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The Agreement between Ukraine and the European Community on the facilitation of the issuance of visas was signed on 18th June, 2007 (entered into force on 1st January, 2008). [1]

Agreement's provisions cover special facilitations applied to all categories of Ukraine citizens, in particular regarding visa fees (35 EUR), timeframes for processing visa applications (10 days in regular cases, 2 days in cases of urgent character) and simplified procedures for some categories of Ukrainian citizens. This, in particular, applies to the regulation of documents confirming the purpose of the journey and criteria for issuance of multiple-entry visas. In addition, visa requirements were lifted for diplomatic passport holders and 14 categories of Ukrainian citizens were granted free Schengen visas.

Five-year, multiple-entry visas can be issued to spouses, parents and children of the Ukrainian citizens legally residing in the territory of the EU Member States, business people, journalists, members of national and regional institutions, members of the Supreme Court and the

Constitutional Court, as well as permanent members of official delegations. One-year, multiple-entry visas can be issued to scientists, artists and athletes, professional interpreters, train crew members, participants in official exchange programs organized by twin cities. Multiple-entry visas valid from two to five years can be issued to these categories of people provided that during the previous two years they have made use of the one-year multiple-entry visas.

Free of charge visas can be issued to the spouse, parents and children of Ukraine citizens legally residing in one of the EU Member States, as well as to pupils, students, Ukrainian citizens travelling on humanitarian grounds, disabled persons and people accompanying them, athletes and people accompanying them, journalists, professional interpreters, train crew members, pensioners, children under the age of 18 and dependent children under the age of 21, members of official delegations, representatives of the State and local authorities, participants in official exchange programs organized by twin cities.

According to Eurostat, "the total amount of issued visas (multiple-entry and short-term type C) has almost doubled compared with 2010 and 2013. The number of multiple-entry visas has also significantly increased (doubled). They represented 28.9% of the total amount of issued visas in 2010 and 39% in 2013". [2]

"We have a very low EU visas refusal rate, between 2% – 3%, and it is constantly dropping. The visa is refused when the applicant is not able to justify the purpose of the journey. Generally speaking, young adults can easily justify their stay, therefore the consulates have no trouble issuing visas to them", says Vsevolod Chentsov, DG of MFA Ukraine for the EU. According to Chentsov, almost all students and scientists receive appropriate visas to study or participate in research. In addition, the EU had reduced the list of supporting documents (4-5) necessary to obtain a visa: passport, income

certificate (or a certificate proving financial income to support the applicant during the period of residence), hotel reservation or a letter of invitation from the host. In addition, the timeframe for processing visa applications was reduced from 10 to 7 days. The consulates have also simplified procedures regarding certain types of visas. For example, since 22nd April, the Czech Republic simplified the issuance of short-term visas for Ukrainian citizens. Ukrainians of Czech origin, young people under 26 and pensioners above 60 are exempt from the fee for processing visa applications. Since 1st June, visa fees were waived by Germany for Ukrainian citizens. However, the Germans, unlike the Czechs, decided to waive fees only for national, long-term visas. Experts often give the example of Moldova and the four years that it took before its citizens were granted a visa-free regime. [3]

“In Ukraine, ten million people hold a passport, with one and a half million new passports issued every year”, said Alexander Sushko, research director at the Institute for Euro-Atlantic Cooperation. [4]

In order to monitor the implementation of the Agreement's provisions, a Joint Committee of Experts on the Agreement between Ukraine and the European Community on the facilitation of the issuance of visas was created. It meets twice a year, alternately in Ukraine and Brussels.

On 23rd July 2012, the Agreement between Ukraine and the EU was signed in Brussels amending visa facilitation Agreement between Ukraine and the EU.

The Agreement provides for:

- Further expansion of categories of the Ukrainian citizens eligible for simplified procedures of free of charge, multiple-entry visas (representatives of non-

governmental organizations, religious groups, recognized associations, students and graduate students, participants in official EU programs for Cross-Border cooperation);

- Further improvement of procedures regarding the issuance of visas to members of the media;
- A clear definition of the timeframe during which multiple-entry visas are valid, and the period for the interview appointments with applicants;
- Improve regulations regarding visa intermediary agents;
- Introduction of visa-free regime for Ukrainian diplomatic passport holders with biometric data.

Internal procedures are carried out in Ukraine and the EU in order to ratify the revisions of the Agreement on facilitation of the issuance of visas.

The key element of the Agreement is the possible future introduction of a visa-free regime for Ukrainian citizens.

The course of the dialogue on visa-free regime between Ukraine and the EU

The Ukraine-EU Action Plan in the fields of Justice, Freedom and Security is implemented since 2001 (revised in 2007). It provides the overall framework for cooperation between Ukraine and the EU in the fields of Justice, Freedom and Security. During the Ukraine-EU ministerial meetings on Justice, Freedom and Security of the Subcommittee on Justice, Freedom and Security, the implementation of the plan's priorities is regularly monitored. The first significant step towards the long-term perspective of visa-free travel, specified in the Action Plan, was the Ukraine-EU Agreement on facilitation of the issuance of visas and readmission of persons that came

into force on 1st January 2008. At the Ukraine-EU summit (Paris, 9th September 2008), the parties decided to “launch a visa dialogue, developing the relevant conditions with the long-term perspective of establishing a visa-free regime between EU and Ukraine”. The Ukraine-EU visa dialogue examining the conditions for visa-free travel of Ukrainian citizens to the EU as a long-term perspective was officially opened in Brussels on 29th October 2008. Ukraine already exempts EU citizens from the visa obligation since 1st May 2005.

The Eastern Partnership summit (Prague, 7th May 2009) reaffirmed the EU’s long-term goal of full visa liberalisation for individual partner countries on a case-by-case basis provided that conditions for well-managed and secure mobility are in place.

The Ukraine-EU summit (Kiev, 4th December 2009) reviewed the progress and agreed to move to “a structured visa dialogue focused on sequenced priorities of action and recommendations to the Ukrainian authorities”.

At the Ukraine-EU meeting on Justice, Freedom and Security held on 9th June 2010, the parties agreed to enter into a fully operational phase of the visa dialogue on the basis of an Action Plan setting out all technical conditions to be met by Ukraine before the possible establishment of a visa-free travel regime.

Senior officials are in charge of the visa-free dialogue (Ukrainian Deputy Minister of Foreign Affairs and the EU Director General of the Directorate-General, European Commission), as well as other relevant experts.

The results of the experts and the senior officials regarding the visa dialogue were reviewed and/or adopted at the Ukraine-

EU ministerial meetings for Justice, Freedom and Security. They were also discussed at the 6th Subcommittee meeting on "Justice, Freedom and Security" of the Committee on cooperation between Ukraine and the EU.

The key output of the visa dialogue in the first six months of 2010 was senior officials' approval regarding the recommendations for the transition towards the so-called "operational" stage of the dialogue based on the Action Plan with precise criteria for the future introduction of the EU visa-free travel regime for Ukrainian citizens.

This senior officials' decision was approved by the Permanent Representatives Committee of the EU Member States (Coreper) on 19th May 2010, as well as at the Ukraine-EU ministerial meeting on Justice, Freedom and Security on 9th June 2010, in Brussels. That day, it was decided to prepare a draft of the future Action Plan for Ukraine.

On 25th October 2010, the EU Council of Ministers of Foreign Affairs decided that visa-free dialogue with Ukraine will continue according to the Action Plan with a list of requirements that Ukraine must achieve before the introduction of the visa-free regime.

At the Ukraine-EU summit in Brussels on 22nd November 2010, the Action Plan regarding a visa-free regime for short stays in the EU Member States for Ukrainian citizens was presented to Ukraine. It thus became the first country to which the European Union provided such a document.

Providing the Action Plan to Ukraine represented the transition from abstract discussions to substantive and meaningful work with a clear prospect of visa-free travel regime for Ukrainian citizens to the EU countries.

The document takes into account the progress that Ukraine has

been making in the dialogue on visa-free regime and covers four main blocks of issues:

- Document security, including the introduction of biometric data;
- Fight against illegal migration and readmission;
- Public order and security;
- External relations.

Among other things, the Action Plan focuses on the introduction of biometric passports, the withdrawal of passports that do not meet the ICAO standards, the strengthening of measures to fight illegal migration, improving border management, harmonizing legislation and asylum policies with international standards, deepening international judicial cooperation against organized crime, drug trafficking and human trafficking. The Action Plan was developed according to the “roadmaps” logic and philosophy. A few years ago, this philosophy allowed Balkan countries to get a visa-free regime with the EU.

The Action Plan provides the appropriate framework for the work to continue with the focus on adapting national policies and practices to European standards in specific fields. The implementation by Ukraine of the Action Plan requires two stages. At the first stage, Ukraine shall submit for adoption necessary legislation and national programs in the fields covered by the visa dialogue. At the second stage, Ukraine shall take practical steps to implement the legislation and national programs in line with the European standards. When all criteria are met, the European Commission, following legislative procedures of the Treaty on the Functioning of the European Union (“Treaty of Lisbon”) will submit a proposal to the European Parliament and the Council to abolish short-term stay visas for Ukrainian nationals (holders of biometric passports) by introducing modifications to the Regulation 539/2001.

The speed of movement towards visa liberalization will mainly depend on progress made by Ukraine in fulfilling the set conditions. The Action Plan presented to Ukraine was elaborated by the European Commission taking into consideration positive and efficient experience of analogous “roadmaps” for Balkan countries. The implementation of those “roadmaps” led to a visa-free regime for short-term stays in the EU for the citizens of Serbia, Macedonia, Montenegro, Albania, and Bosnia and Herzegovina.

The implementation by Ukraine of the Action Plan to liberalize the EU visa regime.

On 7th February 2011, the Ukrainian government adopted a resolution on the creation of a Coordination Center to work on the implementation of the Ukraine-EU Action Plan on visa liberalization for Ukrainian nationals.

On 20nd April 2011, the Ukrainian President approved the National Plan on the implementation of the Ukraine-EU Action Plan on visa liberalization for Ukrainian nationals. [6]

The first progress report on the implementation of the Action Plan by Ukraine was presented on 16th June 2011 at a ministerial meeting on Justice, Freedom and Security, in Kiev. The EU welcomed the report’s results of the first stage of the Action Plan and urged Ukraine to finish solving the other issues in order to meet the required standards of the first stage.

In order to get a detailed analysis of the legislation adopted for the implementation of the Action Plan, expert missions were sent to Ukraine by the European Commission and the Member States from 24th – 27th October and 8th – 10th November 2011. From 24th – 28th October and 8th – 10th November 2011, Ukraine hosted three expert missions sent by the EU to assess compliance of the results achieved by Ukraine with the EU

standards in the second block “illegal migration”, third block “public order and security” and the fourth block “external relations and fundamental rights” of the first stage of the Action Plan. Among the experts, there were representatives from relevant departments of the European Commission, as well as delegations from Belgium, UK, Italy, Latvia, Romania, Slovenia and Finland.

The first conclusions reached by the EU experts after the missions to Ukraine were generally positive and well-balanced, representing the actual situation in specific fields. At the same time, the EU experts highlighted the fact that even though Ukraine has made obvious positive changes, there are still a number of issues that have not yet been fully addressed. The issues mainly concern fighting corruption, human trafficking, discrimination, protection of personal data, dealing with immigration and asylum policy.

On 15th November 2011, Ukraine presented to the European Commission the second national report regarding the first stage of the Action Plan. The results were generally positive. Based on the results of analyzed material collected during the expert missions, combined with the Ukrainian national report, the second report on Ukrainian progress to implement the first (legal) stage of the Action Plan was released by the European Commission on 9th February 2012. In July 2012, the European Commission received updated documents regarding the progress of the Action Plan’s first stage. On 17th April 2012, the conclusions of the report were thoroughly discussed by the parties at the Ukraine-EU visa dialogue meeting with senior officials. At that point, the most fundamental issues remained unresolved. For example, the adopting of comprehensive anti-discrimination legislation, reforming anti-corruption legislation in accordance with GRECO recommendations, negotiating agreements on cooperation with Eurojust and on operational cooperation with Europol, ratifying the 2001 UN

Firearms Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. On 15th November 2013, the European Commission published the third report on the Ukrainian progress in the implementation of the Action Plan's first stage.

After Ukraine had met all criteria of the first stage, the European Commission prepared a report with recommendations on transition towards the second stage, as well as a report on the impact of visa liberalization for Ukrainian citizens. The Member States (Working Party on Eastern Europe, Southern Caucasus and Central Asia, COEST) based their decision regarding the transition toward the second stage on these reports and assessments. After full implementation of the Action Plan, the European Commission shall submit, in its report on Ukrainian progress in the implementation of the second stage of the Action Plan, a proposal for visa liberalization for Ukrainian citizens. The European Commission shall thus submit a proposal, based on these elements, to the European Parliament and the Council so as to modify the Regulation 539/2001 (15.03.2001) and count Ukraine among the countries whose citizens do not need a visa for short-term stays in the Schengen Area.

The Ukrainian President, Petro Poroshenko, hopes to complete all preparatory steps for the introduction of visa liberalization before Riga summit with the European Union and other Eastern Partnership countries, scheduled for the first half of 2015. He expressed his expectations during a joint press conference in Kiev, with Federica Mogherini. "We have reached an agreement and I am sure that Ukraine will demonstrate its decisive actions in order to complete the implementation of visa liberalization before the Riga summit", said Petro Poroshenko, the Ukrainian President.

Ukraine and Georgia may get a visa-free regime for the Schengen Area in 2015. "There is a good chance that this will

happen at the EU-Eastern Partnership summit to be held in Riga, in May”, said Edgars Rinkevics, Latvian Minister of Foreign Affairs. [8]

On the eve of the Eastern Partnership summit in Riga, the Lithuanian government initiated an appeal to the European institutions to accelerate the introduction of visa-free regime for the partner countries. “On the eve of the Eastern Partnership summit in Riga, Lithuania sent a letter to the EU institutions, signed by seven Ministers of Foreign Affairs, to speed up visa liberalization for partner countries”, wrote Linas Linkevicius, Lithuanian Minister of Foreign Affairs. [9]

Thus, at the Ukraine-EU summit held in Brussels on 22nd November 2010, Ukraine was presented with the Action Plan on visa liberalization. Over the years, and within the framework of the Plan, Ukraine has adopted almost 40 laws, more than 50 resolutions and regulations necessary for the full implementation of the adopted laws. It has developed dozens of conceptual framework documents and programs, has signed and ratified relevant international agreements and conventions.

Experts draw attention to the complexity of the task regarding the demarcation and delimitation of borders with neighboring countries, in particular with Belarus and Russia. This will require, according to the 2008 numbers, more than 40 billion hryvnia. Another issue is the reform of certain authorities of the border and migration service.

The Head of State, Petro Poroshenko expects the decision on the introduction of visa-free regime with the EU to be taken at the Riga Summit in May 2015. “There is no excuse not to immediately receive a report on the completion of Ukraine’s obligations regarding the visa-free regime. And the decision on visa-free regime for the Ukrainian citizens traveling to the EU should be taken at the Riga summit in May”, said Poroshenko. [10]

Ukrainian Deputy Minister of Foreign Affairs, Elena Zerkal, predicts that Ukrainian citizens who hold a biometric passport will be able to travel to the EU countries in September-October 2015 without a visa. "Right now, we are determined to ensure that in May 2015 the EU will decide to grant Ukrainians a visa-free status, and that in September-October Ukrainians who hold a biometric passport will be able to travel to the EU without a visa", she said on the "Inter" TV channel. [11]

Biometric passport for Ukraine citizens

Biometric passport – the document that gives the right to travel outside the country and entry into foreign countries. A biometric passport differs from the usual one in that it has a special microprocessor chip that contains information about its owner: a two-dimensional picture of the owner, as well as its personal data: name, surname, date of birth, passport number, date of issuance and expiry.

Today, Ukrainian citizens' passport to travel abroad is valid for 10 years (the expiry date is indicated in the passport), and even after the introduction of the new kind of document, such a passport will still be valid until its date of expiry. Ukrainian citizens can freely cross the border with such passports, obtain visas, etc. Furthermore, if the citizen prefers, he or she can exchange the current passport for the new passport by contacting the office of the State Migration Service of Ukraine (HMS).

According to Sergey Gunko, head of the HMS press service: at first, in January 2015, there will be only 30 employees to collect biometric data. Later on, there will be 600 of them. We provided a secure communication and purchased the necessary equipment, but it has not yet arrived in Ukraine because the money was allocated late. We expect the equipment to arrive around 20th January 2015. After that, we can start collecting documents for biometric passports. It is certain that by

February 2015, all units of HMS issuing passports to travel abroad will be delivering documents with a chip (biometric). [12]

The Head of the State Migration Service, Sergei Radutny, noted that the cost to process biometric passports will be 518 hryvnia, 775 for accelerated procedure.

Regular passports remain valid, their replacement for biometric ones is optional. Normal procedures for biometric passports take about 20 days. Starting from January 2015, 30 units will be open to register them and a month after that, they will be issued in all units of the State Migration Service. [13]

At a governmental meeting, Ukrainian Prime Minister Arseniy Yatsenyuk announced that the Government has allocated 150 million hryvnia for the purchase of equipment ready to deliver biometric passports at the end of January 2015. They comply with international and European standards and are one of the key conditions for Ukrainians to travel to the EU countries without a visa. According to him, up until now, one and a half million passports have been issued in Ukraine; they will represent two and a half million in 2015. Regular passports remain valid. The passport that people already hold is valid. It can be used to travel, it does not have to be returned or exchanged and is valid until the day its holder decides to exchange it for a biometric one. Children shall receive a passport valid for four years as a travel document. Biometric passports comply with all relevant European standards, said Arseniy Yatsenyuk at a governmental meeting. In February, 10,000 citizens will receive a biometric passport. Starting from March, 200,000 of them will be issued per month. In addition, he promised that the passport will cost less than in other neighboring countries and that no additional fee will be required. Almost all the districts will be supplied with the appropriate equipment. [14]

President Petro Poroshenko was the first to receive a

biometric passport in Ukraine. Together with the President, biometric passports were issued to citizens who have contributed to the development and the strengthening of the State. "The first biometric passports have been given to the team that has the right to represent Ukraine", as stated by the President. Among them, there are Maidan activists: Olesya Zhukovskaja, Eugene Nischuk, Gennady Druzenko Anna Kovalenko, Kristina Mikhailichenko, laureate of international competitions, she won the International Piano Contest in the Netherlands, and her mother Natalia Mikhailichenko. Among the holders of new biometric passports, there are also the world-famous writer Andrey Kurkov, Miroslav Slaboshpitsky the director of "The Tribe", the vocalist of *Brunettes Shoot Blondes* whose video became a worldwide sensation on the social media and got more than six million views on YouTube, and Andrei Kovalev. Journalists Andrei Tsaplienko and Alexander Argat are also among the first ones to receive a biometric passport. [15]

Conclusions

The Ukraine-EU Action Plan in the fields of Justice, Freedom and Security is in force since 2001 (revised in 2007). It provides the overall framework for cooperation between Ukraine and the EU in the fields of Justice, Freedom and Security. During the Ukraine-EU ministerial meetings on Justice, Freedom and Security of the Subcommittee on Justice, Freedom and Security, the implementation of its priorities is regularly monitored. From 1st January 2008, the Agreement between Ukraine and the EU on visa facilitation and readmission of persons entered into force. During the Ukraine-EU summit (Paris, 9th September 2008), the parties decided to "launch a visa dialogue, developing the relevant conditions with the long-term perspective of establishing a visa-free regime between EU and Ukraine". The Ukraine-EU visa dialogue examining the conditions for visa-free travel of Ukrainian

citizens to the EU as a long-term perspective was officially opened in Brussels on 29th October 2008. Ukraine already exempts EU citizens from the visa obligation since 1st May 2005.

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The introduction of biometric passports is the last step that Ukraine must take in order to complete the visa liberalization with the EU at the Riga Eastern Partnership Summit scheduled for May 2015.

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