

Ukraine-EU: agreements on the facilitation of the issuance of visas and on the readmission of persons finally signed

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- One of the key issues on the agenda of the 11-th regular meeting of the EU-Ukraine Cooperation Council which took place on June 18, 2007 in Luxemburg was the signing of the agreements on the facilitation of the issuance of visas to the citizens of Ukraine and on the readmission of persons.

According to the provisions of the agreement on the facilitation of the issuance of visas, a category of persons who will be given the possibility to request a multi-entry visas and free visas is extended. In particular, the agreement stipulates that journalists, business people, members of official delegations, relatives of the Ukrainian citizens legally residing in the EU countries will have the possibility to obtain multiple-entry visas valid for 5 years. Moreover, participants in scientific, cultural, artistic activities, including university and other exchange programmes and sport events; professional drivers and train crews; participants in twin cities exchange programmes will get the possibility to obtain multiple-entry visas valid for one year. Pensioners and children under 18, students, professional drivers and relatives of the Ukrainian citizens legally residing in the EU countries will get free visas.

For other categories of persons the visa fee will be 35 euros. Furthermore, the length of procedures for processing visa applications will be reduced to 10 days in ordinary cases and to 2 days in urgent ones.

The agreement defines a list of documents to be submitted in order to request a visa. One of the important novelties of the new procedures of visa issuance is the obligation for the consular officer to explain the reasons of refusal to issue the visa.

The prospect of the cancellation of visa obligation between the EU and Ukraine is also mentioned in the agreement.

In the whole, the signing of this agreement should be viewed as a first concrete result of the long-lasting cooperation between Ukraine and the European Union that will have a direct impact on a great number of the Ukrainian citizens and not only on state administrations and selected economic entities.

At the same time, it should be taken into consideration that the agreement sets only general framework of simplified procedures for issuing visas and contains a certain number of reserves. As it is the EU member states which are effective parties of the agreement (through their diplomatic representations in Ukraine) one should not expect that the procedures for issuing visas for the entry on their territory (a competence that is within "sovereign" prerogatives of national states) will be completely harmonized in all embassies. Certain technical parameters and some specific requirements may remain rather different that doesn't exclude some further misunderstanding. The practical use of the possibility to appeal against a refusal to issue the visa also seems rather doubtful because of the absence of the respective legal mechanisms.

The above-mentioned agreement was signed in package with the agreement on readmission of persons. The latter defines the procedures of identification and return of illegal migrants as well as the facilitation of their transit. The provisions of the agreement concerning the citizens of the third countries and the apatrides will enter into force after a transitional period of two years which is necessary for the preparation of their implementation, in particular, for the building in Ukraine of the respective border infrastructure.

It is highly important that the European Commission agreed to add to the text of the agreement the declaration on granting Ukraine technical and financial support for its implementation as in present moment Ukraine is not ready in technical terms for the implementation of this agreement because of the inefficient control of illegal migration flows and substantial material losses that could be caused by this agreement in case of maintaining the status quo.

It should be also mentioned that a similar set of agreements between the Russian Federation and the European Union was signed in May 2006 and entered into force on the 1st of June 2007. It is evident that the period of ratification of the above-mentioned agreements with Ukraine will also last approximately one year.