

The Europeanization towards Russia: EU immigration policy transfer

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Abstract

The agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas, which is entering into force on 1st June 2007, is the first agreement on visa facilitation issues ever negotiated by the European Community with a third country. The uniqueness of conclusion of such an agreement stipulated to analyze the Russian and the European Union cooperation in immigration policy, and in particular, the EU norms and values transferred and implemented in the mentioned agreement. The focus of the Master`s thesis is to find why Russia with its “no accession to and no association with the EU” position has changed its perspectives towards the EU and collaborates actively in the Common Space of Freedom, Security and Justice area.

The Master`s thesis elaborates a more precise examination to clarify what would drive Russia to cooperate with the EU on migration, taking into account the aspects of the EU-Russia relations. Based on Lavenex`s framework, it was analyzed which form of policy adaptation and transfer is using Russia and what urges Russia to collaborate with the European Union.

The findings showed that the long-term perspective for Russia is visa-free regime. Russia is interested to work towards visa-free regime in exchange for readmission agreement with the EU. Conditionality is one of the main factors to transfer European immigration policy norms and values to Russia.

Table of contents

INTRODUCTION	1
1. EUROPEANIZATION IN THE EU IMMIGRATION POLICY AREA	6
1.1. CONSTRUCTIVIST OR INTERPRETATIVE AND INSTITUTIONALIST APPROACH TO EU IMMIGRATION POLICY	8
1.2. RELATIONSHIP BETWEEN THE MEMBER STATES AND EU DEVELOPMENTS	11
1.3. EXTERNAL EFFECTS OF IMMIGRATION POLICY ON THIRD COUNTRIES	13
2. EUROPEAN IMMIGRATION POLICY TRANSFER AND ITS EXTERNAL DIMENSION	15
2.1. FRAMEWORK OF ANALYSIS	15
2.2. INSTITUTIONAL LINKAGES BETWEEN THE EU AND THIRD COUNTRIES	16
2.3. DEVELOPMENT OF INSTITUTIONAL LINKAGES WITHIN THE EUROPE	18
3. OVERVIEW OF EU-RUSSIA RELATIONS	22
3.1. RUSSIA`S CO-OPERATIONAL LINKS WITH THE WEST	24
3.2. RUSSIA`S ATTITUDE TOWARD THE EU	27
3.3. THE ROLE OF PARTNERSHIP AND COOPERATION AGREEMENT BETWEEN THE EU AND RUSSIA	30
3.4. "NO ACCESSION" STRATEGY	31
4. EU COOPERATION WITH RUSSIA WITHIN THE IMMIGRATION POLICY AREA	33
4.1. DIRECT AND INDIRECT MECHANISMS OF EUROPEANIZATION IN THE EU IMMIGRATION POLICY TRANSFER TOWARDS RUSSIA	34
4.2. INTERNAL PROCEDURE FOR FORMAL CONCLUSION OF THE EU-RUSSIA READMISSION AND VISA FACILITATION AGREEMENTS	38
4.3. THE ROLE OF MEMBER STATES IN NEGOTIATIONS PROCEDURE	40
4.4. AGENDA OF THE EU-RUSSIA NEGOTIATIONS ON THE EUROPEAN UNION - RUSSIA READMISSION AND VISA FACILITATION AGREEMENTS	42
4.5. OUTCOME OF NEGOTIATIONS	45
CONCLUSION	48
GLOSSARY	54
BIBLIOGRAPHY	55

Introduction

The implementation of the EU-Russia Road map of the Common Space of Freedom, Security and Justice has intensified efforts of the EU and Russia to attain practical goals on a wide range of issues including movement of persons, border management, migration and asylum, cooperation in combating drugs, organized crime, trafficking in human beings, as well as judicial cooperation between the EU and Russia in civil and criminal matters.

Moreover, the EU and Russia committed to facilitating people to people contacts between citizens of Russia and the EU and to gradually remove existing obstacles for further cooperation in immigration area. Such determinations became official and binding just after St. Petersburg Summit in May 2003. Cooperation in the Common Space on Freedom, Security and Justice area has become a key component in the developing strategic partnership between the EU and Russia.

It is very interesting why Russia with its “no accession to and no association with the EU” position has changed its perspectives towards the EU and collaborates actively in the Common Space of Freedom, Security and Justice area, and most particularly in immigration area. In this sense, Russia’s “no-accession” policy means less responsibility and less accountability on the part of Russia (and probably less concern on the part of the EU). A new formula was suggested in 2001 by Russian diplomats (although only in a quasi-official way): “Russia would like its

relations with the EU member states to be similar to those that these states have between themselves”.¹

The main achievement in this area has been the signature of the agreements on readmission and visa facilitation in Sochi on 25 May 2006. The ratification process was launched in June 2006 and has been concluded in May 2007. In general, the Russian Federation is interested in being associated in a closer way with the migration policy of the EU, given the fact that Russia itself is increasingly becoming a target country for migrants from South-East Asia, and, therefore, a potential transit country for those immigrants proceeding to the Western countries.

The agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas, which is entering into force on 1st June 2007, is the first agreement on visa facilitation issues ever negotiated by the European Community with a third country. The purpose of the agreement is to facilitate, on the basis of reciprocity, free movement of the citizens of the European Union and the Russian Federation. The uniqueness of conclusion of such an agreement stipulated me to analyze the Russian and the European Union cooperation in immigration policy, since both Parties have reached significant consensus and results in the immigration policy area, and it is interesting to study the process from different perspectives.

A more precise examination is needed to clarify what would drive Russia to cooperate with the EU on migration. Taking into account the aspects of the EU-Russia relations, what urged Russia to collaborate with the European Union and adopt European norms and values in the EU-Russia Road map of the Common Space of Freedom, Security and Justice and, most particularly,

¹ Kazmierkiewicz, Piotr. *Neighbourhood Across a Divide? Borderland Communities and EU Enlargement*. Warszawa, Institute of Public Affairs. 2004. p.45

in the agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas and the agreement between the European Community and the Russian Federation on readmission? How did Parties agree on a common position in the agreements?

With the growing political and economic weight of the European Union in the world, these avenues, which have hitherto received little attention by scholars of European integration, are gaining increasing importance.

Moreover, in recent years, scholars have discovered the study of EU policies and institutions on political processes and structures in member states as a “new” field of research, commonly referred to as “Europeanization”.² Yet, no similar development has taken place with regard to the EU’s external effects.

Although Europeanization in the narrow sense has been defined as the impact of European integration at the national level of the member states, its dynamics can also be extended to states other than EU member states in so far as they refer to “a process of change in national institutional and policy practices that can be attributed to European integration”.³ The crucial distinction then lies in the question of how these changes can be attributed to European integration.

In contrast to the Europeanization literature, the external effects of EU policies occur in a more diverse manner and include both formal obligations and informal dynamics. Drawing on Dolowitz and Marsh’s definition of policy transfer, we understand the EU’s external impact as “a process in which knowledge about policies, administrative arrangements, institutions, etc. in one

² Wong, Reuben. “Foreign Policy”, in *Europeanization. New Research Agendas*. Eds. Graziano, P. Vink, M.P. London, Palgrave. 2006. p.323

³ Lavenex, Sandra. “EU external governance in “wider Europe”, *Journal of European Public Policy*, Vol.11, No.4, August 2004, p. 681

time and/or place is used in the development of policies, administrative arrangements and institutions in another time and/or place”.⁴ While studies of policy transfer and policy diffusion which are contextualized in US federalism abound, the application of these concepts to the European setting is quite limited. With the exception of studies which explore possible policy transfer and learning between the US and the UK - where the US is portrayed as the policy innovator from whom the UK adopted policy ideas.⁵ Hence, there is not much in the literature that explores these concepts in the context of the EU.

In fact, it is only recently that EU scholars have started employing this kind of analysis, with a focus on the role of the EU in facilitating *intra*-EU policy transfer.⁶ There are also few studies that expound on Europeanization and the transfer of policy from the EU to other settings, although there is no inherent reason why policy transfer should be limited to examining endogenous processes. For example, Bulmer and Padgett acknowledge that one could conceive of situations in which an “EU policy has some kind of extra-territorial effect”.⁷

I emphasize that the norms and procedures indicated in the agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas are those elaborated, adopted and practiced for decades in the European Union, more specifically in the Schengen Acquis.

In order to examine why and how Russia adopted the EU norms and values and agreed to implement those norms according to the agreements on the facilitation of the issuance of visas,

⁴ Dolowitz, David P. and Marsh, David ‘Learning from Abroad: The Role of Policy Transfer in Contemporary Policy Making’, *Governance* 13(1), 2000. p. 9.

⁵ Ibid., p. 10.

⁶ Lavenex, Sandra. “Asylum Policy” in *Europeanization. New Research Agendas*. Eds. Graziano, P. Vink, M.P. London, Palgrave. 2006. p.311

⁷ Lavenex, S. and Ucarer, E.M. “The External Dimension of Europeanization: The Case of Immigration Policies” *Cooperation and Conflict*, Vol.39, 2004. p. 419

and on readmission, I argue that the establishment of certain immigration procedures and norms in Russia are the result of Europeanization initiated from the European Union. More specifically, I will examine how the EU immigration policy has had an external effect in Russia. My Master`s thesis will propose an examination of these external effects within and outside multilateral negotiations and exemplify them with the case study of the EU-Russia cooperation in immigration policy.

The ways in which common policies can develop an external dimension are multiple. On the one hand, they can become subject to international multilateral negotiations, in which the European Commission adopts a shared or exclusive competence to act on behalf of the Community and its member states. The treaty-making power, however, is only one way in which EU policies can gain an external dimension. Other possibilities include the unintended externalities of EU policies on third countries, the purposeful export of common policies through bilateral and/or multilateral agreements, and the extension of European policies to third countries through institutionalized forms of cooperation. During the case study of the negotiation processes between the EU and Russia, my Master`s thesis will examine the export of the EU immigration policy toward Russia through agreements and institutionalized forms of cooperation.

Policy transfer analysis can provide a useful framework for understanding the nuances of the EU`s policy impact beyond its territory, therefore the flow of argument in the Master`s thesis is following: In Chapter 1, I will explain how Europeanization is linked to the policy transfer within the boundaries of the EU and beyond them. In Chapter 2, I will analyze the mechanisms and procedures for immigration policy transfer and its external dimensions. In Chapter 3 and 4, I will examine the relations between the EU and Russia and their cooperation in the immigration policy transfer.

1. Europeanization in the EU immigration policy area

Notwithstanding current debates on the value of the term Europeanization and the absence of a common definition, there is a growing consensus in studies that understand by it the institutional and legislative impact of European integration at the national level of the member states, or, to put it differently, “a process of change in national institutional and policy practices that can be attributed to European integration”.⁸

In order to explain how Europeanization is linked to the policy transfer, in this chapter, I will examine the general usage of the concept of Europeanization from a policy perspective in the immigration policy area. In the application to policy change, most studies of Europeanization follow an implementation perspective.⁹ This perspective takes the output of European policy-making processes as its point of departure and focuses on the conditions for its implementation at the domestic level. A national policy in the immigration area becomes Europeanized if and when the relevant European provisions have been translated in domestic laws and administrative procedures.

Lavenex, one of the main scholars with remarkable research interest in the EU immigration policy, indicates that the existing literature on the impact of EU immigration policies

⁸ Caparaso, J.A. and Sweet, A.S. “Conclusion: Institutional Logics of European Integration” in *The Institutionalization of Europe*. Eds. Sweet, A., Sandholtz, W. Oxford University Press, 2001, p.226

⁹ Lavenex Sandra. “Asylum Policy.” In *Europeanization. New Research Agendas*, eds. Graziano, P., Vink, M. London, Palgrave MacMillan, 2006. p.310

reflects broader effects of what one may term Europeanization.¹⁰ She urges that most work on this topic has been conducted by migration scholars, who are more concerned with the policy field itself than with the complexity of EU politics and policy making. Mainly, four perspectives can be distinguished in the literature, which each approach the topic with a slightly different set of core questions.¹¹ Firstly, there are constructivist or interpretative approaches, which analyze the changing normative and ideational foundations of immigration policies in Europe; secondly, institutionalist studies take the relationship between intergovernmentalist and supranational elements in the EU polity as the central dependent variable, and, thirdly, some studies that deal more explicitly with the interplay between the domestic level of the member states and EU developments. Forth group of researches looks at the external effects of Europeanization beyond the circle of the member states, that is third countries and international organizations and regimes. The more explicit analysis of mentioned researches about the impact of EU immigration policies and Europeanization is very important in order to examine the EU immigration policy transfer towards Russia.

Although only the third group of studies establishes an explicit link with what has been conceptualized as Europeanization research, in the last chapter of Master`s thesis, I will examine the interplay between the domestic level of the member states and EU developments, and their external effects on third countries in Europe, most particularly in Russia. While analyzing the EU immigration policy transfer towards the Russia, it is necessary to study internal notions within the Members states, since there is no common immigration policy in the European Union.

¹⁰ Lavenex, S. and Ucarer, E.M. "The External Dimension of Europeanization: The Case of Immigration Policies" *Cooperation and Conflict*, Vol.39, 2004. p.419

¹¹ Lavenex Sandra. "Asylum Policy." In *Europeanization. New Research Agendas*, eds. Graziano, P., Vink, M. London, Palgrave MacMillan, 2006. p.310

1.1. Constructivist or interpretative and institutionalist approach to EU

immigration policy

The core question for constructivist or interpretative scholars with regard to EU immigration policy cooperation concerns the changes in the substance of this policy with a focus on the discourses, practices, norms and values that shape immigration policy.¹² The main thrust of this sociological and political science literature is the investigation of the processes of securitization in this policy field - that is, the dynamics by which refugee policy and immigration more generally have been reframed from a humanitarian or economic issue into a potential threat to receiving societies and states. Since, securitization in the immigration policy field is not the focus in this Master's thesis, I will explain other research approaches to the EU immigration policy.

Focusing on the intricacies of policy making in the EU, a second body of research approaches the topic from a more institutionalist point of view and focuses on the relationship between intergovernmental and supranational elements in the development of the immigration policy field.¹³ A common assumption in this literature is that a greater empowerment of the Commission and the European Parliament would be preconditions for a comprehensive and balanced European approach to asylum. The analyses concur that cooperation has hitherto been driven by a transgovernmental framework which has limited common action to the aspect of immigration control and measures to reduce the flow of immigrants to the main receiving countries. The harmonization of national policies, in contrast, has been much more difficult to

¹² Givens, T. and Luedtke, A. "The Politics of European Union Immigration Policy: Institutions, Salience, and Harmonization" *The Policy Studies Journal*, Vol.32, No.1, 2004. p. 148

¹³ Givens, T. and Luedtke, A. "The Politics of European Union Immigration Policy: Institutions, Salience, and Harmonization" *The Policy Studies Journal*, Vol.32, No.1, 2004. p. 152

achieve, it has taken more than ten years to agree on the common directives on immigration issues.¹⁴

Many scholars in the studies of immigration policy endorse a thick institutionalism and reject a more calculating approach to the question of Europeanization.¹⁵ Their main argument is based on the assumption that immigration is an inherently “normative” issue in that it is about the inclusion and exclusion of non-citizens. Vink proposes that one of the most obvious shortcomings of the research agenda of Europeanization is its failure to relate to the traditional integration literature.¹⁶ The case of the European Union is one of the most advanced instances where nation-states are working towards an “ever closer Union” and seemingly are becoming ever more porous.¹⁷ Vink urges, that several forms of Europeanization are connected to supranational theories of European integration where European organizations and rules are increasingly taken for granted and structure the behavior of national actors.

A contrasting model of European integration is provided by intergovernmentalist theory. Here Europeanization is viewed as contributing not so much to the demise, but rather to the rescue of the nation-state. According to Moravcsik,¹⁸ the EC can be analyzed as a successful international regime designated to manage economic interdependence through negotiated policy coordination. What matters for understanding the European Union are the preferences and power of its member states because these explain the choices of sovereign governments to shift decision-making powers to European institutions.

¹⁴ Givens, T. and Luedtke, A. “The Politics of European Union Immigration Policy: Institutions, Saliency, and Harmonization” *The Policy Studies Journal*, Vol.32, No.1, 2004, p. 155

¹⁵ Vink, Maarten. *Limits of European Citizenship. European Integration and Domestic Immigration Policies*. London, Palgrave.2005. p.14

¹⁶ Ibid., p.15

¹⁷ Ibid., p.16

¹⁸ Schimmelfennig, Frank and Sedelmeier, Ulrich. “Governance by Conditionality: The Europeanization of Central and Eastern Europe”, *Journal of European Public Policy* Vol.11, No.4, 2004, p.663

Looking at the domestic impact of European integration in more detail, intergovernmentalists depart from two-level theories, where national executives are simultaneously involved in international negotiations and bargaining with domestic interest groups.¹⁹ The intergovernmentalist approach explains why governments, or powerful groups within the executive, can achieve better outcomes at the international level if they show convincingly that their hands are tied by domestic commitments.

Lahav argues that increasing interdependence and harmonization at the European level are compatible with growing national influence.²⁰ He rejects the commonly understood dichotomy between supranational and national constraints (that one camp promotes openness and the other protectionism). Moreover, he argues that by delineating the political constellations and constraints on migration cooperation, we may gain some theoretical leverage to predict the portability of Europeanization to policy areas that are sensitive to national interests.

This argument can be transferred to the broader framework, including Europeanization towards third countries. Within the empirical part of my Master's thesis, I will use this argument to analyze the portability of Europeanization toward Russia in the immigration policy area, and how Russia is responding to European efforts to implement certain immigration norms and values in the Russian immigration area.

¹⁹ Lavenex, Sandra. "EU external governance in "Wider Europe", *Journal of European Public Policy*, Vol.11, No.4, August 2004, p. 688

²⁰ Lahav, Gallya. *Immigration and politics in the New Europe. Reinventing Borders*. Cambridge University Press. 2000. p.6

1.2. Relationship between the member states and EU developments

The third group of studies focuses more explicitly on the interplay between developments at the EU level and policy reforms in the member states. Combining a social-constructivist focus on the role of policy frames with institutionalist approaches, Lavenex has argued that in order to achieve a de-securitization of the European immigration policy cooperation, institutional reforms alone will not suffice.²¹ Rather, this would require the emulation of traditionally national normative foundations in the EU framework. She argues, that the transformative impact of European cooperation consists not only of the vertical effects of European rules on an individual member state, but also the horizontal repercussions of domestic changes on other interdependent member states.²² The same is true for third countries – the former transit countries of Southern and Central-Eastern Europe. It is in these countries that the strongest independent impact of Europeanization has been observed.

Given the weakness or, in some cases, absence of immigration laws and institutions prior to Europeanization, EU requirements were the main drivers of contemporary immigration policies in Greece, Italy, Portugal and Spain, and also in the new member states of Central and Eastern Europe. Here, immigration policy reforms have been shaped by accession conditionality, and have reflected the ambiguous priorities of the European approach.²³ The trajectory of reforms proceeded in three phases, starting in the early 1990s with the adoption of fairly general immigration legislation in the Visegrad countries (Czechoslovakia, Hungary, Poland); moving to

²¹ Lavenex, Sandra. *The Europeanisation of Refugee Policies: Between Human Rights and Internal Security*. Aldershot: Ashgate, 2001. p.8

²² Lavenex, Sandra. "Asylum Policy." In *Europeanization. New Research Agendas*, eds. Graziano, P., Vink, M. London, Palgrave MacMillan, 2006. p.314

²³ Lavenex, Sandra. „Shifting up and out: The Foreign Policy of European Immigration Control”, *West European Politics*, Vol.29, No.2, March 2006, p.336

a second wave of restrictive reforms in all candidate countries adopting the main elements of the Schengen and Third Pillar *acquis* in the second half of the 1990s; and in recent years a third wave of more balanced policy changes which are basically a reaction to the deficits identified by the European Commission in its annual reports on progress towards accession.

Moreover, Lavenex argues that these changes are less the result of the domestic implementation of supranational legislation than the product of the intergovernmental process of policy transfer by individual EU member states towards their neighboring countries.²⁴

The extent to which the EU is able to operate as a supranational entity (or not) is largely dependent upon its ability to construct and uphold those common policies, such as immigration, which necessarily determine its identity. A unified Europe warrants a common immigration policy to ensure that other common policies it upholds in a number of other realms (social, economic) are not undermined by an inconsistent application of immigration and asylum policy in different member states.²⁵ Whether this argument is true or not in the context of the EU immigration policy transfer towards Russia, in the empirical part of Master`s thesis I will examine how strong are the notions of the EU member states to influence common European objectives in the EU immigration area. More specifically, whether the EU member states have bargaining power to influence the outcome of the EU-Russia`s negotiations on visa facilitation and readmission agreements.

²⁴ Lavenex, Sandra 'EU Trade Policy and Immigration Control', in *Migration and the Externalities of European Integration*, eds., S. Lavenex and E. M. Uçarer Lanham, MD: Lexington Books, 2002. p. 168

²⁵ Lahav, Gallya. *Immigration and politics in the New Europe. Reinventing Borders*. Cambridge University Press. 2000. p.6

1.3.External effects of immigration policy on third countries

With the growing external dimension of EU immigration policy, scholars have started to examine the impact of external effects on non-EU countries and international organizations.²⁶ They argue that the external effects of European policies on third countries are not limited to the immediate neighbors of the Union, but extend through trade and association agreements. Trade and association agreements are the result of both unintentional externalities of common policies and also purposeful external action on part of the Union and the member states. Lavenex argues,²⁷ that on the part of the third countries, effects take place along a continuum that runs from fully voluntary to more constrained forms of adaptation including the use of conditionality. She argues, that this external dimension has been referred to as strategy of “remote control” beyond the territory of the own jurisdiction,²⁸ but is increasingly also becoming one of “remote protection”. The main elements of this strategy are the safe third country notion; the conclusion of readmission agreements with third countries and the promotion of immigration control facilities in third countries through the transfer of know-how, technology and legislation in the framework of association agreements. These external effects are also promoted through overlapping but not mutually inclusive membership in international organizations such as the Council of Europe, the International Organization for Migration. The EU’s weight in the world, its presence in international organizations but also its important role as a carrier of ideas and normative power highlights the more ideational impact of Europeanization beyond the question

²⁶ Lavenex, S. and Ucarer, E.M. “The External Dimension of Europeanization: The Case of Immigration Policies” *Cooperation and Conflict*, Vol.39, 2004. p.422

²⁷ Lavenex, Sandra ‘EU Trade Policy and Immigration Control’, in S. Lavenex and E. M. Uçarer (eds) *Migration and the Externalities of European Integration*, Lanham, MD: Lexington Books, 2002. p. 169

²⁸ Lavenex, S. and Ucarer, E.M. “The External Dimension of Europeanization: The Case of Immigration Policies” *Cooperation and Conflict*, Vol.39, 2004. p.424

of legal adaptation on the principles and norms that shape international cooperation in the immigration policy area.²⁹ In this perspective, the EU's impact consists of the projection of normative templates, of models how to deal with particular social problems.

What concerns immigration policy in third countries, Collinson argues,³⁰ that transnational and global economic, political, social, and cultural forces, including migration, have weakened national frontiers and decision-making autonomy. Moreover, Sassen urges that economic interdependence and the globalization of the economy have essentially constrained the state's role in regulating migration and have generated more liberal policies.³¹

In the next chapters, this approach will be used to examine the case study of the EU immigration policy transfer towards Russia, and whether these effects take place along a continuum that runs from fully voluntary to more constrained forms of adaptation including the use of conditionality. Whether the main elements of this strategy are the safe third country notion, the conclusion of readmission agreements with third countries, the promotion of immigration control facilities in third countries through transfer of know-how, technology and legislation in the framework of association agreements.

²⁹ Lavenex, S. and Ucarer, E.M. "The External Dimension of Europeanization: The Case of Immigration Policies" *Cooperation and Conflict*, Vol.39, 2004. p.425

³⁰ Lahav, Gallya. *Immigration and politics in the New Europe. Reinventing Borders*. Cambridge University Press, 2000. p.7

³¹ Lahav, Gallya. *Immigration and politics in the New Europe. Reinventing Borders*. Cambridge University Press, 2000. p.8

2. European immigration policy transfer and its external dimension

2.1. *Framework of Analysis*

Lavenex in her study about the external impact of the EU immigration policies distinguish between four forms of policy adaptation and transfer:³² (1) adaptation through unilateral emulation, (2) adaptation through externalities, and two forms of policy transfer through conditionality, one where the changes fit the domestic interests, and one when the latter occur under pressure. Based on this framework, I will analyze which form of policy adaptation and transfer is using Russia and what urged Russia to collaborate with the European Union and to adopt European norms and values in immigration policy.

Studies on policy transfer distinguish between the transfer of general principles guiding the exercise of a policy, norms, specific policy instruments, policy programs, procedures, and institutional transfer involving, for example, the creation of specialized administrative agencies dealing with asylum and immigration.³³

Another important dimension in studying the effects of EU policies on third countries concerns whether these effects occur voluntarily or result from a series of factors that compel adaptation or change. A mix of voluntary and involuntary adaptation exists when the third country perceives the necessity to change its policies in response to the externalities of EU

³² Lavenex, S. and Ucarer, E.M. "The External Dimension of Europeanization: The Case of Immigration Policies" *Cooperation and Conflict*, Vol.39, 2004. p.420

³³ Dolowitz, David P. and Marsh, David "Learning from Abroad: The Role of Policy Transfer in Contemporary Policy Making", *Governance* Vol.13, No.1, 2000. p. 14

policies, for example, the rising numbers of asylum seekers as a consequence of tighter controls at the EU's external borders.³⁴ This argument exemplify the initial proposal to conclude the EU-Russia Agreement on visa facilitation and readmission. Such negative externalities may alter domestic interest constellations so that the costs of non-adaptation are perceived to be higher than those involved in a unilateral alignment with the European policy.

As argued previously, the external effects of European policies on third countries extend through trade and association agreements. Trade and association agreements are the result of both unintentional externalities of common policies and also purposeful external action on part of the Union and the member states. On the part of the third countries, effects take place along a continuum that runs from fully voluntary to more constrained forms of adaptation including the use of conditionality. This external dimension has been referred to as strategy of "remote control" beyond the territory of the own jurisdiction,³⁵ but is increasingly also becoming one of "remote protection". The main elements of the EU immigration policy strategy are the safe third country notion; the conclusion of readmission agreements with third countries, the promotion of immigration control facilities in third countries through transfer of know-how, technology and legislation in the framework of association agreements.

2.2. Institutional linkages between the EU and third countries

Another dimension for analyzing different path through which common European policies can develop an external impacts is the identification of existing institutional links between the EU

³⁴ Lavenex, Sandra. "EU external governance in "Wider Europe", Journal of European Public Policy, Vol.11, No.4, August 2004, p. 681 p.683

³⁵ Lahav, Gallya. *Immigration and politics in the New Europe. Reinventing Borders*. Cambridge University Press, 2000. p.46

and different groups of third countries, and the pertinent rights and obligations that they involve. Lavenex have emphasized five groups of countries which differ not only with regard to their institutional affiliation, but also with regard to their geographical and institutional proximity, degree of “fit” with EU policies, including their traditional approach towards asylum and immigration, and their identity as receiving, transit, or sending countries of immigrants.³⁶ She urges that the strongest institutional and geographic links exist with the West European non-EU countries (Norway and Switzerland), and the new member states of Central and Eastern Europe, who were bound to take on the EU *acquis* as part of their preparation for membership. A similar framework exists with the second wave countries, Turkey and the Balkan states. A less inclusive although intensifying form of institutional affiliation exists with countries which lack the prospect for membership (Morocco, Russia, to some extent Ukraine). The last group of (more distant) countries which have recently come into the orbit of EI immigration policies are the African, Caribbean and Pacific (ACP) countries with the Cotonou agreement.

These types of institutional linkages indicate the intensity of formalized relations in the field of adaption of the EU policies. More important, these institutional linkages point to the broader implications of cooperation and the possibilities in obtaining the desired results. Linking up with the policy transfer literature, these institutional linkages indicate the content and scope of transfer intended on the part of the EU.

Therefore, further in the case study of the EU immigration policy transfer to Russia, I will examine the Russia’s institutional affiliation with the EU, as one of the indicators of Europeanization.

³⁶ Lavenex, Sandra. “EU external governance in “Wider Europe”, *Journal of European Public Policy*, Vol.11, No.4, August 2004, p. 681 p.683

2.3. Development of institutional linkages within the Europe

EU immigration policies have traditionally emphasized issues related to border control and illegal migration. As Harlan Koff indicates,³⁷ even though the European Parliament has attempted to focus increased attention on anti-discrimination and human rights agendas, the imbalanced distribution of power within the EU's decision making structure has permitted the Council to firmly establish immigration as a security concern. To some extent immigration has been framed as a security problem due to domestic political pressures, such as increased media attention to sensationalized tragedies connected to illegal migration.

Since the end of the Cold War, migration has been considered one of the greatest threats to European security.³⁸ Since the early 1980s, the EU has balanced dual priorities in its migration strategies. It has enacted legislation aimed at liberalizing internal border crossing which has, simultaneously, emphasized control of the EU's external borders. Structurally, immigration was placed in the third pillar (Justice and Home Affairs) of the Treaty of European Union in 1992, and it was not moved to the first pillar (demarcating arenas of European Common policy) until the Treaty of Amsterdam in 1998. The latter document harmonized entry and visa policies as well as asylum policies, in many cases making them more restrictive than those previously enacted by some member states. The campaign to harmonize EU migration controls has been the central

³⁷ Koff, Harlan. „Security, Markets and Power: The Relations Between EU Enlargement and Immigration”. *European Integration*, Vol.27, No.4, December 2005, p.398

³⁸ Turnbull, Penelope and Sandholtz, Wayne. “Policing and Immigration: The Creation of New Policy Spaces” in *The Institutionalization of Europe*. Eds. Sweet, A., Sandholtz, W. Oxford University Press, 2001, p.198

focus of EU migration policies since the 2002 Seville meeting of the European Council. The resolutions passed at this meeting further reinforced the EU's commitment to strengthening border security. Among others, the approved strategies entail the integration of immigration policy in the relations of the Union with third countries, including a provision that states that "a clause be included concerning the common administration of migratory flows and regarding obligatory readmission in the case of illegal immigration in all future agreements of cooperation, association or the equivalent that the European Union or the European Community signs with any country and a systematic evaluation of relations with third countries that do not collaborate in the fight against illegal immigration".³⁹

During the Dutch 2004 Presidency of the EU, much debate concentrated on relationships with third countries in the area of migration. In enlargement negotiations, immigration was addressed in similar security terms.⁴⁰ First, border security was included as a provision in the accession agreements. Elena Jileva correctly describes the process in which candidate countries had no decision-making power and little say over the determination of policies concerning external relations, including migration legislation and visa requirements.⁴¹ Second, the applicant states were forced to agree to the adoption of the Schengen *aquis* before their admission to this agreement. Third, within this general atmosphere of uncertainty, member states administered a moratorium of seven years on the accession of applicant states to the Schengen Accord, initially preventing free movement of citizens from the applicant countries to the previous fifteen member

³⁹ Koff, Harlan. „Security, Markets and Power: The Relations Between EU Enlargement and Immigration”. *European Integration*, Vol.27,No.4, December 2005, p.403

⁴⁰ Jileva, Elena. “Larger Than the European Union: The Emerging EU Migration Regime and Enlargement”, in *Migration and the Externalities of European Integration*, eds. S. Lavenex and E. M. Uçarer Lanham, MD: Lexington Books. 2002. p. 78

⁴¹ Lavenex, Sandra. „Shifting up and out: The Foreign Policy of European Immigration Control”, *West European Politics*, Vol.29, No.2, March 2006, 336

states. Moreover, this measure was implemented because the previous fifteen member states viewed the extension of the Union's external borders towards the east as a security risk.

Some limited attention has been given to the actual instruments and policies adopted, but there has been little consideration of the attitudes and norms that shape the immigration debate in an emerged Europe. Lavenex argues that European immigration regime can be understood only in light of the distinct national interests and political pressures that propel each EU member state along the path of cooperation, collective action, and greater policy harmonization.⁴² On immigration related questions, each member state is self-interested, and motivated by its own particular set of policy goals regarding both immigration and European integration. More important, even when several or more EU member-states share the same or similar interests and goals, their order of priority differs from one member state to the next.

The nature of the immigration debate become more complicated at the European Union level, as it reflects and magnifies the problems that some nations confronted internally. As the EU erases its internal borders, immigration policy and implementation require agreement and trust among members, in addition to some common outlook among nations which have traditionally confronted distinct groups differently.⁴³ Formulating a common policy involves deciding which outsiders require visas to enter the Union and ensuring that illegal immigrants, drug traffickers, smugglers, and terrorists do not profit from the elimination of borders. It also

⁴² Lahav, Gallya. *Immigration and politics in the New Europe. Reinventing Borders*. Cambridge University Press. 2000. p.57

⁴³ Koff, Harlan. „Security, Markets and Power: The Relations Between EU Enlargement and Immigration”. *European Integration*, Vol.27, No.4, December 2005, p.397

raises traditional concerns about social welfare policies, integration strategies, and asylum histories.⁴⁴

At the EU level, there are many controversies and limitations concerning immigration and the intergovernmental pillar (the Justice and Home Affairs Council), which has largely left immigration goals and implementation strategies to national and administrative interpretation. Since adoption of the Treaty on European Union (Maastricht Treaty) in 1993, there has been a formal recognition of the need for a serious common immigration policy.⁴⁵ While subsequent EU treaties and summits (including Amsterdam in 1997, Tampere in 1999, Nice in 2000, Laeken in 2001, and Seville in 2002) have attempted to give teeth to a common immigration policy, much of the rhetoric has not been accompanied by any substantive policy changes.⁴⁶ Clearly, the immigration problem at the EU level is about the harmonization of national trends.

In order to understand the character of the EU immigration policy transfer toward Russia, I will look beyond institutionalized links, and also consider the domestic patterns of interests in the Russia. Therefore in the Chapter 3 of the Master`s thesis I will examine the EU attempts to transfer immigration policy principles toward the Russia and external effects, taking into account EU-Russia`s strained relations.

⁴⁴ Koff, Harlan. „Security, Markets and Power: The Relations Between EU Enlargement and Immigration”. *European Integration*, Vol.27, No.4, December 2005, p.398

⁴⁵ Ibid.,p.402

⁴⁶ Ibid.,p.404

3. Overview of EU-Russia relations

Despite the long and active dialogue between Russia and the European Union, a well-developed system of bilateral ties at various levels and a solid legal basis, relations between Russia and the EU remain in a state of uncertainty. The main sign of this uncertainty is the inability of both parties to jointly formulate their strategic goals in their relations (and to define common values, interests and tasks in the area of Russia-EU cooperation). Above all, this concerns Russia, whose policy lacks clarity with regard to Europe. At present, the only clearly formulated point of Russia's policy towards the European Union is the assertion that "Russia does not seek EU membership".⁴⁷ This can hardly be viewed as an adequate program of action and as a strategic agenda.

Representatives of both the EU and Russia emphasize the "special Russian mentality", as well as Russia's huge size and relative economic backwardness when speaking about the hypothetical impossibility of Russia integrating itself into the European Union.⁴⁸ On the whole, these arguments are valid enough, yet I think they should not be made absolute. When speaking about the size of Russia as an argument against EU integration, this seems to lack real validity in our modern era of communications; moreover, it may be balanced by Russia's rich natural resources.

⁴⁷ Gower, Jackie. "The EU and Russia: The Challenge of Integration without Accession". In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.168

⁴⁸ Kazmierkiewicz, Piotr. *Neighbourhood Across a Divide? Borderland Communities and EU Enlargement*. Warszawa, Institute of Public Affairs. 2004. p.16

Besides, representatives of EU institutions themselves say that the territorial factor is now losing its decisive importance in the EU.⁴⁹ I think very much will depend on what path the EU and Russia take. Some scholars argue, the EU may transform into a quasi-federation or a socio-economic union, whose members may share some aspects of their foreign and defense policies.⁵⁰ At the same time, Russia may become a stagnating and weakened authoritarian nation or a fast-developing and democracy bound country.

The factors that cause Russia to make the “European choice” include the scope of Russia-EU trade (which should be diversified) and, more importantly, geopolitical and cultural realities.⁵¹ The regions to the south of Russia are growing increasingly unstable; a close union with China is hardly possible. The Euro-Atlantic zone and the EU’s zone of attraction cover most, if not all, of the former Soviet republics west and southwest of Russia.

At present, the main factors that prevent Moscow and Brussels from overcoming ambiguity and the crisis of confidence in their mutual relations are growing differences in values between Russian and EU societies and, especially, their elites, Europe’s inability to start a real integration process with Russia, and the inefficiency of Russian bureaucracy in interacting with the European Union.⁵² Hence, Russia and the EU do not consider themselves opponents on the international stage. Both parties seek to find positive aspects in any situation, even in a conflicting one. At the same time, Russia and the EU lack a shared perception of the “strategic partnership” notion, although this term has officially been used to describe the nature of their

⁴⁹ EU-Russia Political Directors` Troika, London, 7 September 2005. COREU, CFSP/SEC/1758/05

⁵⁰ Gower, Jackie. “The EU and Russia: The Chalange of Integration without Accession”. In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.166

⁵¹ Kazmierkiewicz, Piotr. *Neighbourhood Across a Divide? Borderland Communities and EU Enlargement*. Warszawa, Institute of Public Affairs. 2004. p.20

⁵² Gower, Jackie. “The EU and Russia: The Chalange of Integration without Accession”. In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.167

relations.⁵³ The European Union often replaces this “partnership” with tough and petty competition in specific economic issues. At the same time, Russia has not been the main priority of the European Union, which has affected the quality of its Russia policy.

3.1. Russia`s co-operational links with the West

As Vladimir Baranovsky argues,⁵⁴ four fundamental factors promote Russia`s cooperative engagement in relations with the west. First of all, the classic cold war pattern has become a thing of the past in terms of its ideological substance. Numerous recent manifestations of negativism with respect to the west – both on the political level and on the level of mass public consciousness – look significantly different as compared with what was a predominant model of anti-westernism in the past.⁵⁵ Western policy may be a subject of severe criticism from Russia, but ideas of a fundamental alternative seem discredited and do not have chances to get any significant political support in the country.

Second, traditional military-related considerations, which were based on the assumption of a major east-west conflict, are no longer relevant.⁵⁶ Even the most conservative, backward-oriented political forces in Russia could hardly consider “western aggression” a viable scenario. Their ideologically motivated hostility towards the west can be translated more as politically acceptable and economically feasible recommendations.

⁵³ Gower, Jackie. “The EU and Russia: The Chalange of Integration without Accession”. In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.168

⁵⁴ Baranovsky Vladimir. „Russian views on NATO and the EU.” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.269

⁵⁵ Ibid., p.270

⁵⁶ Ibid., p.270

Third, as Baranovsky argues, the Russia`s interest in economic links with the west has considerably increased, because of both the imperatives of domestic reforms and a desire to obtain a better position in the world market.⁵⁷ It is true that the vulnerability and poor competitiveness of the new business elites in terms of world market requirements strongly push them to lobby for highly protectionist policies. Even those who do not like the west recognize the importance of dealing with it constructively rather than confrontationally.

Forth, political interaction with major western countries is recognized as essential in order to ensure a respectable international status for Russia. Various domestic actors may have different, even mutually incompatible views on the would-be character of interaction with the west – depending on how they assess Russia`s and world developments and their own interests therein.

Baranovsky argues,⁵⁸ that it was in Europe that Russia might first of all see positive prospects for its constructive international involvement in the light of new circumstances in the world.

At the same time, during the past decade Europe has become an area of profound change. The unification of Germany, the activism of integration processes, the foreign policy reorientation of former socialist states, the dramatic conflict in the Balkans – all these elements of new European realities require the serious attention on the part of Russia. Russia is facing a double challenge: that of adapting itself to the emerging new European landscape and that of affecting the process of its formation. According to Gower, three fundamental factors make this

⁵⁷ Baranovsky Vladimir. „Russian views on NATO and the EU.” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.271

⁵⁸ Ibid., p.272

task even more difficult for Russia.⁵⁹ These factors are connected both with deep transformations inside the country and with its dramatically changed position with respect to the outside world.

First, as Gower argues, Russia represents a peculiar mixture of continuity and discontinuity with regard to the Former Soviet Union. The country has certainly inherited much of its legacies, and its operation in the international arena has a solid historical background. At the same time, Russia has never before existed with its present territorial configuration and geopolitical environment, which creates considerable confusion with respect to its self-identification in the international arena, and thus unpredictably and uncertainly about its foreign and security policies.

According to Gower, although the collapse of the old regime may have made Russia ideologically closer to Europe, it is not necessary making the two more compatible. It was sufficient for the former Soviet Union simply to proclaim its “Europeanism” to gain a sympathetic reaction from Europe, but this is no longer the case for post-Soviet Russia. Since it pretends to operate as a “normal” member of the international community, the quality of the factors certifying its participation in the family of civilized countries (democracy, human rights, a market economy) becomes a critical test.

Lastly, Gower indicates that with the end of the bipolar division of Europe, Russia has unexpectedly found itself pushed to the periphery of European political development. What used to be the immediate neighborhood for the state which controlled half of Europe is now separated from Russia by two territorial belts comprising the former socialist countries and the former western republics of the USSR. Having suddenly become the most remote territory of Europe,

⁵⁹ Gower, Jackie. “The EU and Russia: The Challenge of Integration without Accession”. In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.171

Russia has lost some of the options that were available to the former Soviet Union, and its ability to affect developments in Europe has significantly decreased.

In some respect Europe and Moscow could become more difficult for each other as partners. A constructive response to this would be to focus upon problems in order to resolve them, whereas as evasive one would be to turn aside with the hope of finding alternative solutions.⁶⁰ As Baranovsky urges,⁶¹ Russia must invest politically and even emotionally in the European dimension of its international course, notwithstanding all the inconveniences that might thus emerge.

The pro-European arguments seem by and large more attractive for the majority of those who are involved in the debate. In particular, this is because Russia is believed to have better chances in Europe than elsewhere to be accepted as a prominent actor.

3.2. Russia's attitude toward the EU

From the other side, there are some reservations in Russia's perceptions of, and attitudes towards the EU. Russia's economic dependence on the EU has a unilateral character, and if the energy supply is put aside, Russia is a meaningless economic quantity for the EU, accounting for only 5.32 percent of share of total EU exports, and 9.08 percent of share of total EU imports in

⁶⁰ Sergounin, Alexander. "Kaliningrad" In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.148

⁶¹ Baranovsky Vladimir. „Russian views on NATO and the EU.” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.273

2005.⁶² However, Russia is the third largest import and export partner for the EU, and the EU is the main trade partner for Russia constituting 52.9 percent of Russia's foreign trade.

Russia's calculations about the EU as the emerging pole in the international system with an increasing ability and predisposition to operate independently of Washington is more than weakened by the close relationship between the EU and the United States – a partnership that in any circumstances would prevail over the EU's Russian connection.⁶³ However, in recent years both sides have made important steps towards mutual rapprochement – a process that is being both developed on the political level and consolidated institutionally.

However, some time later this approach started to give way to apprehension about the potentially negative consequences for Russia of EU enlargement.⁶⁴ It is interesting that the “list of concerns” officially presented by Moscow as a subject for deliberations with the EU was predominantly focused on economic and technical issues, with the aim of preventing Russia's eventual losses in trade and cooperation with candidate countries when they become EU members.⁶⁵ In addition, when the problem was analyzed more thoroughly, it became clear that in some respects Russia could even profit from access by these countries to the EU – for instance, due to the reduction of tariffs to the considerably lower level existing in the EU.

Thus, the issue of the EU enlargement and its implications both for Russia and for Russia's relations with the EU need to be approached in a broader context.

⁶² European Commission. DG Trade. EU bilateral trade. 2001-2005.
http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113440.pdf

⁶³ Baranovsky Vladimir. „Russian views on NATO and the EU.” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.275

⁶⁴ Ibid., p.276

⁶⁵ Ibid., p.276

First, there are some elements of tension and conflict in Russia`s relations with some of the EU member states, especially Baltic States – such as unsettled borders or what is perceived as discrimination against ethnic Russians.⁶⁶ If this conflictual potential is not reduced, it could be internalized in EU policy. An interesting question is to what extent this could complicate Russia`s relations with the EU, or on the contrary, there could be a positive effect when EU standards are applied to some of the issues that are of significant sensitivity for Russia.

Second, there is the large theme of the Kaliningrad Region. It represents a problem for Russia in any case since Kaliningrad has turned into an enclave within the EU.⁶⁷ Military transit to and from Kaliningrad, the Russian outpost on the Baltic Sea, might become one more complicating factor in Russia`s relations with the EU.

The third large theme associated with EU enlargement could also be considered existential in nature. Because it remains outside the EU, which is expanding its territorial space and functional scope, Russia may raise questions about its own role in Europe.⁶⁸ And it has been already proven by concluded Partnership and Cooperation Agreement between the EU and Russia.

⁶⁶ Baranovsky Vladimir. „Russian views on NATO and the EU.” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.276

⁶⁷ Sergounin, Alexander.”Kaliningrad” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.150

⁶⁸ Ibid.,p.156

3.3. The role of Partnership and Cooperation Agreement between the EU and Russia

The Partnership and Cooperation Agreement (PCA) that was signed in 1994 and entered into force in 1997 created a solid legal basis for a relationship between the EU and Russia.⁶⁹ The PCA is only a broad framework document that may be vulnerable to criticism of its practical importance as well as the readiness of both sides to implement its provisions. But the PCA did outline some new prospects for relations between the EU and Russia – for instance, an EU-Russia political dialogue was introduced by the PCA.

In 1999, the EU and Russia adopted new documents addressing their respective policies towards each other. For both sides, these documents represented a new kind of experience. The *Common Strategy of the European Union on Russia* was the first document of this type envisaged by the Amsterdam Treaty, and Russia could be pleased to have been chosen by the EU as the primary “target” of its new Common Foreign and Security Policy pattern. In 2000 Russia adopted the *Foreign Policy Concept of the Russian Federation* and the *Medium-term Strategy for the Development of Relations between the Russian Federation and the European Union 2000-2010*.

The facts that the two documents were adopted almost simultaneously, are very cooperative oriented, and both proclaim the goal of a “strategic partnership” between the EU and Russia seem encouraging. For Russia, the notion of a “strategic partnership” has clarified its long-term goals with respect to the EU.

⁶⁹ Gower, Jackie. “The EU and Russia: The Challenge of Integration without Accession”. In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.169

3.4. “No accession” strategy

The idea of Russia’s accession to the EU as a full-fledged member has more than once been mentioned in the past but seems to have been abandoned – at least at the official level. Three reasons might explain this “no accession to and no association with the EU” position of Russia.⁷⁰

First, the financial crash of August 1998 in Russia revealed the extreme vulnerability of its economy and the superficial character of its ongoing reforms. This in itself was a strong warning and raised serious question about Russia’s ability to accommodate the realities of the EU.

Second, there is strong pressure for a more protectionist policy from the considerable part of the business community that fears external competition. At the same time, criminal and/or corrupted elements in all segments and on all levels of Russia’s economy are by no means interested in making it more transparent and law-abiding.⁷¹

Third, the prospect of accession would provide the EU with the most powerful political leverage vis-à-vis Russia, making it vulnerable to eventual pressures.⁷² Without this tool, rare attempts by the EU to exercise political pressure on Russia will most probably have no discernable impact on Moscow.

⁷⁰ Gower, Jackie. “The EU and Russia: The Challenge of Integration without Accession”. In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.167

⁷¹ Baranovsky Vladimir. „Russian views on NATO and the EU.” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.277

⁷² Gower, Jackie. “The EU and Russia: The Challenge of Integration without Accession”. In *Enlarging the European Union: the way forward*, eds. Gower, J. and Redmond, J. Aldershot: Ashgate, 2000. p.168

In this sense, a “no-accession” policy means less responsibility and less accountability on the part of Russia (and probably less concern on the part of the EU). It is noteworthy that a new formula was suggested in 2001 by Russian diplomats (although only in a quasi-official way): “Russia would like its relations with the EU member states to be similar to those that these states have between themselves”.⁷³ If ordinary logic says that this means membership in political parlance it might mean something very advanced but falling short of full membership.

Thus, high politics seems to be present in Russia-EU interaction, even if not coherently and on a regular basis. Moscow is usually considered as supporting this line and as interested in making political issues more prominent in the Russia-EU agenda.

⁷³ Kazmierkiewicz, Piotr. *Neighbourhood Across a Divide? Borderland Communities and EU Enlargement*. Warszawa, Institute of Public Affairs. 2004. p.45

4. EU cooperation with Russia within the immigration policy area

In a way, the European Union, abiding by its goal of “Europeanizing” Russia and by its cooperationist agenda, is a tough rival of Russia in the economic field.⁷⁴ The EU’s economic attractiveness for some Russian regions serves as the main instrument in these efforts. This is particularly true in the Kaliningrad Region and Russia’s northwest territories where proposals for joint Russian-EU funding of development projects are invariably accompanied by Brussels’s wish to exert direct influence on state government in Russia.

At the same time, the existing trade and people-to-people contacts with the former Communist allies give Russia additional advantages in its relations with the European Union, and it would be a mistake to ignore them. The growing centralization of decision-making in the EU causes discomfort to its new members, which also gives Russia some room for manoeuvre.⁷⁵ The recent enlargement of the European Union has aggravated the Kaliningrad transit problem. The only condition for a facilitated regime for Russians’ travel in that region would be the EU’s hypothetical control over the region and Russia’s de facto loss of its sovereignty over that territory. The de facto existing format of transit is in no way different from a full-scale visa regime; moreover, the right to issue transit documents belongs to foreign states which can deny permission for transit. Freight transit rates have been increasing fast. It is also unlikely that Russia and individual EU countries will conclude bilateral agreements to facilitate the transit

⁷⁴ Bigo, Didier. “Border regimes, police cooperation and security in an enlarged European Union”, in *Europe Unbound: enlarging and reshaping the boundaries of the EU*, ed. Zielonka, Jan. New York, Routledge, 2002. p.214

⁷⁵ Sergounin, Alexander. “Kaliningrad” In *Ambivalent Neighbors. The EU, NATO, and the Price of Membership*, eds. Lieven, A., Trenin, D. Carnegie Endowment for International Peace, Washington D.C. 2003. p.152

regime, which would not run counter to the Schengen Agreement, as was the case with similar agreements concluded by Russia with Germany and France.

Justice and Home Affairs cooperation does not and cannot by itself provide the solutions to the problems of the relations within member states and between them and their neighbors to the east. Economic differences do not explain all the political and social forms that problems may take. The complimentary role, to other forms of rapprochement, that JHA cooperation plays is recognized in the ways in which the enlargement process is handled and the way in which common strategies concerning third countries – in particular, Russia and Ukraine have been agreed.⁷⁶ Nonetheless, certain sensitive issues will probably dominate the political agenda. Migration of people is likely to be the first of these. It has been, and will continue to be, perceived in EU countries as a problem for receiving countries. There have been cyclical anxieties in the EU member states about a “flood” of immigrants from the east, fuelled by the actual arrival of immigrants, by hypothetical analyses of possible arrivals and by debates over how to tackle the problem of illegal immigration.

4.1. Direct and indirect mechanisms of Europeanization in the EU

immigration policy transfer towards Russia

Referring to the implementation of the EU-Russia Common Spaces, agreed at the St. Petersburg Summit of May 2003, dialogues and contacts between Russia and the EU have

⁷⁶ Bigo, Didier. “Border regimes, police cooperation and security in an enlarged European Union”, in *Europe Unbound: enlarging and reshaping the boundaries of the EU*, ed. Zielonka, Jan. New York, Routledge, 2002. p.225

continued under four Common Space Road Maps as well as the implementation of EU cooperation under TACIS and other Community instruments.⁷⁷ The gradual development of the road map of the Common Space on Freedom, Security and Justice takes place in the framework of the Partnership and Cooperation Agreement. Biannual meetings of the EU-Russia Permanent Partnership Council (PPC) of Justice and Home Affairs Ministers monitor the overall implementation of this Common Space.

Cooperation in the Common Space on Freedom, Security and Justice area has become a key component in the developing strategic partnership with Russia. The scope of cooperation has gained tremendous importance with the expansion of common borders with Russia after the last enlargement of the EU. As the General Secretariat of JHA reported to COREPER,⁷⁸ the EU-Russia cooperation contributes to the objective of building a new Europe without dividing lines and facilitating travel between all Europeans while creating conditions for effectively fighting illegal migration. Moreover, the EU has a considerable interest in strengthening cooperation with Russia by jointly addressing common challenges such as organized crime, terrorism and other illegal activities of cross-border nature.

The PPC declaration of 13 October 2005, complemented by declarations in March and October 2006, referred to the organization of clusters of seminars and conferences bringing together experts and practitioners on counter-terrorism (protection of critical infrastructures), cyber crime, document security (phased introduction of biometric features in a range of identity

⁷⁷ Council of the European Union, 12365/05. Relations with Russia. Brussels, 19 September 2005.

⁷⁸ Council of the European Union. EU-Russia Common Spaces–2006 Progress Report. 6737/07, Brussels 23 February 2007.

documents and measures to prevent the use of lost and stolen passports), judicial cooperation and drugs.⁷⁹

TACIS projects have supported the development of Russian legislation on migration and asylum, anti money laundering and financing of terrorism as well as fighting trafficking of human beings, the introduction of biometric features according to ICAO and EU standards in travel documents.⁸⁰

Dialogue on border management and cross border cooperation issues has been intensified and is very operational. An effective border management is a critical instrument with a direct effect, namely on fighting both terrorism and organized crime activities across the borders. Since the EU and Russia have a common border, both parties are interested to maintain an effective border control and cooperation instruments. There are main achievements concerning mutual cooperation in this matter.

- The new European Agency for the Management of Operational Cooperation at the EU's External Borders (FRONTEX) has concluded a working arrangement on coordination of operational measures for improving border management and controls with Russia's Border Guard Service on coordination of operational measures for improving border management and controls.⁸¹

⁷⁹ Council of the European Union. EU-Russia Common Spaces–2006 Progress Report. 6737/07, Brussels 23 February 2007.

⁸⁰ European Commission. *Establishing a Programme for Financial and Technical Assistance to Third Countries in the Area of Migration and Asylum*. COM (2003) 355 final of 11.6.2003. Brussels: European Commission. 2003.

⁸¹ European Commission. Eastern Europe and Central Asia Meeting document 274/06 Rev 2, 10 October 2006

- The EU has common interest in relation to the strengthening of Russia`s Southern Border. Under TACIS 2007-2008, the EU plan a joint (Commission/Russia) action integrated border management pilot scheme on the Russian-Kazakh border zone.⁸²
- Signed and ratified the European Union - Russia readmission and visa facilitation agreements.

The main achievement in this area has been the signature of the agreements on readmission and visa facilitation in Sochi on 25 May 2006. The ratification process was launched in June 2006 and has been concluded in the May 2007.

The Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas, which is entering into force on 1st June 2007, is the first agreement on visa facilitation issues ever negotiated by the European Community with a third country. The purpose of agreement is to facilitate, on the basis of reciprocity, the procedures for issuing visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the European Union and the Russian Federation.⁸³ I must emphasize that the procedures indicated in the Agreement for issuing visas are those elaborated and practiced for years in the Europeans Union. Therefore, I argue that establishment of certain immigration procedures and norms in Russia are the result of Europeanization initiated from the European Union.

Further in the next chapters, I will analyze what was negotiated between the EU and the Russian Federation in order to conclude the agreement on visa facilitation, as well how the EU

⁸² Council of the European Union. EU-Russia Common Spaces–2006 Progress Report. 6737/07, Brussels 23 February 2007.

⁸³ European Commission. COM(2006) 188 final. 27 April 2006.

Member States agreed to reach consensus concerning national interests and common European Community interests in the immigration policy area.

4.2. Internal procedure for formal conclusion of the EU-Russia readmission and visa facilitation agreements

Conclusion of a readmission agreement is one of the proposals made in the 1999 Common Strategy on Russia. Negotiating mandate was received in September 2000 and draft text officially transmitted to the Russian side in April 2001.⁸⁴ Following the political agreement reached on the Kaliningrad transit issue at the EU-Russia summit in November 2002, Russia declared its readiness to launch formal negotiations. First round of negotiations took place in Moscow on 23 January 2003, second round held in Brussels on 27 and 28 February 2003. In the joint EU-Russia summit statement of 31 May 2003, the two sides agreed – without establishing any link between readmission and visa issues – to conclude timely the negotiations on a readmission agreement.⁸⁵ By letter of 23 June 2003, the Commission proposed to hold the third round of negotiations on 17 and 18 July. This was rejected by Russia by stating that there would be no further readmission negotiations unless the EU would also discuss visa-free travel and set up a special working group. Due to this strict linkage between readmission and visa issues, the negotiations could not be continued before 13 and 14 October, 2003 when the EU and Russia agreed to hold back-to-back meetings on the two subjects. On 24 and 25 February 2004, the latest round of “back-to-back”

⁸⁴ European Commission. *Communication from the Commission to the Council and the European Parliament on a Community Immigration Policy*. COM (2000) 757 final. Brussels. 2000

⁸⁵ Ministry of Foreign Affairs of Latvia. Working paper in relations between the EU-Russia. 13 July, 2005

negotiations took place in Moscow, in which further progress could be made. It has been agreed to continue the readmission negotiations, once the Commission has also received a negotiating mandate for a visa facilitation agreement between the EC and Russia. Following the adoption of this mandate by the Council on July 12 and an informal preparatory technical visa meeting in Brussels on September 20, the first session of formal “back-to-back” negotiations on the two agreements took place in Brussels on October 20, 21, which led to further progress in both areas. Negotiations were successfully continued on 8 and 9 December 2004 (Moscow) and in mid-March (Brussels). Prepared by an informal expert meeting in Moscow on 8 April 2005, another formal round took place on 3 and 4 May 2005 in Brussels when most of the technical problems could be resolved, with the exception of the issue of readmission points, some means of evidence, some institutional provisions and the linkage between visa facilitation and readmission. On the later, the two sides agreed in the framework of the roadmap for the 4 common spaces, adopted at the EU-Russia summit in Moscow on 10 May 2005 that the two agreements were short-term goals and should be concluded in parallel. Prepared by an informal technical round in Moscow on 29 June 2005, formal negotiations were resumed on 12 and 13 July in Brussels. At this formal session before the next EU-Russia summit of October 2005, the two sides managed to settle all but one technical issue. This technical issue is about Russian legislation that only allows voluntary repatriation of migrants, referring to respect for basic human rights.⁸⁶ On contrary, the Commission replied that readmission of third country nationals and stateless persons was an issue when it was not voluntary. The formal initialing of the complete texts of the two agreements took place in Moscow on 4 April 2006.

⁸⁶ EU-Russia Political Directors` Troika, London, 7 September 2005. COREU, CFSP/SEC/1758/05

The two agreements are pure Community agreements; they are concluded by the Community and not require ratification by EU Member States. With regard to the conclusion of international agreements negotiated by it, the European Community has to follow a two-step procedure, which is set out in Article 300 of the EC Treaty. This internal procedure also applies in the case of the EU-Russia readmission and visa facilitation agreements.⁸⁷

According to an internal arrangement between EU member states, the Council proceeds to the final conclusion of the EC-Russia readmission agreement, as soon as the specific arrangements referred to in Article 11 of this agreement concerning all those Member States whose maximum time limit for retention of illegal migrants is inferior or equal to 60 days, have been agreed in the implementation Protocols between those Member States and the Russian Federation.⁸⁸

4.3. The role of Member states in negotiations procedure

Since, the two agreements are pure Community agreements, and they are concluded by the Community and not require ratification by EU Member States, there were many discussion and consensus reaching during the expert meetings within Commission and during the political consultations among member states. There were disagreements among members states indicating the huge gap in political relations with Russia. Obviously, there was political stream in the Commission to conclude readmission and visa facilitation agreements with Russia in order to facilitate mutual partnership and cooperation, but from the other side, there were member states with strict national principles opposing any visa facilitation with Russia.

⁸⁷ European Commission, DG Justice, Freedom and Security. JLS B2/MS/ck D(2005) 12400, Brussels, 17 November 2005

⁸⁸ EU-Russia Political Directors` Troika, London, 7 September 2005. COREU, CFSP/SEC/1758/05

As indicated in Chapter 2 of the Master`s thesis, European immigration regime can be understood only in light of the distinct national interests and political pressures that propel each EU member state along the path of cooperation, collective action, and greater policy harmonization.⁸⁹ On immigration related questions, each member state is self-interested, and motivated by its own particular set of policy goals regarding both immigration and European integration. More important, even when several or more EU member-states share the same or similar interests and goals, their order of priority differs from one member state to the next.

The ratified the EU-Russia agreement on visa facilitation has forced many EU member states to change their national immigration policy and specially visa regime in order to comply with norms agreed between the EU and Russia. Since the EU has not created a common European Union immigration policy, each of the EU member state has harmonized their national legislation according to the requirements of the Schengen *acquis*. When the EU worked on the EU-Russia agreement on visa facilitation, all member states could raise their concerns, and objections about the visa policy within the EU, but outcome of the signed agreement obviously did not reflect the notions of all member states. EU member states with the little bargaining power did not reach a compromise and had to change the national legislation and norms which did not fully comply with their interests.

Further in the next chapter, I will analyze what was the agenda of negotiations between the EU and the Russian Federation in order to conclude the Agreement, as well how the EU Member States agreed to reach consensus concerning national interests and common European Community interests in the immigration policy area.

⁸⁹ Lahav, Gallya. *Immigration and politics in the New Europe. Reinventing Borders*. Cambridge University Press. 2000. p.57

4.4. Agenda of the EU-Russia negotiations on the European Union - Russia readmission and visa facilitation agreements

During the EU-Russia summit held in London on 4 October 2005, the parties discussed and took into consideration several objectives.⁹⁰ Building on the May 2005 agreement on the Four Common Spaces (Common economic space, Common space of freedom, security and justice, Common space of external security, and Common space of research and education, including cultural aspects), the EU party expressed their concerns about the progress made in their implementation, emphasizing the monitoring. EU emphasized the speedy conclusion of the two negotiations with Russia on readmission and visa facilitation so that the two agreements enter into force at the same time and are implemented in parallel.

During the EU-Russia Permanent Partnership Council meeting held in Moscow, 22 March 2006, the EU welcomed the fact that Russia has committed itself to amending its legislation with respect to the registration procedures for foreigners entering Russia.⁹¹ Problem of the registration procedures for foreigners in Russia is one of the impediments for further promotion of foreign relations between Russia and the rest of the world. The simplified registration procedures for foreigners in Russia is one of the EU proposals during the Agreement negotiations in order to facilitate and increase the number of travelers proceeding to Russia with the purpose of business, education, research and tourism.

⁹⁰ Council of the European Union, 12365/05. Relations with Russia. Brussels, 9 October 2005.

⁹¹ Council of the European Union, 7725/1/06. *Outcome of proceedings of the EU-Russia PPC meeting held in Moscow on 21-22 march 2006*. Brussels, 3 April, 2006.

During the sixth EU-Russia Permanent Partnership Council (JHA) meeting on 23 and 24 April 2007 in Moscow, Russia stated that it has in the meantime dropped the fee for such a registration and that the system as such should not be incompatible with the free movement of persons, since EU Member States themselves have also recently introduced a similar system.⁹²

Moreover, the EU has expressed concern about the amendments to the Tax Code of the Russian Federation which *inter alia* foresees a tax of 1 rouble per each day for the registration of foreign citizens staying in the territory of Russia and emphasized the importance of immediate implementation of highly secure travel and identity documents, and its register.⁹³ Russia has always agreed on this question, but their promises have never come to true. Russia is fully committed to introducing biometric features in the travel documents, but more likely as bilateral cooperation between Russia, Austria, Italy and Germany. Even now, within the Agreement, the holders of diplomatic passports of the Russian Federation have not registered in one unified register of issued diplomatic passports, moreover, currently there is no legislation indicating all persons, and categories eligible to receive diplomatic passports of the Russian Federation.

In general, the Russian Federation is interested in being associated in a closer way with the migration policy of the EU, given the fact that Russia itself is more and more becoming a target country for migrants from South-East Asia, and therefore the potential transit country for those immigrants proceeding to the Western countries.

Russia and the EU do not have legal certainty on the common border. The legal certainty of the borders is a precondition for a stable EU-Russia relationship and for improved cooperation

⁹² Council of the European Union, 9064/07. Outcome of meetings of the sixth EU-Russia Permanent Partnership Council (JHA) on 23 and 14 April, 2007

⁹³ Council of the European Union, 9064/07. Outcome of meetings of the sixth EU-Russia Permanent Partnership Council (JHA) on 23 and 14 April, 2007

at the common border.⁹⁴ Following the revocation of the Russian signature with Estonia, the return to and ratification by Russia of the border agreement signed with Estonia is needed. The ratification by Russia of the border agreement with Latvia is needed, as well. Moreover, other parts of the common border are not demarcated according to international standards. For instance, the EU repeatedly expresses its concerns to immediately start the demarcation of the Russian border section with Lithuania.

During the PPC meetings and meetings at ministerial level, Russia has proposed to discuss several issues concerning cooperation and assistance possibilities from the EU. It is clear that Russia seeks assistance from their strategic partners in order to sustain a strong player's role in the regional and global framework, and most important, the EU as a strategic partner is willing to give assistance since Russia is its East neighbor.

For instance, during the meeting of the fifth EU-Russia Permanent Partnership Council (JHA) in 30 October 2006 in Helsinki, Russia has raised the issue for cooperation in the South-Eastern Border.⁹⁵ The EU party indicated that their priority remains common border. As set out in the Common space, the EU would also be ready to discuss issues of common interest in relation to the strengthening of Russia's Southern Border.

The Russian side also raised the issue of the impact of the EU-Russia agreement on visa facilitation on the existing Lithuanian-Russian agreement which foresees visas free of charge for residents in Kaliningrad traveling to Lithuania. In reply, the EU party indicated that there is set of measures that will facilitate the continuation of free of charge visas for Kaliningrad citizens.⁹⁶

⁹⁴ EU-Russia Political Directors' Troika, London, 7 September 2005. COREU, CFSP/SEC/1758/05

⁹⁵ European Commission. Eastern Europe and Central Asia Meeting document 274/06 Rev 2, 10 October 2006

⁹⁶ Council of the European Union. EU-Russia Common Spaces–2006 Progress Report. 6737/07, Brussels 23 February 2007.

First, according to the new EU-Russia visa facilitation agreement some categories will be exempted of the fee. Second, there are some further possibilities according to the Schengen acquis in adopting new rules on the possibility for Member States to make bilateral agreements on “a border traffic permit”.

4.5. Outcome of negotiations

The final content of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of short-stay visas can be summarized as follows:⁹⁷

- In principle, for all visa applicants, a decision on whether or no to issue a visa will have to be taken within 10 calendar days. This period may be extended up to 30 days when further scrutiny is needed. In urgent cases, the period for taking a decision may be reduced to 3 days or less. These procedures are fully implemented in the Agreement as introduced in Schengen Common Consular Instruction. Therefore, we can conclude that the EU norms of visa issuance has been implemented in Russian visa issuance procedure.
- Moreover, the visa fee applied by Russia have been very substantially reduced by aligning it to 35 Euros (current Schengen visa fee). This fee will be applied to all EU and Russian citizens (including tourists) and concerns both single and multiple-entry visas. There is a possibility of charging a higher fee of 70 Euros in case of urgent requests, where the visa application and supporting documents are submitted by the visa applicant without justification only three days or less before his/her departure. This does not apply

⁹⁷ European Commission. COM(2006) 188 final. 27 April 2006.

to cases related to humanitarian or health reasons, and death of relatives. Moreover, certain categories of persons benefit from a waiving of the visa fee: close relatives, officials participating in government activities, students, persons participating in cultural and educational exchange programmes or sporting events and humanitarian cases.

- The documents to be presented have been simplified for some categories of persons: close relatives, business people, members of official delegations, students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burial grounds, drivers conducting international cargo and passenger transportation services. For the categories of persons, only the documents listed in the agreement can be requested for justifying the purpose of the journey. No other justification, invitation or validation provided for by the legislation of the Parties is required.
- Holders of diplomatic passports are exempted from the visa requirement for short-stays. A joint declaration states that each Party might invoke a suspension of the provision related to visa waiver for holders of diplomatic passports, if the implementation of this provision is abused by the other party or leads to a threat to public security.
- Regarding registration procedures, both Parties agree to undertake measures as soon as possible with a view to simplify them. In an exchange of letters between the UK Presidency and the Russian Ambassador to the EU dated 6 October 2005, it was agreed that this issue be considered regularly in the framework of JHA related meeting between the EU and Russia. The EU-Russia Permanent Partnership Council (JHA), held in Luxembourg on 13 October 2005, offered a first opportunity for a positive exchange of views on this issue.

- A protocol was agreed, according to which the European Community would undertake measures to simplify the transit of holders of Schengen visa or Schengen residence permits through the territory of the Member States that do not fully apply the Schengen acquis yet. The Commission presented on 22 August 2005 a proposal for a simplified regime for the control of persons at the external borders based on the unilateral recognition by new Member States of certain documents issued by Schengen States. Negotiations on this proposal are progressing and should be concluded in the coming months.

The specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble and in two joint declarations attached to the Agreement. The close association of Norway and Iceland to the implementation, application and development of the Schengen Acquis is likewise reflected in a joint declaration to the Agreement.

Since the two agreements on visa facilitation and readmission are linked, both agreements have been signed, concluded and entered into force simultaneously.

Considering and evaluating the EU - Russian cooperation on the immigration policy field, I can conclude that Agreements between the European Community and Russian Federation on visa facilitation and readmission are the main achievements in the Cooperation in the Common Space on Freedom, Security and Justice Area. Concluded agreements are mutually beneficial – for Russian side, it gives future visa-free regime perspective, but for the European side – the agreements resolve the lasting problems with readmission and border demarcation between the EU and Russia.

Conclusion

The EU and Russia have committed to facilitate people to people contacts between citizens of Russia and the EU and to gradually remove existing obstacles for further cooperation in immigration area. Such determinations became official and binding just after St. Petersburg Summit in May 2003. Cooperation in the Common Space on Freedom, Security and Justice area has become a key component in the developing strategic partnership between the EU and Russia.

It was very interesting to find why Russia with its “no accession to and no association with the EU” position has changed its perspectives towards the EU and collaborates actively in the Common Space of Freedom, Security and Justice area, and most particularly in immigration area.

A more precise examination was elaborated in this Master`s thesis to clarify what would drive Russia to cooperate with the EU on migration. Taking into account the aspects of the EU-Russia relations, what urged Russia to collaborate with the European Union and adopt European norms and values in the EU-Russia Road map of the Common Space of Freedom, Security and Justice and, most particularly, in the agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas and the agreement between the European Community and the Russian Federation on readmission? How did Parties agree on a common position in the agreements?

The agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas, which is entering into force on 1st June 2007, is the first

agreement on visa facilitation issues ever negotiated by the European Community with a third country. The purpose of the agreement is to facilitate, on the basis of reciprocity, free movement of the citizens of the European Union and the Russian Federation. The uniqueness of conclusion of such an agreement stipulated me to analyze the Russian and the European Union cooperation in immigration policy, and in particular, the EU norms and values transferred and implemented in the mentioned agreements, since both Parties have reached significant consensus and results in the immigration policy area, and it is interesting to study the process from different perspectives.

During my Master`s thesis, I emphasized that the norms and procedures indicated in the agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas are those elaborated, adopted and practiced for decades in the European Union, more specifically in the Schengen Acquis.

In order to examine why and how Russia adopted the EU norms and values and agreed to implement those norms according to the agreements on the facilitation of the issuance of visas, and on readmission, I argued that the establishment of certain immigration procedures and norms in Russia are the result of Europeanization initiated from the European Union. Based on Lavenex`s framework, I analyzed which form of policy adaptation and transfer is using Russia and what urged Russia to collaborate with the European Union and to adopt European norms and values in immigration policy.

Another dimension for analyzing different path through which common European policies can develop an external impacts is the identification of existing institutional links between the EU and different groups of third countries, and the pertinent rights and obligations that they involve. Therefore, in the case study of the EU immigration policy transfer to Russia, I examined the Russia`s institutional affiliation with the EU, as one of the indicators of Europeanization.

The major findings

In general, the Russian Federation is interested in being associated in a closer way with the migration policy of the EU, given the fact that Russia itself is increasingly becoming a target country for migrants from South-East Asia, and, therefore, a potential transit country for those immigrants proceeding to the Western countries. The major findings, why Russia is willing to adopt European norms and values in the immigration policy, are listed as follows:

- The factors that cause Russia to make the “European choice” include the scope of Russia-EU trade (which should be diversified) and, more importantly, geopolitical and cultural realities. The regions to the south of Russia are growing increasingly unstable; a close union with China is hardly possible. The Euro-Atlantic zone and the EU’s zone of attraction cover most, if not all, of the former Soviet republics west and southwest of Russia.
- Cooperation in the Common Space on Freedom, Security and Justice area has become a key component in the developing strategic partnership between the EU and Russia. The scope of cooperation has gained tremendous importance with the expansion of common borders with Russia after the last enlargement of the EU. As the General Secretariat of JHA reported to COREPER,⁹⁸ the EU-Russia cooperation contributes to the objective of building a new Europe without dividing lines and facilitating travel between all Europeans while creating conditions for effectively fighting illegal migration. Moreover, the EU has a considerable interest in strengthening cooperation

⁹⁸ Council of the European Union. EU-Russia Common Spaces–2006 Progress Report. 6737/07, Brussels 23 February 2007.

with Russia by jointly addressing common challenges such as organized crime, terrorism and other illegal activities of cross-border nature.

- The priorities for Russia lie in combating organized crime with a focus on judicial and law enforcement co-operation. The thematic priorities include financial crime such as money laundering; trafficking in persons, drugs and explosives; stolen properties and corruption.
- The recent enlargement of the European Union has aggravated the Kaliningrad transit problem. The only condition for a facilitated regime for Russians' travel in that region would be the EU's hypothetical control over the region and Russia's de facto loss of its sovereignty over that territory. The de facto existing format of transit is in no way different from a full-scale visa regime; moreover, the right to issue transit documents belongs to foreign states which can deny permission for transit. Freight transit rates have been increasing fast. It is also unlikely that Russia and individual EU countries will conclude bilateral agreements to facilitate the transit regime, which would not run counter to the Schengen Agreement, as was the case with similar agreements concluded by Russia with Germany and France.
- Russia and the EU do not have legal certainty on the common border. The legal certainty of the borders is a precondition for a stable EU-Russia relationship and for improved cooperation at the common border. Following the revocation of the Russian signature with Estonia, the return to and ratification by Russia of the border agreement signed with Estonia is needed. The ratification by Russia of the border agreement with Latvia is needed, as well. Moreover, other parts of the common border are not demarcated according to international standards. For instance, the EU repeatedly

expresses its concerns to immediately start the demarcation of the Russian border section with Lithuania.

- The long-term perspective for Russia is visa-free regime. When on 23 June 2003, the Commission proposed to hold the third round of negotiations with Russia on readmission agreement, this was rejected by Russia by stating that there would be no further readmission negotiations unless the EU would also discuss visa-free travel and set up a special working group. Due to this strict linkage between readmission and visa issues, the negotiations could not be continued before 13 and 14 October, 2003. This leads to the conclusion, that visa facilitation is not the final goal of Russia. Russia is interested to work toward visa-free regime.
- Within the Lavanex proposed framework for analyzing immigration policy transfer to the third countries, I concluded that conditionality is one of the main factors to transfer European immigration policy norms and values to Russia. Russia is interested to conclude a visa-free regime, and the European Union has been enforcing to conclude readmission agreements and border demarcation with Russia. Russia is also aware that visa free-regime can not be concluded with the EU immediately, instead Russia is very interested to bargain for visa facilitation agreement in return for readmission agreement with European Community.
- A mix of voluntary and involuntary adaptation exists in Russia when changing its policies in response to the externalities of EU policies, for example, the rising numbers of asylum seekers as a consequence of tighter controls at the EU's external borders. Moreover, Russia's costs of non-adaptation may be higher than those involved in a unilateral alignment with the European immigration policy.

- Considering and evaluating the EU - Russian cooperation on the immigration policy field, I can conclude that Agreements between the European Community and Russian Federation on visa facilitation and readmission are the main achievements in the Cooperation in the Common Space on Freedom, Security and Justice Area. Concluded agreements are mutually beneficial – for Russian side, it gives future visa-free regime perspective, but for the European side – the agreements resolve the lasting problems with readmission and border demarcation between the EU and Russia.

In the further perspective, Russia has proposed to discuss several issues concerning cooperation and assistance possibilities from the EU. It is clear that Russia seeks assistance from their strategic partners in order to sustain a strong player's role in the regional and global framework, and most important, the EU as a strategic partner is willing to give assistance since Russia is its East neighbor. But this argument is worth to develop in another Master's thesis.

Glossary

EC – European Community

Commission – European Commission

Council – The Council of the European Council

PPC – Permanent Partnership Council

JHA – Justice and Home Affairs Council.

COREPER - The Permanent Representatives Committee or "Coreper" (Article 207 of the Treaty establishing the European Community) is responsible for preparing the work of the Council of the European Union.

TACIS - Tacis Programme provides grant-financed technical assistance to 12 countries of Eastern Europe and Central Asia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan), and mainly aims at enhancing the transition process in these countries. the Tacis programme supports the transition to market economies and to democracy in the New Independent States (NIS).

FRONTEX - The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was established by Council Regulation (EC) 2007/2004/ (26.10.2004, OJ L 349/25.11.2004). FRONTEX coordinates operational cooperation between Member States in the field of management of external borders; assists Member States in the training of national border guards, including the establishment of common training standards; carries out risk analyses; follows up the development of research relevant for the control and surveillance of external borders; assists Member States in circumstances requiring increased technical and operational assistance at external borders; and provides Member States with the necessary support in organizing joint return operations.

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