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The externalisation of the EU immigration policies to Ukraine: following example of Central Eastern European countries?

Abstract. Before Central Eastern European countries joined the EU they were required to align its migration and border policies with the EU's standards. Abandoning previously comparably liberal migration rules and restricting access for citizens of Eastern neighbouring countries was a difficult, although a necessary step in the accession process. Externalisation (Lavenex, 1998) of the EU's migration and other security-driven policies to future member states however has a lot in common with the voluntary and supported by the EU (financially and technically) approximation of Ukrainian migration policy since 2001. Even though Ukraine has no prospects of joining the EU in the nearest future and is not a candidate county it is following similar path to those of the CEE countries. Similarities and divergencies in these processes will be compared and analysed in the paper with regard to political, economic and socio-cultural reasons that enable such approximation between the EU and Eastern neighbours' migration policies.

The aim of the following paper is to examine the process of externalisation of EU's migration policy with particular focus on visas regulations by comparing instruments and driving forces behind the process of approximation to EU standards based the experience of CEE countries, especially Poland, and of Ukraine.

My research questions are: 1) what were the common reasons for compliance with the EU regulations with regard to migration policies for a candidate country and for a neighbouring country? and 2) what were the differences apart from the known legally binding pre-accession obligations for CEE countries?

My hypotheses are that both CEE countries and Ukraine consider themselves part of Europe, that can be best secured by becoming part of the EU. As a result, both candidate and neighbouring countries needed, first of all, to clearly define and secure the Eastern border of Europe to avoid the status of a 'buffer zone' between the East and the West in terms of symbolic appurtenance to the West. Second of all, they had to prepare themselves in terms of legal provisions, infrastructure, human, financial and other technical resources in order to join the EU as a reliable and secure partner in a due term (pre-defined or potential).

With regard to differences in experiences of CEE countries, namely Poland, and Ukraine, I suppose apart from pre-accession conditionality and obligations, countries have been different with regard to: 1) their internal political, economic and social situation, where Ukrainian transition was much more hesitant than, for example, the Polish one; 2) the level of influence of the EU on the transition as both leverage and linkages between Ukraine and the EU were much weaker comparing to those with the CEE countries.

Nevertheless, we may assume that open confrontation with the Russian Federation that started in 2014 in Ukraine significantly fostered the path of tightening Ukrainian migration policy and will most probably result in faster compliance with previously burdensome EU requirements.

Both states and individuals are more and more concerned about questions of security of mobility. Terrorism, illegal migrants, criminals, trafficking, crisis are what the EU tries to prevent in its approach to mobility by creating secure environment not only inside its borders, but spreading it to partner countries (The European Commission, 2011, p. 3). In order to do so, states have to find a balance between facilitation of travel for 'desirable' and enforcement to stay outside for 'undesirable' people, that is perceived to be among key challenges for states in the nearest future (Andreas, 2003, p. 107). To find balance between 'universal rights' and 'universal fears' (Shamir, 2010, p. 214) states mobilize ideological, technological and political mechanisms.

Despite the fact that these narrative boundaries are constructed and changeable over time and space (Eder, 2006, p. 266), depending on internal and external context, boundaries have real implications on mobility regime. Visa system is an answer to the facilitation-vs-enforcement dilemma faced by countries. It usually welcomes 'desirable' rich-countries' passport holders or some privileged categories from other countries at the expense of immobility left to 'undesirable' others. By using pre-selection and deterrence mechanisms visa system distributes mobility rights highly unequally across people of various countries and citizenships (Neumayer, 2006, p. 73, 75). Moreover, this process is usually shifted to external territory with states having remote control over distant potential threats (Lavenex, 2006, p. 334). Nevertheless, it is hard to deny that cultural and civilization similarities positively soften boundaries of communities' inclusion/exclusion patterns by granting visa free regime that '... is perhaps the most welcoming thing that can be done for passport holders from other nations..' (Neumayer, 2006, p. 77).

The fall of the Iron Curtain raised the question and opened the possibility of re-uniting Europe with declaring to former Communist block countries of the Central Eastern Europe that they will join the European Communities after going through the pre-accession process. At the time, when Europe Agreements with CEE countries have been signed, namely in early 1990s, the issue of migration co-ordination and control started to emerge as a pan-European topic requiring joint cooperation and approximation between members of the European Communities and potentially sending and transit countries.

Lavenex (2006) argues that it was precisely due to the fall of the Iron Curtain and new phase of openness within Europe in political and economic terms, actualised debates over migration issues and their security and social costs due to CEE countries importance with regard to geographic position on the major transit corridors for migrants and asylum seekers aiming to reach the EC (p. 330). Using pre-accession conditionality as a main instrument to encourage and obliged CEE countries to align with EC's internal developments in migration issues and presenting it mostly as a 'technical adaptation to the EU acquis, the politics Eastern enlargement also constitute an early element of extraterritorial control' (Lavenex, 2006, p. 333).

Parallel to internal Schengen process aimed at uniting migration controls, on the initiative of Germany in 1993, the Budapest Group has been formed. Within it members of the EC and CEE countries as well as countries of South East Europe have been working together on legal harmonisation, approximation of pre-entry and entry controls, readmission agreements and return to countries of origin, information exchange, financial and technical assistance and the fight against organised crime (Budapest Process, 2014).

After a gradual process (1993-2003) of approximation of the CEE countries to the standards and requirements of the EU due to their pre-accession preparations, there was a need to extend the reach of members to the next 'ring of friends'. The second phase starting from 2003 (to approximately 2009) integrated Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine and Uzbekistan (Budapest Process, 2014).

Similarly, to complement this intergovernmental international dialogue with loosely binding arrangements, the EU started externally targeted migration control policies, in particular, with each directly and indirectly neighbouring country. This policy, known as 'externalisation' (Lavenex, 2006; Boswell, 2003) began with joint efforts to coordinate visa policies within the Schengen group, introduction of carrier liability to check traveler's legal entry documents and cooperation with sending countries with regard to the placement of EC's home ministries liaison officers at the airports to control the examination of travel documents (Lavenex, 2006, p. 334).

However, within the EU framework it was not until the Tampere European Council of 1999 that the clear reference to the need of stronger external dimension for migration control has been made explicit.

Boswell (2003) distinguishes two distinct approaches to cooperation with sending and transit countries that have been used (p. 619-620). Firstly, it is externalisation of traditional tools of domestic or EU migration

controls. In itself, this included, on the one hand, 'classic' issues of 'border controls, combating illegal entry, migrant smuggling and trafficking, or readmitting migrants who have crossed into the EU illegally'. As Boswell (2003) emphasised this type of externalisation was particularly visible and effective in the EU accession process, when potential members had to comply with strict border controls, immigration, asylum and general Schengen requirements (p. 622). On the other hand, there was another mechanism elaborated aimed at returning migrants and asylum seekers to transit countries or to countries of origin - namely through signing of readmission agreements. The first such agreement has been signed with Poland in 1991.

'The European Council stresses the need for more efficient management of migration flows at all their stages. It calls for the development, in close co-operation with countries of origin and transit, of information campaigns on the actual possibilities for legal immigration, and for the prevention of all forms of trafficking in human beings.

As a consequence of the integration of the Schengen acquis into the Union, the candidate countries must accept in full that acquis and further measures building upon it. The European Council stresses the importance of the effective control of the Union's future external borders by specialised trained professionals.

The European Council calls for assistance to countries of origin and transit to be developed in order to promote voluntary return as well as to help the authorities of those countries to strengthen their ability to combat effectively trafficking in human beings and to cope with their readmission obligations towards the Union and the Member States.

The Amsterdam Treaty conferred powers on the Community in the field of readmission. The European Council invites the Council to conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries. Consideration should also be given to rules on internal readmission' (Tampere European Council Conclusions, 1999).

Secondly, 'preventive' measures have been elaborated to encourage potential migrants to stay in their home countries or change destination country choice by providing development assistance, promoting trade and foreign direct investment, etc (Boswell, 2003, p. 620).

'The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development' (Tampere European Council Conclusions, 1999).

With non-EU member states cooperation on Justice and Home Affairs with particular emphasis on prevention of illegal migration, tightening border controls and improvement of asylum system started in early 2000s with Action Plans elaborated for individual countries and with respective financial support within TACIS programme.

With the EU's Big Bang enlargement and start of the ENP, cooperation in JHA evolved yet to another level embracing wider range of issues, multiple actors and making the JHA part of broader international cooperation.

Due to the fact that CEE countries bound by their pre-accession agreements and the need to fully implement EU's internal acquis including with regard to migration policies, the question raises why further neighbouring countries, namely Ukraine, having no clear prospects of joining the European Union and not bound to align to its migration policies have been steadily following the same path of the CEE countries.

What have been the differences and similarities in these processes and what are the peculiarities of this process taking into account views on Ukraine as a country still largely imagined as a 'buffer zone' between the West and the East?

In order to explain commonalities and divergencies between CEE countries' experience and those of further neighbours of the EU with regard to their approximation to the European requirements and regulations in migration control the theory of Levystky & Way (2005) about linkages and leverage as EU's external instruments might be particularly useful.

The main point is based on evidence that former authoritarian countries follow very different paths, some of them choosing democratic or pseudo-democratic, other stay autocratic regimes. The authors suppose that country's relations to the West (the US, the EU, other international multilateral organizations) have key role in defining its future development (p. 21). In order to explain the mechanism of this assumption, they divide relations with the West into two elements: leverage ('governments' vulnerability to external pressure' (Levystky & Way, 2005, p. 21 and linkages ('density of countries ties to the West' (p. 22).

The first element is further divided into being dependent from country's geographical and economic size, possible particular interests of the West in this country (i.e. natural resources, important transit country), country's ties to other significant powers, especially regional ones (Levystky & Way, 2005, p. 21).

The second element is a complex and dynamic variable too, as it comprises economic (aid, trade), geopolitical (aspirations and ambitions with regard to further integration to the West), social (tourism, migration and diaspora), communicative (presence of Western cultural element, Internet) and finally the strength of international civil society (including not only NGOs, but also religious, cultural organizations and people-to-people contacts in general) (Levystky & Way, 2005, p. 22).

The authors claim that close linkages of competitive authoritarian countries to the West have strong positive influence on democratization and they raise the cost of sustaining autocratic regime, as, firstly, its negative sides are easily visible and exposed to the West, secondly, the latter's reaction on government misuse of power is more realistic, thirdly, opposition is usually very well linked to the West and pro-democratic, fourthly, democratic forces within larger society are more developed and rely on international support (Levystky & Way, 2005, p. 23).

The following dependencies were highlighted by the authors as well: only the combination of strong linkage in the first place makes leverage a strong democratizing factor through the 'soft power of multiple pressure points' (Levystky & Way, 2005, p. 25) otherwise, international community is less interested and involved in democracy promotion and pressure on the government (Levystky & Way, 2005, p. 26). As a result, linkage and its characteristics, such as intensity and density in various spheres are important predictor in how successful pressure for democratization will be.

In addition, Vachudova (2001) elaborated two notions of 'passive' and 'active' leverage of the EU. The former is attractive image of the EU membership, country's incentive to join the club of wealthy and stable countries, where the EU as such is not directly involved, whereas the latter implies already clear conditionality to pre-accession countries with benchmarks of their fulfilment (p. 4).

'Passive' leverage is a necessary condition to the passage to the 'active' one as society should be interested and supportive towards idea of Europeanization, putting pressure on government that need to be open for significant cost-benefit analysis related to EU conditionality, so the role of political domestic elites is crucial in defining country's openness to leverage called 'accessibility' (Vachudova, 2001, p. 3, 14-15).

These theoretical assumptions are practically applicable if one analyzes example of the European Union and its foreign policy instruments, especially those elaborated in early 1990s with pre-accession strategy for Central European countries.

It was then that need to reassure 'old' Member States about the irrevocability of common achievements of *acquis communautaire* and to provide guidance for applicant countries in their way to the Union (Grabbe, 2002, p. 251) pushed the EU to elaborate its strong pre-accession strategy with principles of conditionality (not limited to elections, but all-embracing approach for better protection of human rights, rule of law, freedom of expression, etc. – clearly democratizing and detailed approach (Levytsky and Way, 2005, p. 27), normative pressure, capacity building and financial aid (Bennet, 2012, p. 14). Moreover, elites' socialization to the EU club was important element as well, because it provided the Union with arena for social influence and persuasion to concrete steps (Lupu, 2010, p. 9), on the other hand, it provides countries leaders with possibility to promote their cause quicker.

In fact, European enlargement policy turned out to be 'the most successful democracy-promotion program ever implemented by international actor' (Vachudova, 2005, p. 1), moreover, it was done with little sacrifices from the EU side (Vachudova, 2001, p. 31). Could the EU spread these achievements further without expanding limitlessly and by providing other countries with substantive incentives for Europeanization without clear promise of membership?

The answer was positive. Foreseeing huge enlargement and consequently expansion of its borders and direct neighbors, the Union intended to elaborate policy based on the same principle of closer linkages which will enable it to have soft power and exercise pressure (first of all, security-driven) over its neighbours. Vachudova (2005) proposes to regard the ENP creatively as potentially first step to the EU membership as at some (long-run) point in its Europeanization, neighboring country may become 'ready-made' for accession, and the EU will not be able to refuse it (p.7).

Still, for the moment the incentive of the ENP is Europeanization. The latter is process of establishment and spread of the whole range of EU-elaborated policies, standards, rules, practices, based on shared beliefs and norms that are used and applied in domestic political life and public policies (Bennet, 2012, p. 20).

European Neighborhood Policy provided the EU with additional instrument of presence, and consequently, linkage points with Eastern partners as it launched new EU delegations, new intra-regional and cross-border programs with substantial economic leverage amounting to EUR 11bln, however, increasing presence (economic, financial, technical – twinning programs) has not been transformed into real power to foster Europeanization of its neighbours (Popescu & Wilson, 2011, p.1-2).

It happened due to several reasons, as Popescu & Wilson (2011) argue: raise of authoritarian regimes, emergence of multiple power centres in the world which enable states to manoeuvre between them, EU's excessive concentration on institutional reforms, which sometimes at too high cost for domestic political elite (p. 3). As the latter is key element in successful Europeanization and a driving force to it, its interests need to be taken into account as well, especially where domestic pressure on government for unpopular structural reforms is not unanimous (as in Ukraine), and thus, pro-democratic pattern is not secured even if leverage and linkages are substantial (Wolczuk, 2004, p. 21).

In principles, countries may choose their own path to democracy by crafting its institutional framework, balance of power and taking as example either international or regional best practices. Europeanization implies democratization according to the EU standards and rules, which in itself signifies importance and authority country gives to the EU and its proximity to its values and practices.

It is further reinforced if country has expectations towards its own membership in the EU, which contributes to its greater incentive to comply and converge with Union's rules and regulations even without extensive 'active' leverage from the Union (Bennett, 2012, p. 200). Moreover, it is ready to do it not in particular sectors, but in its entirety (Bennett, 2012, p. 198).

The EU leverage to promote its 'ways of doing things' in terms of democratization may be weakened by various factors, such as high costs (political, economic and social) that exceed benefits, use of cross-conditionality and cross-socialization practices, inconsistency in Union's own efforts and engagement in the process of Europeanization due to various internal and external factors (Bennett, 2012, p. 202).

Migration control policies are particularly costly and they require serious analysis from an implementing country not only in terms of infrastructural and financial resources needed to strengthen 'hard' borders of the country, but also in terms of 'symbolic' borders that these policies build with regard to other countries nationals and countries.

Present states and borders result from previous migration processes (McKeown, 2004, p. 185), certainly those that follow will have an impact on communities and borders (at least at their symbolic 'soft' part too). It is not a new process in European history, Okólski argue (1999), when ethnicity- or network-driven migration contributed to Europe's comparatively close ties in culture, economy and institutional framework due to continuous interconnections between countries, people and nations (13).

World War II and the following Cold War resulted in understanding of 'Europe' as being limited to Western European countries and it was not generally an issue of public discussion (Dingsdale, 1999, p. 146). The collapse of the Soviet Union followed a quick re-orientation of Central European countries to the West whose aim was to 'return' to Europe after being forcefully separated from their civilization, even though they had never lost European self-identity (Dingsdale, 1999, p. 147).

Physical borders separate territories, but only symbolic boundaries result in social relations of unity or diversity. In the process of regional integration the EU countries went far into abandoning part of their states' sovereignty in order to be closer as a union and to facilitate integration, but it led to serious restrictions regarding third country nationals (Okólski, 1999, p. 12).

This clearly 'identity-based' division brought in new community based on newly re-debated boundaries of European identity's geographical spread. Eastern border is the most problematic for European concept, it has always been perceived as 'frontier' with 'others' be it Mongols, Russians or Soviet Union communists (Eder, 2006, p. 264).

Eastern 'frontier' defines who 'we' are not and helps to understand who 'we' are in comparison/opposition to 'others'. These boundaries are dynamic, discursive and ambiguous too, as today some part of yesterday's 'others' became part of 'us', thus, Europe re-creates narrative about itself as a community depending on the changing context. This narrative is embodied in everyday practices performed, among others, by political institutions in ideologies, common strategies and actions they take. As Scott (2009) points out, it includes also setting physical borders and visa regimes (p. 235).

However, 'buffer zones' are threatening to European project, because migration, crime and illegal trade could not be fought unilaterally. In order to achieve security and prosperity European countries needed to involve 'outsiders' into path of institutional changes and reforms.

The period of 1990s is especially interesting from the point of view of unprecedented mobility within Central European region. It happened due to several reasons. Firstly, passport and border control for exit were simplified, secondly, countries introduced quite liberal immigration rules as they were attracting own foreign-residing ethnic minorities to settle or at least to move freely to their homeland. Finally, cross-border petty trade was one of the main sources of income for border communities in times of economic transformation.

Moreover, at that time Central Europe was a 'buffer zone' between East and West (Silasi & Simina, 2008, p. 17), which led to diverse, previously unknown flows of migration throughout the region (Okólski, 1998, p. 14): false tourists, illegal or semi-legal transit migrations, inflow of refugees, asylum seekers, labor force movement of various forms and duration, re-emigration of ethnic minorities. In addition, these flows were occurring in various directions: South-North, East-West, within region itself, which transformed statuses of many of Central European countries, making them important destination or sending states (Okólski, 1999, p. 7, 9).

Processes of re-bordering, re-ordering and re-othering (during pre-accession period within both the European Community and Central European post-socialist states) have been grounded on reconsideration of European community's boundaries as they were preparing to shift eastwards. New 'insiders' and 'outsiders' emerged after enlargements of the EU in 2004 and in 2007, which created problems for countries on both sides of the new border (Smith, 2005, p. 757).

On the one hand, 'old' MS were still stronger and more influential in taking up decisions, whereas 'newcomers' had rather peripheral status (Dingsdale, 1999, p. 149) and not enough political power to object pre-established requirements for accessions (i.e. Schengen rules). On the other hand, what was not fully taken into account, were historical movements of population and large ethnic minorities of 'new' MS that remained outside new borders of the EU, namely Poles, Hungarians, Romanians (Silasi & Simina, 2008, p. 16).

Previously relatively free movement within Central Eastern Europe due to the lack of exit controls and liberal immigration politics in 1990s was substituted by Schengen regulations, new 'visible' ('hard') borders and 'invisible' ('soft') boundaries of political and economic disparities emerged (Silasi & Simina, 2008, p. 17-18). Candidate countries opposed strict visa regulations with their non-candidate neighbors and were afraid of numerous problems that would arise (that happened to be confirmed in practice), namely, it was not clear whether their embassies would be able to deal with massive influx of visa applicants, high costs of processing applications, buying equipment and hiring the adequate number of trained staff. They were primarily interested in maintaining beneficial close economic and ethnic cross-border ties (Phuong, 2003, p. 647, 659).

Two 'outside' states were particularly disappointed of being left behind European community, namely Ukraine and Russia. In Ukraine in late 1990s perceptions of exclusion and isolation were particularly strong, especially taking into account its size and strategic significance, people was afraid of 'being isolated between two belligerent blocks' (Löwenhard, Light & White, 2000, p. 87). To a large extent, such perception of Ukraine being caught between East and West is still present today, and such perceptions exist both within and outside the country. As a result, firstly, there is a lack of clear symbolic boundaries of one's community, secondly, ambiguity regarding Ukrainian identity make it 'unfortunate neighbor' (Smith, 2005, p. 769) that cannot decide which direction to move – eastwards or westwards, thirdly, absence of explicitly demonstrated identity allowed, as Zhurzhenko (2006) claimed, European 'imaginative geographers' of late 1990s to leave Ukraine in a 'buffer zone' between Europe and Russia (p. 100).

Not surprisingly that search for identity reached the highest political level in Ukraine, whose former President Kuchma wrote a book entitled 'Ukraine is not Russia', under his rule in 1998 Ukraine adopted 'Strategy on the integration of Ukraine to the European Union' recognizing Ukraine as European country and full membership in the EU as country's strategic goal.

However, in Ukraine EU's leverage is not so straight forward and universally welcome, as Lupu (2010) explains why:

- Ukraine overestimated its importance for the EU in terms of size, geographical position, potential closer ties with Russia and was disappointed after Orange revolution with little EU encouragement for democratization (p. 15, 24);
- Country is continuously balancing between the EU and Russia, complicating reliable dialogue because of 'have it all' motivation (p. 14);

- Lack of socialization channels between European and Ukrainian political elites (p. 20);
- Limited scope of people-to-people contacts and spread European values due to strict visa policy and less widespread migration(p. 21).

Situation most probably will quickly change with current confrontation with the Russia Federation, so this analysis is outdated for the moment of this paper delivery. On the other hand, some internal constrains with regard to Ukraine's migration policy will remain, namely, its close cultural, linguistic and social ties to its eastern neighbours and still strong post-Soviet legacy of relatively open borders with former USSR republics.

When analyzing the case of Ukraine, one may observe that it is among few countries in Eurasian continents that have relatively open visa regime with regard to its regional and cultural neighbours simultaneously from both West and East. Now, Ukraine has visa free regime for nationals of 62 countries (Ministry of Foreign Affairs of Ukraine, 2013), 51 of them being European or Western Balkan countries (except of Albania) or they belong to the list of post-Soviet countries.

Both European and CIS citizens do not need visas to come into Ukraine, thus, they do not face these administrative barriers. Even though it should be remembered that differences in financial means, the development of transport infrastructure connections, language and cultural proximity, eventual family ties, that all contribute to the patterns of travels could not be reflected in this statistics, so their comparative value is limited.

Ukraine made the first step in demonstrating its openness to European countries by lifting visas for them back in 2005 as well as maintaining no visa regime with majority of all post-Soviet (excluding Turkmenistan) countries. As EWB expert O. Sushko pointed out that it is a strong factor for the formation of a positive image of Ukraine abroad as an open country that is a unique platform for various international meetings; it was a right decision, albeit maybe still not fully used (Savitskij, 2013).

On the other hand, such openness seems to be temporary until Ukraine decides its further integration path following example of Central European countries and recently of Western Balkans. Due to EU pre-accession requirements they were obliged to tighten their visa regulations for certain countries.

For the moment, such state of affairs (quite liberal and open to neighbours) is a current reality and it reflects Ukraine's patterns of inclusion/exclusion with regard to other countries' nationals. To certain extent it also reflect ambiguity often ascribed to Ukrainian identity, namely for being at the crossroads between East and West. Temporarily, Ukraine may play a role of bridging territory or a meeting point. Having established visa free regime simultaneously for Schengen area and CIS countries, it allows people to meet on its territory without the necessity to apply for either Schengen or i.e. Russian visa, both of which are problematic to obtain.

Association Agreement preparations re-opened the discussion, this time Europe made an explicit statement. The need to make 'civilization choice' has been made clear-cut by the Head of the European Union's Delegation to Ukraine (Tombiński, 2013): either Ukraine integrate into '...space of democracy, prosperity and market-based economics grounded in respect for human rights and the rule of law...' or it remains on Europe's borderlands, join 'the European mainstream or remain in a grey zone of insecurity between Europe and Russia'.

In practice, such ideas were transformed into 'Wider Europe' concept, elaborated in early 2000s. This proximity policy was primarily focused on Eastern new neighbours of the EU: Belarus, Ukraine, Moldova and Russia, later on followed by the elaboration of southern Mediterranean dimension and inclusion of Caucasus republic (Georgia, Armenia and Azerbaijan) into plan (Smith, 2005, p. 759).

Official aim of the concept and its practical implementation in what is now known as the European Neighborhood Policy was to avoid 'new dividing lines' in Europe, promotion of 'Europeanisation' and modernization of neighbours.

If one takes such perspective, approximation in various domains of political, economic and institutional framework may be regarded as a process of ‘translation’ occurring between European countries (as some of them are not members of the EU, however, they harmonized own respective policies with the Union’s) and neighbors. From this point of view, decrease in mutually perceived differences may be regarded as a positive trend for further steps forward.

Visa free regime is primarily a matter of trust, solidarity and cooperation. It has two dimensions: internal and external. On the one hand, the issue of promotion/ blocking of visa liberalization process with Eastern neighbors is divisive for the Schengen countries themselves as ‘old’ member states remain cautious towards ‘newcomers’ member states interest and pressure to foster quicker implementation.

On the other hand, trust towards neighbours and into the proper implementation of required reforms and regulations may be facilitated by ‘new’ member states’ solidarity with regard to their own recent experience of being separated by visa restrictions from Europe before accession. Consequently, this seemingly technical process of gradual achievement of all benchmarks is also a matter of political consensus, when the latter is a delicate subject, as it is vulnerable to misunderstandings.

In opposite, some scholars claim that it is an example of neocolonial, ‘civilizing’ mission of the EU in order to prevent unexpected ‘others’ from becoming dangerous for EU internal stability and security (van Houtum, 2010, p. 961) or that it was migration management that laid in the core of the ENP (Lavenex, 2010, p. 465). The externalization of entry controls was maintained by means of visa regime and EU’s pressure on neighbors to sign readmission agreements, the latter envisaged the return of country’ own illegal migrants and those who transit country in their way to the EU back to their territory. In return, neighbors may sign Visa Facilitation Agreement with a promise of further liberalization in long-term. This perspective is more realistic and clearly security-driven, which is reflected if we take the case of Ukraine.

Visa facilitation agreement between the EU and Ukraine entered into force in 2008 together with corresponding Readmission Agreement. It stresses that taking into consideration Ukraine’s unilateral abolition of visas for EU citizens from May 2005, aspiring to facilitate people-to-people contacts as ‘an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties’ (The European Community, 2007) two parties agreed to open negotiations on facilitation of visa issuance visas to certain categories of Ukrainian nationals. However, in order to prevent irregular migration special focus on questions of security and readmission was stressed. In addition, Visa facilitation agreement acknowledges visa free travel regime as a long term perspective, later on (in 2013) this clause was amended to recognize ‘the importance of visa free travel regime.. in due course, provided that the conditions for well-managed and secure mobility are in place’(The European Union, 2013).

Among Eastern Partnership countries Ukraine was the first to sign Visa Liberalization Action Plan following successful example of Western Balkan countries which in two years time after the adoption of similar roadmaps have acquired their position on ‘white list’ of the EU in 2010.

In spite this fact, recent developments demonstrated that these achievements are not irreversible, as visa waiver suspension mechanism has been established by the European Parliament vote, giving legal base for temporary re-introduction of visas for previously visa free third country nationals in case of need (The European Commission). This small step back signalizes that ‘soft’ boundaries of European community were not able to adapt so quickly to embrace new ‘them’ within ‘us’ in such a short term, which resulted in elaboration of mechanisms for potential re-installment of ‘hard’ borders in case of need.

Coming back to Ukraine, in ‘Visa Liberalization Action Plan’ the parties agreed that achievement of significant progress in reforms and in implementation of legal and institutional framework regarding following four blocks will enable political decision about visa liberalization (The Council of the European Union, 2010):

- ✓ Documents security, including biometrics;
- ✓ Illegal migration (including border management, migration management, asylum policy, readmission);
- ✓ Public order and security (preventing and fighting organized crime, terrorism, corruption, judicial matters related, law enforcement cooperation, data protection);
- ✓ External relations (freedom of movement within Ukraine, issuance of identity documents, citizens' rights, including those of minorities).

At first, this was a limited access non-published document, so that civil society and proponent of visa liberalization could not have clear information about the requirements, benchmarks and conditions to VFR (Sushko, Belitser, Khmara, Levchenko, & Sushko, 2012, p. 93). Only in September 2011 that this document was officially made public which enabled targeted NGOs to start monitoring its implementation.

Within Ukrainian political system Coordinating Centre for implementation of the EU-Ukraine Action Plan on Visa Liberalization has been established and National Implementation Plan has been approved. Numerous ministries, agencies and state services are involved in the process, however, civil society organizations and independent monitoring and advocacy groups have practically no voice or possibility to be directly involved into Ukrainian official process, even though Ukrainian 'Europe without Barriers' NGO cooperates with two Directorates General of the European Commission responsible for visa liberalization process (Kajdanovyc, 2013).

Besides technical conditions Ukraine has committed to fulfil, document contains clause about the need to assess initial impact of possible visa liberalization (The Council of the European Union, 2010). This is exactly the sign that European countries are cautious not only about security and border management itself, but on the symbolic side of their community's boundaries and internal dynamics, which most probably will undergo some changes as more new actants will be included into its networks.

Finally, comprehensive summary of EU-Ukraine relations resulted in elaboration of the Association Agreement, which may be signed in November 2013 if all political conditions for the decision will be met. This document encloses mutual obligations of utmost importance not only in political and economic terms, but primarily in terms of Ukraine's belonging to European community.

First of all, Agreement (The European Union, 2012) starts with recognition of Ukraine as a European country sharing common history and values with MS and importance of Ukraine's European identity supported by strong country's public support for European choice (p. 5).

Second of all, Association Agreement contains identical clause to those in amended Visa facilitation agreement about the importance of introduction of the visa free travel for Ukrainian citizens in due course in case of well-managed and secure mobility. Moreover, parties agreed to enhance people-to-people contacts (p. 6, 20). The latter are vital for establishment of co-presence resulted socialities, namely social capital, trust, feeling of inclusion (Urry, 2002). These socialities are vital for building common European community based on shared freedoms and the possibility to encounter 'others/them' in order to find out what common do they have with 'us'.

Finally, the EU and Ukraine are committed to increase dialogue and cooperation on migration, asylum and border management based on, what important: solidarity, mutual trust, joint responsibility and partnership (p. 6). These intentions may constitute a good intended 'essence' of relations, but if their actual and foreseen 'form' (including visa regulations) does not correspond to essence, the essence is changed or it simply deprived of its initial meaning.

Year 2014 will most probably bring significant changes in both 'hard' and 'soft' borders of Ukraine, not only in terms of actually physically shifted/confronted/contested borders with the Russian Federation, but also with symbolic justification of the boundaries of Ukraine as borders of Europe.

Meanwhile, on February 27th, 2014 the European Parliament has adopted the resolution on Ukraine, recognising it as a European country that may apply to become a member of the European Union. On March 21st, 2014 the EU and Ukraine has signed political part of the Association Agreement.

Internally, we have already seen proposals of the Security Council of Ukraine to introduce visa regime with the Russian Federation, however, not supported by the Government of Ukraine; the new law regulating the movement to/from the territory of temporary occupied autonomous republic of Crimea has been voted by the Parliament on April 15th, 2014 with tightening of controls and establishing new mobility regime on de facto new border with the Russian Federation; enhanced process of alignment of Ukrainian legislation to the requirements put by the EU within Action Plan on Visa Liberalization resulted in new laws adopted by the Parliament with regard to strengthening anti-discrimination provisions, fight against corruption and better protection of personal data, voted on April 15th, 2014.

Conclusions. The process of externalisation of the EU's migration policy control has been steadily evolving during last decades taking different forms of cooperation (direct and indirect, technical, financial) with its candidate and neighbouring countries aiming at aligning them to the EU's standards and requirements. The high level of EU's leverage and intense linkages with the CEE countries was a key to success of this process, however, comparing Ukraine, where the EU's influence was not so obvious and present, we may conclude that internal priority of joining the EU in future was an important argument too. Even though Ukraine is still open in its migration (visas in particular) policy to both its West and East neighbours, it has gradually elaborated similar ambition of being part of Europe in terms of its 'hard' (physical, namely EU's) and 'soft' (symbolic) borders to avoid the shifting status of a 'buffer zone'. Similarly to CEE countries, Ukraine is now aligning its migration policy and general legal and institutional framework in order to fulfil Visa Liberalization Action Plan to secure freedom of movement for its citizens within the EU. Open confrontation with the Russian Federation and the threat to both its 'hard' and 'soft' borders dramatically enhanced this process, which we may expect to continue in the nearest future.

In general, externalisation of the EU's migration policy has been part of wider Europeanization process both within CEE countries and in Ukraine, however, the latter should have followed through significant internal transformations and external challenges in order to comply with the EU's initial migration policy proposals.

We may conclude, that the experience of CEE countries, shortly after the fall of the Iron Curtain and recent memory of being satellite countries under threat of falling again under the foreign influence umbrella has a lot in common with current situation in Ukraine. The latter in today's situation is also forced to quickly reconsider its external policy priorities, including migration regime, to secure its alliance to the West in general and to the EU in particular. This is why, EU's externalisation of migration control is not so much based solely on the EU's leverage in terms of joining the EU in future or short-term visa liberalisation, but on more general definitive linkages that Ukraine as a country is trying to build with the EU.

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