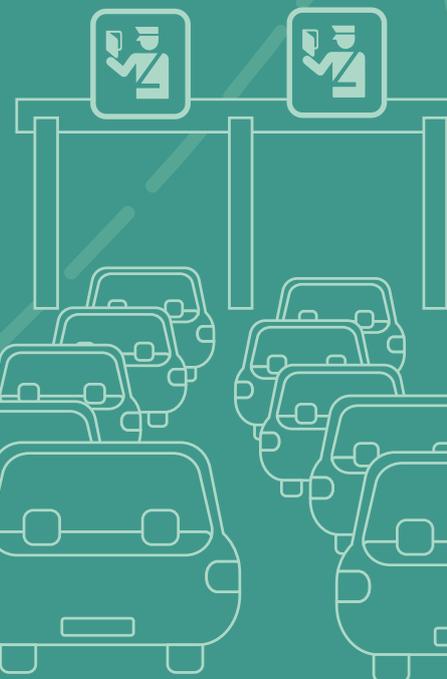
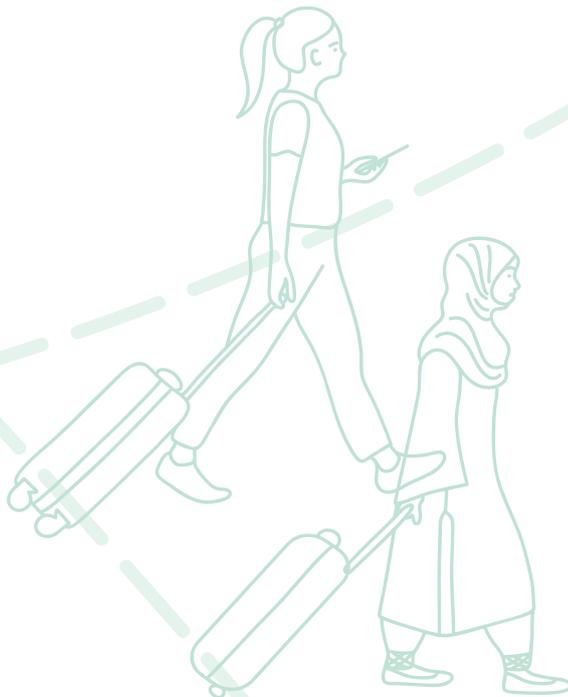
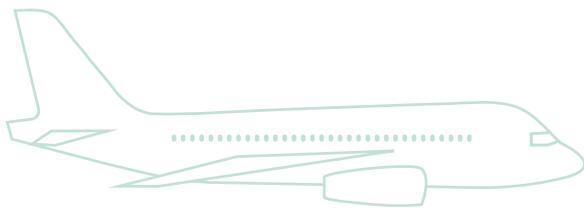


Cross Border Mobility in the OSCE Region



Cross Border Mobility in the OSCE Region



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OSCE participating States need to consider human rights issues when developing and implementing cross-border mobility policies. Short-term visas, including those for tourism or studies, are often simplified, modernised or waived in order to meet the OSCE commitments to allow human contact. Building on the analysis of ODIHR's [Baseline Study on Cross-Border Mobility in the OSCE Region](#), this brief provides an overview of current visa (or visa-free) arrangements in the OSCE region that enable the short-term movement of people to support states in meeting their freedom of movement commitments.¹

Visa regimes are not designed to disincentivize the entry of foreign nationals, but to enable states to assess the possible risks of allowing foreign citizens in, before their arrival at the border. By examining visa and visa-free regulations, states are better able to identify the levels at which cross-border mobility is facilitated in the OSCE region and ways in which OSCE participating States have liberalized visa regimes - bilaterally or multilaterally.

The right to freedom of movement - OSCE commitments and international human rights law

Beginning with the Helsinki process, OSCE participating States have worked together

to streamline the rules and procedures that govern the movement of people and facilitate their temporary entry and exit to countries within the OSCE region. Fostering short-term travel between participating States was grounded in the commitments to facilitate family reunions, marriage between foreign nationals and travel for other personal and professional reasons. States have placed value on improving contact between people as a way to strengthen friendly relations and trust among peoples.² Participating States specifically highlighted the need to address existing visa regimes and agreed to, “[...] give serious consideration to proposals for concluding agreements on the issuing of multiple entry visas and the reciprocal easing of visa processing formalities, and consider possibilities for the reciprocal abolition of entry visas on the basis of agreements between them.”³ Friendly relations, through the development of what has become known as ‘human contacts’ in the OSCE context, contribute to stability in the region.

To date, OSCE participating States have entered into a variety of different multilateral and bilateral agreements and have made unilateral decisions that have contributed to the liberalisation of cross-border travel in the OSCE.

The right to freedom of movement is present in different international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), which all OSCE participating States have ratified.⁴ As also highlighted in the Human Rights Committee’s General Comment no. 27 regarding freedom

1 ODIHR’s [Baseline Study on Cross-Border Mobility in the OSCE Region](#) is the basis of this brief. It refers to a non-immigrant visa as one, “that allows its holder to enter the territory of a state and to remain on that territory for a defined period of time, provided that the holder engages only in those activities permitted by the terms of such a visa. [...] That allows a short-term stay for tourism/leisure visits, private visits or business visits, and which are abolished as part of visa-liberalization processes. Some other types of non-immigrant visas (such as student visas and visas issued to temporary workers) are not addressed in the study, as they are not abolished as part of any visa-liberalization process”. p. 6.

2 Periodically, ODIHR will update this leaflet to include information on bilateral or multilateral agreements that OSCE participating States have taken to lift, facilitate or simplify the issuance of visas for visitors.

3 OSCE Commitments on cross-border mobility were made in: Helsinki 1975, Madrid 1983, Vienna 1989 and Ljubljana 2005. For a complete list of commitments on this topic see the Baseline study, pp. 11-12.

4 Except the Holy See. See Article 12, ICCPR: “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of the right to enter his own country.”

of movement, the only way to effectively access the right to leave one's own country, or return to it from a foreign one, is by means of obtaining the necessary travel documents.⁵ Crucially, for some nationalities, the passport is effectively meaningless unless it has a visa. In some circumstances, visas are key to the enjoyment of the right to freedom of movement, including the rights to leave or seek asylum. According to the ICCPR, permissible restrictions on the right to freedom of movement are only, "those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the Covenant."

While there is no specific right of non-citizens to enter the territory of a state in international human rights law, the right to freedom of movement should comply with these legal tests and should be non-discriminatory. Any measures introduced related to cross-border mobility that may discriminate based on ethnicity or other grounds would, therefore, not be in line with international standards.

Existing cross-border mobility arrangements in the OSCE region

Within the OSCE region, there are many different types of unilateral, bilateral and multilateral agreements that are designed to ease the movement of peoples on a short-term basis. While this leaflet does not comprehensively describe all of the agreements between the 57 participating

States, it aims to summarize some promising practices where states are working together to facilitate short-term travel.

Visa travel

Where visa-free regimes between states are not in place, OSCE participating states issue short term visas to enable individuals to cross international borders to visit family and/or friends, as well as to pursue cultural, educational and economic opportunities for short periods of time. A visa can be defined as, "conditional authorization given by a competent authority of a country, subject to the final approval of the border authorities, for a person who is not a citizen of that country to enter its territory and to remain there for a limited duration."⁶ A person wishing to travel will typically have to follow the visa requirements of the destination country.

Reciprocal visa-free travel in the OSCE

EU and non-EU Schengen

The European Union (EU) and non-EU Schengen states, along with the United States, Canada and the five Western Balkan countries can be considered together as an area characterized by a reciprocal, visa-free travel regime between certain OSCE participating States.⁷ The Schengen area, an area without internal borders, within which (many non-EU) citizens can move freely without border checks, is leading example of this. Schengen states have also agreed to a common visa policy.⁸ This Common Visa Policy has been implemented by the 27 EU member states and four non-EU Schengen

⁵ Human Rights Committee, 2 November 1999 CCPR/C/21/Rev.1/Add.9, [General Comment No. 27](#).

⁶ [Baseline Study on Cross-Border Mobility in the OSCE Region](#). (Warsaw: OSCE/ODIHR, 2014) p.7.

⁷ *Ibid.*, p.62.

⁸ "Citizens from some non-EU countries are required to hold a visa when travelling to the Schengen Area. The EU has a common list of countries whose citizens must have a visa when crossing the external borders and a list of countries whose citizens are exempt from that requirement. These lists are set out in [Regulation \(EU\) 2018/1806](#). Generally, a short-stay visa issued by one of the Schengen States entitles its holder to travel throughout the 26 Schengen States for up to 90 days in any 180-day period. Visas for visits exceeding that period remain subject to national procedures. Decisions on visa free access to the Schengen Area may follow from bilateral negotiations. They are based on the progress made by the countries concerned in implementing major reforms in areas such as the strengthening of the rule of law, combating of organised crime, corruption and illegal migration and improving of administrative capacity in border control and security of documents." European Commission's [webpage on Visa Policy](#).

Area states,⁹ equivalent to more than half of all OSCE participating States. As such, the Common Visa Policy has a significant effect on the extent to which citizens of other OSCE participating States enjoy cross-border travel freedoms within the OSCE region. Citizens from OSCE participating States that are permitted to enter the Schengen Area without a visa (according to the terms of the Common Visa Policy) enjoy increased cross-border travel freedoms. The United Kingdom left the EU on 31 January 2020 but their nationals will continue to be granted visa-free travel to the EU for short stays.¹⁰

As of 2 February 2020, new EU rules on short-stay visas came into force that are intended to ease the visa application procedure for non-EU citizens coming to the Schengen zone. The new rules allow one to apply for a visa up to six-months before travelling, make it easier to obtain multiple-entry visas with extended validity, and can be submitted in the person's country of residence and signed electronically.¹¹ The EU has stated: "The revised visa rules introduce a new mechanism linking visa policy and cooperation on readmission..." and will provide "... more resources for countering irregular migration risks and threats to internal security."¹² While these measures may be in place, it is important that they do not have a discriminatory effect on certain peoples. The section on human rights concerns below will elaborate on this.

Commonwealth of Independent States (CIS)

Within the OSCE region there is another area, that also operates a reciprocal visa-free,

cross-border travel regime, namely between Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. This comprises the territories of the Commonwealth of Independent States (CIS), as well as Georgia and Ukraine.¹³ The area of visa-free travel agreed within the CIS framework remains in force, even though legislation regulating visa-free cross-border movement between member states of the CIS is no longer part of the CIS framework.¹⁴ There are, however, exceptions to visa-free travel between CIS member states.¹⁵

On the basis of visa reciprocity, many states from this area maintain visa regimes in response to those imposed by that of the area described above, which includes Schengen. Alternatively, some states from this second area choose to waive visa requirements, even if not reciprocated by other states, based on their assessment that it is more beneficial for them to encourage entry into their territory.¹⁶

Visa dialogues between OSCE participating States

There are various ongoing, bilateral political discussions between OSCE participating States that aim to facilitate cross-border travel. States may decide to change their visa regime towards other states, for example by introducing visa exemptions/waivers where they see an interest in doing so. These may include geopolitical or economic reasons such as promoting tourism, or reasons of close, shared cultural ties. Successfully conducted

9 Twenty-six Schengen states comprised of 22 EU countries (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden) and four non-EU countries (Iceland, Norway, Switzerland and Lichtenstein). Five EU countries have not joined Schengen (Bulgaria, Croatia, Cyprus, Ireland and Romania.).

10 For more information of the United Kingdom and EU's transition, see this [government webpage](#).

11 See European Commission webpage, [New EU visa rules – Questions and Answers](#).

12 [Ibid.](#)

13 Ukraine never ratified the charter of the CIS and withdrew representatives from all statutory bodies of CIS in 2018. Turkmenistan also never ratified the Charter but participates in the work of the CIS. Georgia withdrew from the CIS in 2009.

14 Baseline Study, p. 46.

15 The following exceptions apply: Azerbaijan does not allow Armenian citizens to enter its territory; the Russian Federation maintains a visa regime towards Georgia; Turkmenistan maintains visa regimes with other CIS states.

16 Baseline Study, p. 63.

visa dialogue and subsequent decisions to facilitate the issuance of visas and/or liberalize visa regimes has proven to be one of the most effective ways of increasing cross-border mobility and promoting contacts among citizens of OSCE participating States.¹⁷

Visa waiver programmes

The United States' Visa Waiver Program (VWP) is a programme that allows citizens of particular countries to travel to the United States for the purpose of tourism or business for up to 90 days without having to obtain a visa. It is currently in operation for 31 OSCE participating States.¹⁸ Countries nominated for participation in the VWP undergo a detailed evaluation by the United States Department of Homeland Security.¹⁹ Bulgaria, Cyprus, Romania and Turkey are being assessed to join the Visa Waiver Program and Poland was the last VWP country to be approved in November 2019. In order to travel visa-free to the United States, citizens of OSCE participating States who are eligible for the VWP must be in possession of a travel document that meets the requirements set by the United States authorities.²⁰

Visa facilitation agreements

The purpose of Visa Facilitation Agreements (VFAs) is to simplify the application procedures for an individual without changing the entry conditions. The EU, for example, has conducted VFAs with third countries in order to ease the visa application procedures for

those requiring a Schengen visa. Reducing visa fees, allowing for the issuance of multiple entry visas for specific categories of applicants and shortening processing times can all form part of the visa facilitation process. These facilitation measures do not affect conditions in place for issuing visas.²¹ In the EU, VFAs are connected to readmission agreements, "which establish the procedures for the return to the EU or to the EU partner country of persons (including own and third country nationals or stateless persons) residing irregularly on the territory of the EU or the EU partner country in question."²²

In 2014, visa facilitation and readmission agreements entered into force between the EU and Azerbaijan and Armenia.²³ On 8 January 2020, the EU and Belarus signed a visa facilitation and readmission agreement.²⁴ Thus far, the EU has concluded eleven visa facilitation agreements with OSCE participating States, all of which have entered into force.²⁵ At the time of writing, the visa facilitation agreement with Belarus has been concluded but has not yet entered into force.

Electronic travel authorisation systems

In an increasing number of OSCE participating States, where there are visa-free travel regimes, states are introducing online travel authorisation systems, using algorithms for the purpose of advanced checks, pre-departure. While removing visas requirements, these systems allow states to screen potential entrants to their territory. Depending on the

17 Baseline Study, p. 122.

18 To [learn more about the Visa Waver Program see the U.S. Department of Homeland Security website devoted to its Electronic System for Travel Authorization.](#)

19 Please find the country qualifications for joining the Visa Waiver program at the [Department of Homeland Security website.](#)

20 Baseline Study, p. 123.

21 For more detailed information on visa facilitation agreements between EU and non-EU states in OSCE region, see Baseline Study, pp. 125-129.

22 Baseline Study, p. 125.

23 See the European Commission's webpage about [Mobility partnerships, visa facilitation and readmission agreements.](#)

24 The visa facilitation agreement will make it easier for Belarusian citizens to acquire short-term visas to come to the European Union. Once the visa facilitation agreement enters into force, the visa fee will be reduced to €35. In addition, the service fee will be limited and the deadline for consulates to take a decision on a visa application will be shortened. Several categories of travellers, including journalists, students and members of official delegations, will be able to receive multiple-entry visas with increasingly longer validity, while having to submit fewer supporting documents to prove their purpose of travel. Belarus has unilaterally introduced measures to facilitate short-term, visa-free travel for EU citizens arriving in Minsk. See the EU External Action Service webpage on Visa Facilitation and Readmission: [The European Union and Belarus Sign Agreements.](#)

25 European Commission's [webpage on Visa Policy.](#)

system, after entering certain personal details, the system will analyse whether the individual is associated with particular risks defined by the states' specific criteria. While the algorithm conducts an initial screening of applicants, it is border guards that determine the travellers final accessibility through border checks. It is important to note that artificial intelligence and algorithmic screening may pose human rights risks.

Citizens of OSCE participating States who travel to the United States for business and leisure purposes under the VWP are required to inform the United States authorities of their intention to travel to the United States through the Electronic System for Travel Authorization (ESTA). ESTA is a web-based interface used to determine the eligibility of visitors to travel to the United States under the VWP and whether such travel poses a law enforcement or security risk. Canada also maintains visa free regimes towards many OSCE participating States with the requirement, since March 2016, for travellers from visa-exempt countries to obtain an Electronic Travel Authorisation (ETA) if entering by air.²⁶

The EU has announced that it will be introducing its own form of electronic travel authorisation system that will require all travellers coming for a short-term stay and who are currently exempt from getting a visa to travel to the Schengen zone, to apply for an ETIAS travel authorisation before departure. This will mean that, once the system starts to function (most likely at the end of 2021), 60 countries will need to apply for an ETIAS visa waiver,²⁷ many of which are also OSCE participating States – including the Western Balkan countries, the United States and Canada.²⁸ ETIAS visa waivers will be valid for three-year periods and will allow people to

enter the Schengen Area for periods of up to 90 days (within any 180-day period).²⁹ The regulation on ETIAS states that the algorithmic system will screen when an applicant from a visa-exempt third-country may present a risk in terms of irregular migration, security or public health before granting the travel authorisation.

Visa liberalisation dialogue

The idea of visa liberalisation is to lift visa regimes for short stays in respect of citizens of a particular country. Since 2008, in the OSCE region, the EU and the four non-EU Schengen Area states have implemented a joint policy on visa liberalization with third countries. In line with this policy, the EU has conducted visa liberalization discussions with several OSCE participating States. Visa liberalization entails both a technical and a political process. In order to qualify for visa-free travel to the EU, each third country must meet a number of criteria set by the EU in several policy areas.³⁰ Progress towards meeting these criteria is evaluated by the EU to assess whether all relevant conditions for visa-free travel to the EU have been met. In the words of the European Commission: “Visa liberalisation is one of the Union’s most powerful tools in facilitating people-to-people contacts and strengthening ties between the citizens of third countries and the Union.”³¹

The EU abolished the visa requirement for five Western Balkans countries in 2009 and 2010. In April 2014, the EU abolished visa requirements for citizens of Moldova. In addition, as of 28 March 2017 and 11 June 2017, Georgia and Ukraine citizens respectively who have biometric passports are entitled to travel to the Schengen zone without a visa for a short-stay. There is an ongoing visa liberalisation process with Turkey,

26 36 OSCE participating States. See the Government of Canada’s full list of [Visa Exempt Countries](#).

27 See the website, [European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice \(eu-LISA\)](#) for more information

28 Albania, Bosnia and Herzegovina, Canada, Georgia, Moldova, Montenegro, North Macedonia, Serbia, Ukraine and the United States.

29 See the website, [ETIAS Visa Waiver for Europe’s](#) page on [Costs](#).

30 The four key benchmarks are related to document security, including biometrics; border management, migration and asylum; public order and security; and external relations and fundamental rights. See the European Commission’s page on [Visa liberalisation with Moldova, Ukraine and Georgia](#).

31 European Commission, “[First Report under the Visa Suspension Mechanism](#)”, Brussels, 20 December 2017.

and the EU-Turkey statement from 18 March 2016 agreed to accelerate the fulfilment of all benchmarks with a view to lifting the visa requirements for Turkish citizens.³² Other EU liberalisation processes include the ‘Visa Liberalisation Roadmap’ for Kosovo.* It sets a series of conditions to lift visa free travel for Kosovars, conditioning it on a comprehensive list of reforms.³³ EU technical agreements on visa requirements need to be adopted by the European Parliament and the Council and are often politicized and halted despite progress made on benchmarks. This can often cause delays in establishing cross-border mobility, which can affect particular groups. Finally, the granting of visa liberalisation by the EU remains conditional, as they can be withdrawn if states do not continue to meet their commitments or implement the required standards.

Human rights concerns

Although this brief largely focuses on developments to facilitate cross-border mobility in the OSCE region, ensuring states meet their international human rights commitments when implementing new visa or visa-free regimes is of primary importance. The very nature of visa regimes is about facilitating movement while maintaining some control over the entry of travellers by sovereign states, for legitimate reasons, but by doing so states may reinforce existing inequalities or operate on a discriminatory

basis, which may be based on assumptions about specific groups of people.³⁴ Regardless of the specific visa restrictions, it is important to monitor how individuals are treated as they move across borders, and whether this is in line with OSCE commitments and international human rights law, based on the inherent dignity of every human. Citizens of each participating State enjoy hugely variable levels of cross-border mobility.³⁵ Only with a careful, human rights-based approach can cross-border mobility and the human right to freedom of movement, and other rights, be enjoyed on an equal basis. This section provides a short overview of some of the human rights issues that states should consider when developing their visa policies, including visa-free arrangements.

Gender aspects of visa policies in the OSCE

As noted earlier, the right to freedom of movement is dependent on whether a person has an identification document. According to the United Nations Statistics Agency, many individuals, worldwide, are not registered in the birth civil registrars and women are less likely than men to have national identification. Experts on gender and the right to freedom of movement have highlighted that women often do not have identity documents because of financial constraints due to patriarchal household structures, as well as different requirements and treatment for men and

32 The European Commission however stated that, “Turkey still needs to fulfil the outstanding benchmarks of the Visa Liberalisation Roadmap before a visa-free regime could be introduced which include adopting measures to prevent corruption, concluding an operational cooperation agreement with Europol; revising legislation and practices on terrorism in line with European standards; aligning legislation on personal data protection with EU standards; effective judicial cooperation in criminal matters to all EU Member States; implementing the EU-Turkey Readmission Agreement in all its provisions, including the provision on third-country nationals, which entered into force on 1 October 2017.” The European Commission, [“Turkey’s progress on the visa liberalisation roadmap.”](#) Brussels, 4 May 2016. See further updates from 20 January 2020 on the European Parliament website.

* Any reference to Kosovo, whether to the territory, its institutions, or population, is to be understood in full compliance with United Nations Security Council Resolution 1244.

33 The reforms include, reintegration and readmission, document security, border/boundary and migration management, asylum, the fight against organised crime and corruption and fundamental rights related to the freedom of movement. See European Commission’s webpage, [Visa Liberalisation: Commission confirms Kosovo fulfils all required benchmarks](#), Brussels, 18 July 2018.

34 Mathias Czaika, H. de Haas, María Villares-Varela, “The global evolution of travel visa regimes: An analysis based on the DEMIG VISA database”, pp. 594-5.

35 Baseline Study, p. 59.

women.³⁶ Individuals who are potentially faced with intersectional discrimination are particularly vulnerable.³⁷ Even with the necessary ID documents, women also face risks when applying for visas, disproportionately to men. This could relate to the necessity to prove one's financial security or requirements for notarized permission of each parent to travel abroad with children, which most often creates restrictions for women. The need to select your marital status or gender identity on many visa application forms also poses problems in terms of gender equality and for those who do not identify in a binary manner. There is, furthermore, a general lack of sex-disaggregated data on visa applications and refusals in the OSCE region. Having this data would help participating States to conduct gender assessments in order to revise procedures that lead to discrimination.³⁸

Algorithmic profiling and discrimination

It is crucial to examine how algorithms used in electronic authorisation systems can affect many interconnected human rights, including those surrounding data protection, the right to leave, the right to asylum, the right to an effective remedy, or, more broadly, the right to be free from all forms of discrimination.³⁹ The introduction of electronic travel authorisation systems can be particularly problematic if states develop and use algorithms that may

be inherently biased or that link an individual incorrectly to a certain risk profile.

The main concern about algorithmic profiling is that they “make predictions about behaviour at a group-level, albeit with groups (or profiles) that are constantly changing and re-defined by the algorithm.”⁴⁰ The individual is assessed according to their (algorithmically) assigned group, rather than their actual behaviour.⁴¹ To exacerbate the situation, IT experts, or those developing and interpreting the data may operate with conscious or unconscious biases that can negatively affect the algorithmic profiling at various stages.⁴² In addition, at borders where border guards make the ultimate decision on entry of an individual, they may operate on ‘automation bias’, which essentially means that they are already under the influence of the prediction generated by the algorithm. If the appropriate safeguards are not in place, there is a risk that cross-border movement could be restricted on a discriminatory basis within the OSCE region.

Data protection

Aside from the possible discriminatory effects of profiling when it comes to cross-border movement and visa applications, there is also a further human rights concern regarding the sensitive data collected electronically about a person during visa applications.⁴³ Where visas are still needed for cross-border movement in the OSCE region, applicants' data are sometimes stored

36 [Gender and the right to freedom of Movement expert working group meeting](#), hosted by ODIHR in Warsaw on 30 May 2019.

37 Consider, for example, migrant Roma women who may struggle to pay a hospital bill and leave without a birth certificate or who are not able to travel to complete civil registration and obtain documents.

38 For more information and guidance on this issue, please see the ODIHR brief on *Gender-Sensitive Visa Policies: A brief guide for OSCE participating States*.

39 “FRA opinion touches in particular on the following rights of the Charter of Fundamental Rights of the European Union (Charter): respect for private and family life (Article 7); the right to protection of personal data (Article 8); right to asylum (Article 18) and protection in the event of removal, expulsion or extradition (Article 19 (2)); right to non-discrimination (Article 21); the protection of the rights of the child (Article 24); the right to an effective remedy (Article 47). These rights must be read together with Article 1 of the Charter on human dignity.” FRA Opinion, “[The impact on fundamental rights of the proposed Regulation on the European Travel Information and Authorisation System \(ETIAS\)](#),” Vienna, 11 July 2017, p. 14.

40 Brent Daniel Mittelstadt, Patrick Allo, Mariarosaria Taddeo, Sandra Wachter and Luciano Floridi, “[The ethics of algorithms: Mapping the debate](#)”, *Big Data & Society*, July–December 2016: 1–21, p. 8.

41 *Ibid.*

42 FRA Handbook, “[Preventing unlawful profiling today and in the future: a guide](#)”, Vienna, 5 December 2018 p. 22.

43 *Ibid.* pp. 100-115.

for indefinite periods and shared between states according to bilateral or multilateral agreements that may lack transparency, particularly in the use of such data. Individuals may be denied access to their information and profiles made about them, leading to a lack of understanding about why a visa may have been refused. To complicate matters further, in many OSCE countries, online visa applications are regularly managed by third-party contractors or external service providers, who are then also able to access sensitive data and whose privacy policies lack oversight mechanisms.⁴⁴ Although digitalising visa application procedures can bring many benefits to individuals – for example curtailing the distance someone may have to travel in order to submit a visa application – they can create new difficulties in terms of accessibility for those who have limited access to IT equipment, are unfamiliar with its use or where information is only available in one language.⁴⁵ For this reason, OSCE participating States must stay attuned to the evolving human rights risks associated with such changes to visa application procedures.

Conclusions

While visa regimes are not designed to disincentivize the entry of foreign nationals, complex procedures to obtain visas may put a strain on people and in turn affect their opportunities to develop human contacts within the OSCE region. Such development of human contacts through facilitated cross-border mobility and the adherence the human dimension is an important aspect of the OSCE comprehensive model of security, fostering stability in the region through good relations.

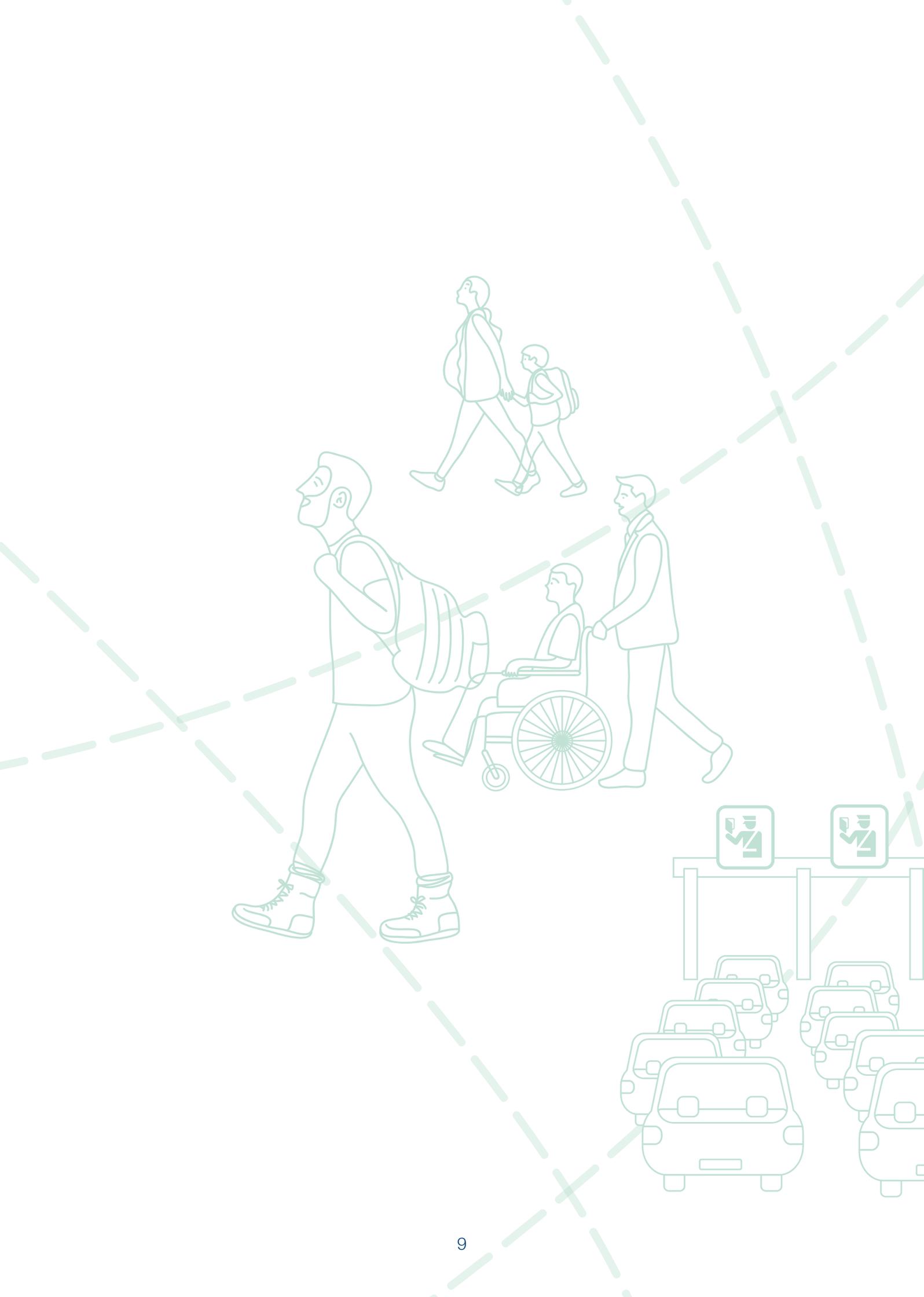
In a recent study of EU visa liberalisation of five Western Balkan and three Eastern Partnership countries, there were various notable, direct impacts of liberalisation: an immediate increase in short-term travel from the visa-free countries and an immediate reduction in the workload of consulate staff, as well as an increase in border control activities by EU Member States.⁴⁶ At the same time, there were several indirect impacts observed after liberalisation: facilitation of access to the labour market and an increase in the number of residence permits issued, together with higher levels of co-operation during return and readmission procedures.

In order to facilitate cross-border mobility, OSCE participating States should continue to engage in dialogue with one another on visa facilitation or visa-free arrangements and co-operation, while constantly taking into consideration the human rights impact of migration and border security policies. Despite successful reciprocal visa-free travel regimes and ongoing visa dialogues in the region, there are still many opportunities for the further liberalisation of visa requirements in order to ensure that the full potential of cross-border travel between OSCE participating States can be actualized.

44 The GDPR regulation by the EU should improve data protection and data privacy, applicable also to companies that offer visa services, [see “What is the GDPR? Europe’s new data privacy and security law”](#); and Baseline Study, p. 140.

45 See ODIHR’s Baseline Study for more information about ways in which OSCE participating States are using innovative mechanisms to foster cross-border mobility, pp. 136-144.

46 [“Impact of Visa Liberalisation on Countries of Destination”](#), Synthesis Report for the EMN Study March 2019, pp. 5-9.



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