervention – once again reducing possibilities of fraud.

LASP/SLTD database

Interpol maintains a so-called SLTD database (Stolen and Lost Travel Documents). The database holds records of millions of passports, identity cards and visas that were reported as stolen or lost. It enables border authorities worldwide to check instantly whether somebody is trying to enter a country using a stolen travel document and a false identity. The database is thus a key measure for detecting criminals and illegal migrants. The Western Balkan countries are required to report to Interpol's SLTD database.

Machine-readable biometric travel document

A travel document that contains computer-readable biometric information about its holder. Biometric information relies on physiological characteristics (fingerprints, iris shape, hand geometry, face, voice, ear shape) or behavioural characteristics (signature), allowing authorities to rapidly and precisely authenticate a person's identity proving that the holder of the identification is indeed who he claims to be. Biometric information can also provide border services, or any other investigative body, with a means to search for matches in a database; for instance, to verify whether a person has previously entered the Schengen area under a different name. Biometric travel documents are thus seen as a key part of the fight against organised crime, terrorism and illegal immigration.

In 2004 the EU member states adopted Council Regulation 2252/2004, according to which all new EU passports must be machine-readable and include (from 2006 onwards) digital photos of the holder and (from 2009) fingerprints. The biometric information is stored on a chip in passports and in national databases as well as in the Schengen Information System II (SIS II). SIS II is the modernised and improved successor to SIS, both allowing national authorities in Schengen countries to share information on policies and persons trying to cross the border or to obtain a visa.

Migration management

Migration is increasingly perceived as a central feature of the global economy. This realisation has led to a conceptual shift regarding the strategic goals of migration policies - from *controlling and restricting* migration to *managing* it.

The International Organisation for Migration (IOM), the leading inter-governmental organisation in the field of migration, describes the goal of migration management as helping to harness the social and economic potential of migration to the benefit of *individual migrants* as well as *societies as a whole*. The model calls for "managing migration in an orderly way" while also "controlling irregular migration." This involves the development of a comprehensive migration management policy based on extensive empirical data on migration movements and supported by appropriate legislation and administrative structures. The gathering of information for migration management purposes requires extensive national cooperation between various in-country services and ministries, as well as international cooperation.

Monitoring of migration flows

The visa roadmaps require Western Balkan states to put in place mechanisms for the **monitoring of migration flows**, to regularly update the **migration profiles** of their countries and to establish bodies responsible for the collection and analysis of data on migration stocks and flows. The obligation to monitor migration flows implies keeping records of the numbers and structure of legal and illegal migration.

Migration profiles

Migration profiles gather and analyse all information relevant to migration in any given country. They usually include data on immigrants, emigrants, remittances, migrant communities, and irregular migration; they also provide an overview of migration policies and the legal framework in place. In preparation for its EU presidency in 2008, the Slovenian government requested the IOM to draft migration profiles for all the Western Balkan countries as well as for Turkey. These documents were finalised in 2007 and now need to be kept up-to-date by the Western Balkans governments.

Money laundering

Money laundering is the act of concealing the true origins of money acquired by illegal means. If successful, the laundered money loses its "criminal identity" and appears legitimate. The criminal act of money laundering is *not* limited to concealing the origins of the proceeds of organised crime (such as the sale of drugs, arms trafficking and prostitution), but also relates to assets and values generated through illegal financial transactions (corruption, tax evasion, false accounting).

A typical example of money laundering is "smurfing". A large amount of cash, e.g. 100,000 €, is broken down into smaller amounts such as 10,000 € and deposited by a number of individuals in various accounts: these amounts are then transferred to the account of the original owner of the illegal money. Breaking down a large amount of money into smaller amounts is crucial, as cash payments to bank accounts below a certain limit are not reported to financial oversight bodies. Other forms of money laundering are more complex, and can use false loan repayments or forged invoices as a cover; yet other forms include depositing large amounts of cash in offshore banks that are not under a strict anti-money laundering regime (there are number of such offshore financial centres, for example Barbados, the Cayman Islands, Belize, etc.).

National Integrated Border Management

The main EU law on money laundering is the Directive on "Money laundering: prevention of the use of the financial system" adopted in 2005. The Directive's aim is to prevent the use of the financial system for money laundering or terrorist financing. It requires financial institutions to apply customer due diligence, meaning that they have to investigate a potential financial customer's background. They also have to monitor and report all suspicious transactions to their country's Financial Intelligence Unit (FIU). The setting up of FIUs is stipulated in the EU Directive.

The Western Balkan countries are required to adopt and implement national strategies on the prevention and fighting of money laundering, including legislative measures where necessary, and to implement the relevant UN and Council of Europe conventions in this field.

National Integrated Border Management is a concept to integrate and optimise national and international cooperation within, and between, the various agencies and services responsible for border management. These agencies include the border police, customs administration, and veterinary and phyto-sanitary inspection.

The two main goals of efficient border management are: (a) to facilitate the movement of legitimate persons and goods, while (b) preventing the entry of smuggled goods, narcotics, arms, illegal migrants, and trafficking in human beings; halting the spread of infectious diseases to people, animals, and plants; and countering terrorist threats.

In order to achieve these two central aims, the National Integrated Border Management concept for the Western Balkan states postulates improved cooperation and integration on three levels:

- Intra-service co-operation
- Inter-agency co-operation
- International co-operation

Integration at, and between, these three levels is achieved through a comprehensive package of activities and tools that include measures regarding the legal and regulatory framework, organisational structures and management, procedures, human resources and training, communication, information technology, infrastructure and equipment, and budget.

The concept of integrated border management is also implemented in Schengen zone countries, though here the emphasis is on interstate cooperation between the various national border authorities and on the establishment of a common legal framework. It goes back to a European Commission Communication from 7 May 2002 (a policy paper) on the integrated management of the EU's external borders, primarily in order to curb illegal migration and fight terrorism (more information from the European Commission is available here). Based on the Communication, a series of legislative measures were passed. The EU is currently discussing a new generation of border management tools to improve border checks and register who enters the EU.

National Strategy for Reintegration of Returnees

Under the **readmission agreements** concluded between the EU and the states of the Western Balkans, the Western Balkan countries are obliged to undertake measures to reintegrate returnees who have been sent back by the EU. These measures include the issuance of personal documents, temporary accommodation and social protection, health protection and education for children.

Activities related to the reintegration of these returnees necessitate cooperation between different ministries and government bodies. Important government bodies in this respect include the Ministry of Interior, the Ministry of Labour and local administrative bodies. The National Strategy for Reintegration of Returnees – whose adoption is required by the visa roadmap – coordinates these actors in providing basic support for returnees.

Personal Data Protection Law

Personal data protection is an area of law that deals with the individual's right to privacy regarding the collection and storage of personal data. The concept of personal data protection is founded on basic human rights principles on the right to privacy, such as Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The challenge of data protection legislation is to strike a balance between a high level of protection of privacy and the free movement of personal data for legitimate purposes, mostly in the field of commerce (e.g. information on customers) and administration (e.g. data on citizens for tax purposes, pension funds, social benefits). The level of personal data protection is further restricted "in order to safeguard aspects such as national security, defence, public security, the prosecution of criminal offences."

In the EU a number of Directives deal with the issue, the most important of these being Directive 95/46/EC on "the protection of individuals with regard to the processing of personal data and on the free movement of such data" and Directive 2002/58/EC "on privacy and electronic communications". The former amplifies the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its Additional Protocol from 2001, which the Western Balkan countries are requested to sign, ratify and implement. (For more information about personal data protection in the EU, [click here](#).)

When processing personal data, Directive 95/46/EC requires that "appropriate measures [must be implemented] to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access." The Directive further states that the transfer of personal data from EU member states to countries outside of the EU is only authorised if the country in question has put in place "an adequate level of protection" of personal data.

Establishing operational cooperation between the law enforcement bodies of Western Balkan states and EU countries – so that personal data on criminals, illegal migrants, etc. can be exchanged – is thus preconditioned on the Western Balkan states' putting in place adequate data protection systems.

Readmission agreement

An agreement between the EU and a non-EU country pertaining to the readmission of persons who do not, or no longer, meet the conditions of presence or residence on the territory of one of the two parties and are (a) nationals of the other party or (b) nationals of a third country, but have transited through the other party's territory.

Despite the reciprocal character of readmission agreements, the real issue is the illegal presence of non-EU nationals in the EU, and not vice versa. In practical terms, readmission agreements facilitate the expulsion of illegal residents to their country of origin or transit. They are part of the EU's strategy to combat illegal immigration.

Bilateral readmission agreement

The European Commission started to negotiate readmission agreements on behalf of the EU in 2000. The first *Community* readmission agreement, with Hong Kong, entered into force on 1 March 2004. Previously, individual EU member states concluded **bilateral readmission agreements** with non-EU countries.

The issue of readmission gradually pervaded other EU policy areas such as trade, development aid and external relations as the EU looked for leverage to convince countries from where migrants enter the EU to conclude readmission agreements. Between 2004 (Hague Programme) and 2005 the EU finally decided to offer *visa facilitation* in certain cases as an incentive to achieve readmission agreements.

The EU also decided to offer this package to countries with a European perspective, such as those of the Western Balkans (even though most EU countries already had bilateral agreements with these countries). The main reason was one of diplomacy and equal treatment: it would have been strange – even unfair – to offer easier visa application procedures to distant countries, but not to potential EU candidates.

The EU readmission and visa facilitation agreements with Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia entered into force on 1 January 2008, with the exception of the readmission agreement with Albania, which had become effective on 1 May 2006. (For more information about the agreements with the Western Balkan countries see *The Origin and Visa Facilitation and Readmission Agreements*.)

Implementing protocols

The precise procedures for readmission are detailed in so-called **implementing protocols** between individual EU member states and the non-EU country in question. The implementing protocols typically include issues such as defining the competent authorities, the available border crossing points, details of communication (e.g. language), conditions for escorted returns and the documents necessary for the readmission to be carried out.

EU standard travel documents for expulsion purposes

Persons whose readmission has been accepted by the country of origin or transit may receive **EU standard travel documents for expulsion purposes**, which the countries of origin or transit are obliged to accept. There is a need for such travel documents if the persons to be readmitted have destroyed their ID

documents and refuse to disclose their identity or if the receiving country cannot technically, or refuses to, issue the necessary identity and/or travel document.

Refugees and Internally Displaced Persons (IDPs)

Refugees

The United Nations High Commissioner for Refugees (UNHCR), the lead UN agency responsible for the protection of refugees, defines a refugee as "someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group." Critical for the definition of a refugee is that the person has crossed an international border. The legal status of **refugees** is governed by the 1951 Refugee Convention and a Protocol from 1966 (also known as the *Geneva Convention with New York Protocol*). The roadmaps demand that the Western Balkan countries implement this convention. One of its most important provisions is that no state can expel or return a refugee against their will to a place where the refugees fears prosecution (principle of *non-refoulement*).

IDPs

IDPs are persons who have been forced to flee their homes for the same reasons as refugees. However, unlike refugees, IDPs remain in their home country and thus have not crossed an international border. International refugee law thus does not apply to IDPs, who remain subject to the laws of their home country. As there is no international legislation that would specifically address the issue of IDPs, the UNHCR has compiled Guiding Principles on Internal Displacement that summarise the rights and guarantees for the protection of IDPs. These guiding principles reflect, and are consistent with, international human rights law and international humanitarian law.

Schengen Agreement

An agreement signed in 1985 by Belgium, France, Germany, Luxemburg and the Netherlands abolishing border controls and establishing a zone of free movement of people and goods. The Agreement was followed in 1990 by the Schengen Convention, which defined the measures necessary for implementation. Since its establishment, the Schengen zone has expanded several times. It now encompasses 25 European states and covers a population of approximately 400 million people.

While the original Schengen Agreement was simply a treaty signed between five countries, from 1999 onwards the agreement and all related legal acts have been part of the EU body of law (EU *acquis*). These provisions are binding on EU accession countries.

However, not all EU member states fully participate in the agreement: Ireland and the United Kingdom have chosen to maintain border controls, while Bulgaria, Cyprus and Romania still have to implement some provisions to become fully integrated. Denmark has the right to choose whether or not to apply certain measures. At the same time, three non-EU members – Iceland, Norway and Switzerland – are fully integrated.

The abolition of internal border controls has gone hand in hand with strengthened controls at the external borders of the treaty area. In order to create greater

efficiency and security with regard to the border regime of the Schengen zone, it was also necessary to harmonise policies and administrative measures in other relevant policy areas as well, such as immigration and visa policy, cross-border policing and judicial cooperation.

Schengen White and Black Lists

An EU law (Council Regulation 539/2001) lists the countries whose nationals need a visa to enter the Schengen area ("**Schengen Black List**") and those whose nationals do not ("**Schengen White List**"). A computerised information system (**SIS** - Schengen Information System) allows the national authorities of the Schengen countries to share information related to border security (including persons trying to enter the EU or obtain a visa) and law enforcement. A similar system is being set up to enable Schengen countries to share information on the entry and exit of persons under visa obligation (**VIS** - Visa Information System).

SIS and VIS

More information about the Schengen area, from the European Commission, is available [here](#).

Trafficking in human beings

Human trafficking involves the act of recruiting, transporting, harbouring or receiving a person for the purpose of forced labour, slavery – including sex slavery – and various forms of bonded labour. (Bonded labourers work to repay a loan, such as the fee they are charged for being smuggled into the EU. The relationships between bonded labourers and their patrons are typically highly exploitative with no fair payment for the labour delivered.) Victims of human trafficking are usually recruited through force, deception or fraud; often they are in a situation of debt bondage.

Human trafficking is different from illegal migration or the smuggling of migrants. Central to the definition of human trafficking is the notion of coerced exploitation of the migrant after he or she has crossed a border. This is not the case when migrants are smuggled into a country or enter a country illegally on their own and seek illegal employment there.

Human trafficking is closely linked to organised crime and is often described as a modern form of slavery. The majority of victims are women, with sexual exploitation the most common reason for their trafficking.

In the EU, framework legislation on human trafficking (Council Framework Decision 2002/629/JHA of 19 July 2002) deals with such issues as criminalisation, penalties, aggravating circumstances, jurisdiction, extradition, and police and judicial cooperation. (More information about EU action against trafficking in human beings is available [here](#).)

A number of international conventions also deal with human trafficking, most importantly the UN Convention against Transnational Organised Crime, adopted in 2000, and the Council of Europe Convention on Action against Trafficking in Human Beings, adopted in 2005. Advocacy groups and even some UN organisations increasingly describe human trafficking as a crime against humanity.

Visa Facilitation Agreement

An agreement, aimed at simplifying the visa application procedure, between the EU and a non-EU country whose citizens are under visa obligation. In the case of Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia, the conclusion of visa facilitation agreements was linked to the conclusion of **readmission agreements**. The visa facilitation and readmission agreements entered into force on 1 January 2008, except the readmission agreement with Albania, which entered into force on 1 May 2006.

The visa facilitation agreements with the Western Balkan countries offer a number of improvements as compared to the normal visa regime: (a) a deadline of 10 calendar days to process visa applications; (b) a clearly specified list of documents needed to demonstrate the purpose of the trip; (c) a reduced visa fee of 35 Euro (a Schengen visa normally costs 60 Euro) along with a fee waiver for many groups of applicants, such as close relatives, children, pensioners, students, athletes, journalists, etc.; and (d) the possibility of receiving multi-entry longer-term visas, in particular for frequent travellers. For more information see *The Origin and Visa Facilitation and Readmission Agreements*.

Visa refusal rate and refusal rate of entry

In a section called "Final remark", the visa roadmaps state that the European Commission, in assessing a country's readiness for visa-free travel, will also take into account criteria "such as the visa refusal rate for visa applicants and the refusal rate of entry into the common Schengen area for [the country's] nationals. In this context, the decreasing trend of the refusal rate, which should progress towards 3% for visas and 1,000 persons per year refused for entry into the common Schengen area, will be used as an indicative reference."

Both requirements have been contentious among EU member states, and it is questionable whether compliance with them can and will be considered.

Visa refusal rate

The **visa refusal rate**, expressed as a percentage, is simply the rate of negative decisions on visa applications. In theory, a low refusal rate could indicate that the citizens of a Western Balkan country are generally not perceived as posing any risk: that they are not likely to overstay their visa and remain in the Schengen area as illegal migrants; and that they are not likely to commit any offences.

Relying on the refusal rate as a benchmark is problematic, however. Firstly, Schengen countries are obliged to collect visa statistics and make this data available to the Council, which publishes it annually; the data, however, sometimes does not add up (e.g. the number of visa applications is not equal to the total number of visas granted and denied). Up-to-date data from recent months would also be very difficult for the Commission to obtain.

Secondly, the statistics do not always reflect the situation in an individual country. For example, many EU countries do not have consular offices in Kosovo: Kosovars, therefore, apply for visas at consulates in Macedonia, thus "distorting" the statistics for Macedonia. Thirdly, the visa refusal rate often hinges on different countries' different visa policies (statistics show that Germany and Austria turn down a higher rate of visa applications than, say, Italy) and on whether

consulates provide sufficient information (well-briefed applicants, aware of the exact visa requirements, have a higher chance of obtaining one).

Refusal rate of entry The **refusal rate of entry into the common Schengen area** is the rate of persons who are denied entry at the external borders of the Schengen area (because they do not have the necessary visa, for example, or because the border police or customs services detected irregularities). However, there is a fundamental problem with the EU's insistence that the refusal rate for the nationals of each Western Balkan country progress towards 1,000 persons per year. Serbia has 7.4 million citizens. Montenegro has 650,000. It is not fair to expect both to have the same total number of refused entries. Apart from this, in this case too it would be a tremendous challenge for the Commission to obtain the relevant information in time.