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Visa Policies of European Union Member States

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Visa Policies of European Union Member States

Monitoring Report

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Introduction

This Report is a part of the Friendly EU Border Programme initiated by the Stefan Batory Foundation in 2002. The Programme is aimed at, *inter alia*, promoting the facilitation of visa procedures for Eastern Europeans wishing to travel to Poland and other EU Member States. So far the Programme has embraced the monitoring of the Polish visa policy (*Monitoring of the Polish Visa Policy*, Stefan Batory Foundation, Warsaw 2004) and of the Polish Eastern border (*Monitoring of the Eastern Borders of Poland*, Stefan Batory Foundation, Warsaw 2003).

The Report is a result of cooperation between the Stefan Batory Foundation, Collegium Civitas and four non-governmental organisations from Eastern Europe: the Belarusian Centre for Social Innovation, the Moldavian Institute for Public Policy, the Moscow Bureau for Human Rights and the Ukrainian Centre for Peace, Conversion and Foreign Policy. The support was also provided by experts from various EU Member States and from the Polish Helsinki Foundation for Human Rights.

The underlying surveys of this Report were carried out towards the end of 2005 in the Consulates of some EU Member States – in Kyiv, Chisinau, Minsk and Moscow. We surveyed the visa systems of Belgium, Finland, France, Lithuania, Germany, Poland, the Czech Republic and the United Kingdom. The project included interviews with 961 persons who had lodged visa applications, with 85% of the positive response ratio. Additionally, in-depth

interviews were conducted with individuals who had been refused visas, as well as with Consulate staff¹.

The surveys showed, on the one hand, large discrepancies in the policies pursued by the individual Schengen States with regard to the granting of visas, and on the other, a number of similarities between the practices applied by the Consulates of the Schengen States and those applied by the Consulates of non-Schengen States. Some questions arise: What should be the direction of visa policy in order to prevent another ‘iron curtain’ on the Eastern EU border? Are the current discussions and negotiations on visa facilitation going to lead to significant modification of visa procedures for citizens from behind the Eastern EU border?

We hope that the observations presented in this Report will result in changes in the visa policies followed by EU Member States.

The Stefan Batory Foundation

¹The scope and methodology of the survey have been described in more detail in Annex I. The questionnaire used during interviews is available at www.openborders.pl (see Annex IV). Annexes IV to VII are available in electronic version only.

Chapter 1

Why Are Visa Procedures Onerous?

Key findings:

- From the point of view of the applicant, the attitude of and treatment by consular staff is of the most importance; more so than being refused a visa, more than having to wait in queues or even paying the fee for the visa.
- Systems that are evaluated as being particularly difficult to deal with are those offering a poor quality of information and lacking in transparency.

Importance of Behaviour Displayed by the Staff

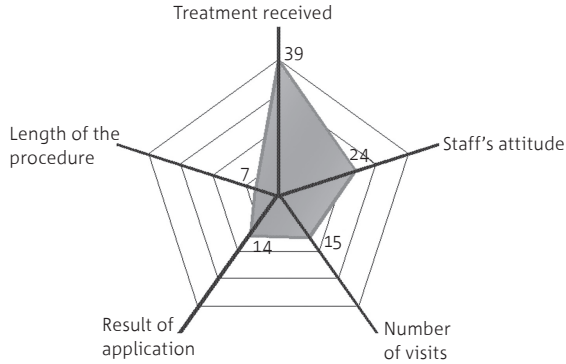
Contrary to what might have been expected, the applicants' perceptions of the onerousness of the system were to a lesser degree a function of 'hard' inconveniences, such as being refused a visa or having to wait in queues, and instead being a function of how the respondents felt about the way they were treated by the Consulates.

Figure 1 shows the relative importance of 'soft' and 'hard' factors essential for the evaluation of the likelihood that the visa system applied will be perceived as being onerous².

² The graph shows absolute values of standardised regression coefficients, multiplied by 100. A detailed specification of the model applied is available at www.openborders.pl (see Annex V – Table 1a). For the sake of simplicity, the coefficients show a 'clear' impact (i.e. independent of other variables, yet, having regard to the mean impact of the remaining variables) of each of the factors (treatment received, number of visits, length of procedure, etc.) on the perception of onerousness.

Figure 1

Importance of Treatment Meted out and Attitude Displayed by the Staff



While all these factors are statistically significant, the strongest predictor of the arduousness of the visa procedure is without doubt the treatment meted out to applicants by consular staff. The relative importance of these ostensibly soft factors was also discovered during our recent, 2004 survey of the Polish visa policy³.

Treatment Meted out

The treatment meted out and attitude displayed by the staff is of course closely related, however, treatment is perhaps the closest correlate of the Consulates' respect for the applicants' dignity and their human rights. We measured levels of this variable at each phase of the application process. Severe

³ The Report from the research on the Polish visa policy towards Belarus, Russia and the Ukraine (the Stefan Batory Foundation, June 2004) is available at www.openborders.pl.

mistreatment and abuse of personal dignity and rights were reported very rarely: the overwhelming majority of respondents experienced at least good treatment at all phases of the process and in all the Consulates involved.

However, it might be the consequence of the low expectations of the respondents towards the application procedure and the fact that these result from Eastern European citizens having become accustomed to the low standards of service offered by public officials. The reluctance to provide negative feedback may also be caused by mistrust towards the interviewers. Moreover, it seems that those who were successful in obtaining a visa and looking forward to the planned travel were ready to forget about any negative experience related to the application procedure.

Nevertheless, it is certainly true that the level of positive experiences vary considerably from Consulate to Consulate. In other words, the interviewees could have avoided providing their view on any mistreatment, yet, the intensity of satisfactory remarks differed significantly for individual Consulates. This was the case particularly at the first two stages of the visa application procedure, that is, when obtaining application forms and tags (numbered tokens indicating the applicant's place in the queue or the appointment time Tables 1 and 2).

Table 1 Incidence of 'Very Good Treatment': Obtaining the Application Form Phase

Poland	76%
Finland	70%
Belgium	62%
United Kingdom	57%
Germany	53%
Czech Republic	47%
Lithuania	45%
France	45%

Table 2 Incidence of ‘Very Good Treatment’: Obtaining the Tags Phase

Finland	75%
Poland	72%
Belgium	69%
United Kingdom	53%
Lithuania	32%
France	31%
Czech Republic	30%
Germany	28%

The fact that these relatively simple phases of the visa procedure are most likely to lead to the sense of mistreatment is a probable consequence of the fact that most Consulates have a policy of repudiating any direct responsibility for what takes place outside in the queues before the actual application procedure is started.

Below please find a description of the phase preceding the actual application procedure, delivered by one of our employees who assumed the role of an applicant for a French visa at the Consulate in Minsk:

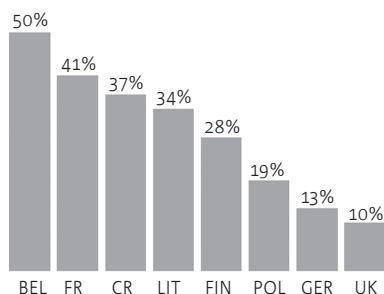
The interviewer wrote his name down on an unofficial waiting list on 1st June 2005 (as number 787 in the queue). Once your name is written down, you are supposed to confirm your number every day. Although the Consulate says it does not recognise the queue, still, it is practically impossible to avoid it. There are informal queue ‘procedures’ in place, such as a waiting list, a duty of the rotary place-keeping, daily confirmation of your place in the queue and, naturally, place trading. To confirm your place, you have to arrive at the Consulate at 12.00 noon; the confirmation procedure is finished at 3 pm. If you failed to arrive for the first confirmation, your name will be ticked. In the case of second absence, you will be removed from the queue. Having put his name down on the unofficial list on 1st June, the interviewer’s number on 1st August was 243. Just about that time the queue slowed down. There was a common tension among those waiting, followed by rows or even fights. The interviewer had to spend a night in front of the Consulate in order not to lose his place in the queue. At 5.00 am the ‘old’ queue started gathering around the entrance. A quarrel and scuffle burst out. The Consulate security refused to support anybody which resulted in even more chaos. The strong managed their way to the front of the queue.

The interviewer got into the building and obtained a tag with a number for the following day. He arrived at the Consulate before 8.00 am. His number was called at 11:23. After the interview, he was handed a ticket with a number necessary for the collection of the visa, with a date thereon set for 8th August between 4.00 and 5.00 pm. On that day, he waited for two hours in front of the Consulate. Passports were given out by Consulate staff in front of the building once the number on the ticket matched.

In the early stages of the procedure, a negative score was also recorded with respect to making the application forms readily available. Unlimited availability of the forms is still not common. Some Consulates do not provide on-line application forms or fail to notify their availability on the Internet (Figure 2). Belgium and France rank worst in this regard, while only 10% of the clientele of the UK Consulate wishing to download application forms from the Internet were not able to do so.

Figure 2

Preferred Internet but Obtained Application from other Sources



Our respondents, who provided their views on the negative attitudes of consular officers, repeated that the attitude they encountered was scornful, unkind, inhuman, deprived of any respect for others.

– ‘The application procedure calls to mind a concentration camp; it is unlawful, cruel, makes you feel like a prisoner’ (Minsk); ‘I feel like a second-class person’ (Minsk); ‘They

are only talking about democratic rules, but they don't adhere to them. They show no respect whatsoever towards citizens of other countries' (Minsk).

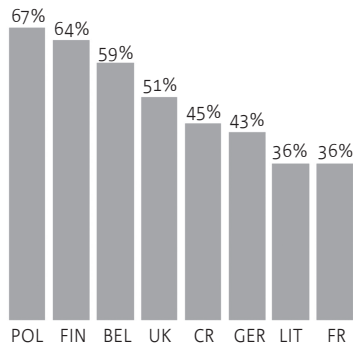
Our respondents would often complain about the lack of information and confusion as regards the list of required documents; 'When you ask them, no willingness to answer is there (...)' (Chisinau).

Attitude Displayed by the Staff

We defined attitude displayed by the staff as being the willingness of the consular personnel, working both on- and off-site, to provide reliable information in the language preferred by the applicant. It turns out that the demeanour of counter and consular staff, as opposed to the behaviour of security personnel and other persons encountered by applicants, was most strongly correlated with the perception of hardship. The proportion of applicants perceiving the behaviour of French and Lithuanian consular officers as 'very good' was nearly two times lower than the rate of applicants reporting very good behaviour by Polish and Finnish ones (Figure 3). Thus it has turned out that the organisation of Consulates of the Schengen States (Finland) and Consulates of non-Schengen States (Poland) can be equally customer friendly.

Figure 3

Prevalence of 'Very Good' Attitude among Consular Staff



Since the attitude displayed by the consular staff means also the ability to provide reliable information, Finland, Poland and Belgium are ranked higher compared to other Consulates (Table 3).

Table 3 Incidence of 'Very Good' Quality of Information

Finland	65%
Poland	63%
Belgium	60%
United Kingdom	54%
Czech Republic	48%
France	44%
Germany	40%
Lithuania	36%

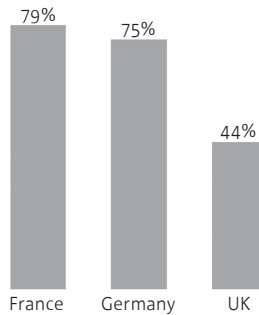
The poor quality of information resulted in multiple agencies and travel agents, insurance companies and informal intermediaries offering their services through representatives – always available about the Consulate, preying on the ignorance of applicants. They offer paid service including completion of visa applications, translation of documents and provision of information. Some of them offer unofficial help in expediting or facilitating the application procedure. Given that the vast majority of applications are subject to a fee (and also other charges relating to the obligatory insurance, etc.), any additional costs become a significant barrier to obtaining the visa on the part of those less affluent. Although using the service offered by travel agencies or insurance companies is not obligatory or compulsory, many people find it too hard to successfully go through all stages of the excessively complicated application procedure in an error-free and expeditious manner. Our interviewers supplied some data concerning the German, French and Lithuanian Consulates in Minsk. In all three cases, the offer included assistance in completing visa applications (EUR 5 for assistance in completing the German application, EUR 12 for avoiding the queue in front of the German Consulate, USD 10 for filling in the Lithuanian application). In front of the French Consulate, a waiting list 'manager' offered a place at the top of the list for EUR 30 to 100. In Polish, Austrian, Czech and German Consulates in Kyiv, we recorded cases of paid help being offered in the completion of visa applications, translating documents and shortening the waiting

time (before the Polish Consulate, our interviewer was made an offer of a short, three hour procedure for a fee of EUR 30).

We also focused on whether the visa systems provided explanation to the applicants about the reasons for turning down their applications. An analysis of the most restrictive systems, where we gathered a sufficient number of refusal cases, reveals that the French system provides poor information both prior to the initiation of the visa procedure and after the process is completed. On the other hand, the UK system, while nearly equally restrictive, is twice as likely to notify the reasons for refusal to the applicant (Figure 4).

Figure 4

No Reason for the Refusal was Given



Those who were refused visas without being given any reason complained that they felt their rights had been infringed: 'A refusal with no justification is unacceptable' (Kyiv). Many felt offended with the suspicion of having committed a crime: 'In my opinion, the real reason for the refusal was we are Moldavians, so they think they can abuse our rights and ignore our needs' (Chisinau). The prevalent feeling is such that refusals without justification are based exclusively on the subjective assessment of the consular officer involved.

Number of Visits

Another reason for the hardship experienced while applying for a visa is the necessity to visit the Consulate a number of times. Only one fifth of our respondents were able to collect their visas on their first visit.

The ability of a system to process applications on the same day is not related to its restrictiveness (Figure 5): e.g. the Lithuanian system is both liberal and slow, while the British one is highly restrictive and efficient. Only Poland is both liberal and processes applications in the course of one day. The relatively good result of France is deceptive: firstly, the applicants need to make an appointment one week in advance thus prolonging the actual time of the procedure; secondly, obtaining the French visa requires up to nine visits to the Consulate (Table 4).

Table 4 Number of Visits Required to Complete Procedure

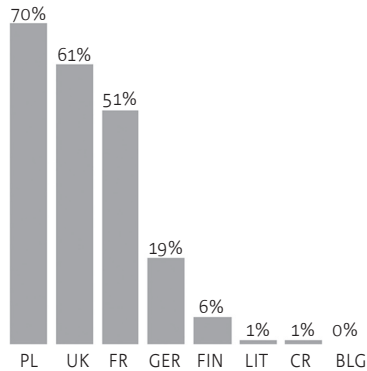
	Maximum	Minimum
France	9	1
Czech Republic	6	1
Germany	6	1
Poland	6	1
Belgium	5	1
United Kingdom	5	1
Finland	4	1
Lithuania	4	2

French Consulate in Kyiv. K., aged 60, is an engineer. He wants to go to Paris to visit his son, who has a legal job there. K. travelled 360 km from his home to the Consulate in Kyiv. After two hours of queuing he was informed by a Consulate employee that his documents attached to the application were insufficient. K. returned home to complete the documentation: certificate of residence and certificate of employment, certificate of his son's birth, copy of the certificate of marriage and the ownership title to his and his wife's property. A month had passed and K. returned to Kyiv with the collected documents.

But his application was refused this time also due to insufficient documentation. To his question what documents were missing, K. was told 'figure it out for yourself'.

Figure 5

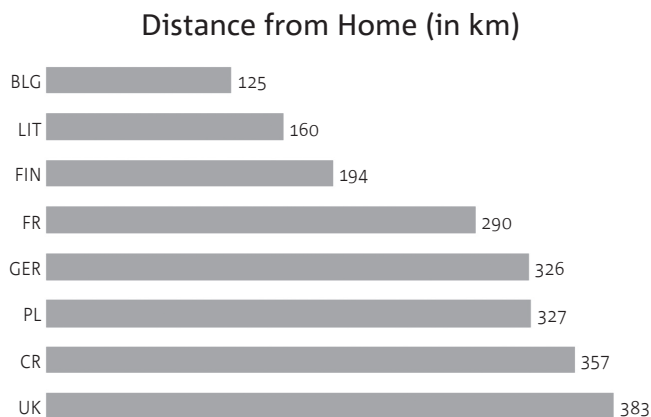
Application Processed within One Day



Applicants with whom we talked had to arrive/travel to Embassies/Consulates a number of times (between one and nine) and supply additional documents, and each time they queued up again.

The number of Consulate visits necessary to obtain a visa constitutes a substantial difficulty due to the fact that the respondents travelled considerable distances to file their applications. The average distance to the closest Consulate was 300 km, while those wishing to visit the UK travelled an average of 383 km (Figure 6). Having to cover such distances more than once involves considerable expense and time (importantly, travelling by car over 300 km on a poor quality road takes approximately five hours, while by train it takes six to seven hours).

Figure 6



Citizens of Moldova are in a specific situation in this respect, because:

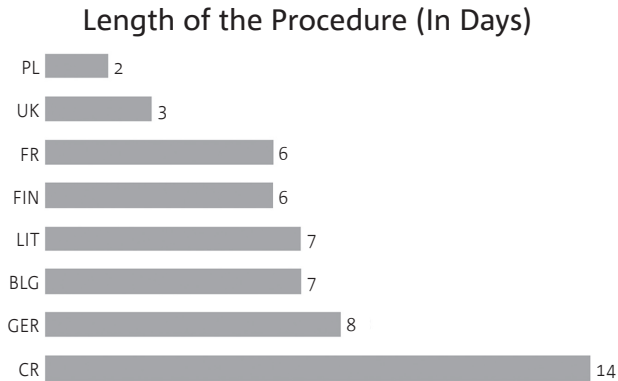
- *There are not many EU diplomatic missions in Chisinau, therefore, to apply for the Austrian, Belgian, Czech (this country is going to open its office in Moldova shortly), Danish, Finnish, Spanish, Irish, Portuguese, Slovakian, Swedish or Italian visa, Moldavians have to travel to the Consulates with the territorial jurisdiction over the required countries, which are located in Bucharest (the distance from Chisinau to Bucharest is 440 km, i.e. approximately six hours by car or 12 hours by a direct night train).*
- *A visa for Slovenia or Cyprus can be applied for in Budapest, yet, to get there, first you have to file for a Hungarian visa in Chisinau (Budapest is almost 1000 km from Chisinau, by car it takes approximately 12 hours, by train – if a change of train is necessary – up to 35 hours, while the flight costs approximately USD 300).*
- *In order to get the Greek, Latvian, Lithuanian or Dutch visa, one needs to go to Kyiv (470 km away from Chisinau, i.e. six hours by car whereas by train – up to 15 hours).*
- *Those wishing to travel to Malta must visit Moscow (1400 km away from Chisinau, the one-way trip by train takes approximately 30 hours).*

Length of the Visa Procedure

A separate dimension of the burdensomeness of the visa procedure is the length of the entire process, that is, the time which passes between the first and the last visit (Figure 7). Even if the applicant travelled a considerable distance in order to visit a Consulate, a short procedure would mitigate the resulting inconvenience and travelling costs. Unfortunately, only in the case of the Polish system does the procedure take an average of two days. The majority of systems surveyed offer a visa procedure lasting at least a week. The extraordinarily long period between the first and the last visit in Czech Consulates is probably a consequence of the large number of visas for the purpose of employment issued by that system.

Unfortunately, we did not ask the respondents if prior to their first visit they had to make an appointment by phone. Although having to call well in advance adversely affects the planning of a visit abroad, still, most respondents would probably rate this facility positively, provided it reduced the period between the first and the last visit.

Figure 7



Time Spent in Queues

As indicated above, the amount of time spent in queues is not a significant predictor of perceptions of inconvenience. Nonetheless, we are discussing this topic because only 39% of the respondents did not report having to wait in queues (the average figure for the entire group of the countries examined). The minor importance of that factor results from the citizens of those countries being accustomed to queues rather than from the actual experience during the visa process.

The new EU Member States (the Czech Republic and Lithuania) found it more difficult to prevent the formation of queues than the West European countries (Figure 8).

Those who did report having to wait in queues had to stand in line, on average, for 12 hours when applying for the French visa, and only one hour when applying for the Finnish or the Polish one (Figure 9).

Figure 8

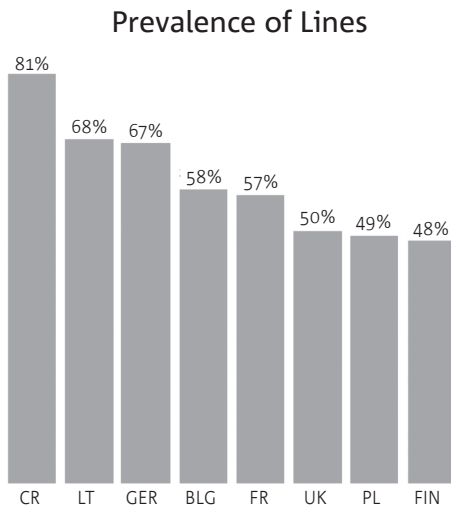
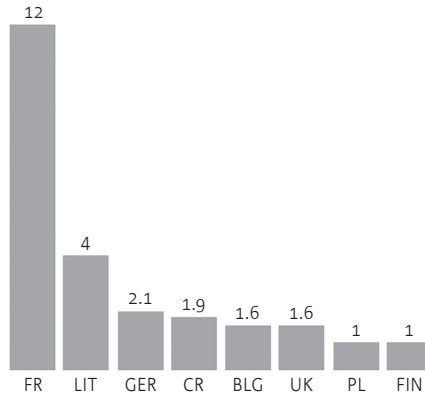


Figure 9

Average Waiting Times in Hours (All Lines)



Almost all Consulates did nothing to ensure suitable conditions for those waiting outside the Consulate, that is, shelter from rain or snow or high or low temperatures, or even a place to sit. This seemingly minor problem gains in importance when we realise that the waiting time outside the building can last all night long (the case of the Consulates of France in Belarus).

Site Visits

The poor quality of organisation at the initial stages of the application procedure was confirmed by site visits at the Consulates carried out as a part of our survey. Our partner organisations were to gather as much information as possible on the operation and organisation of the respective Consulate. In order to ensure a real and broad picture of the visa procedure applied, they played the role of applicants. We made our observations in July and August 2005 with the help of our project partners representing non-governmental organisations from Belarus, Moldova, the Ukraine and Russia. Details of this survey of the Consulates of EU Member States are presented in Annex II.

Chapter 2

Ranking of the Visa Systems Surveyed

Key findings:

- From the point of view of the applicants, Finland and Poland have created the most applicant-friendly visa procedures, followed closely by the otherwise highly restrictive UK system.
- Regardless of the evaluation criteria, the French system is the least user friendly; the Lithuanian system is a close second in this classification.

Evaluation Criteria

By looking at a proportion of those saying that a visa procedure administered by a given system is difficult, one can easily rank individual systems (Figure 1). According to that method of classification, Finland is a clear leader while France lags well behind.

However, this ranking does not take into account the fact that the perception of system friendliness can be conditioned by the level of education of the interviewees (those with college education are likely to have relatively higher expectations) and that a system can be judged more harshly by those who are refused a visa. The significant differences in the proportion of applications refused by Consulates of the particular countries will be discussed in Chapter III. As far as education is concerned, those with higher

education prefer to visit the rich EU Member States (Figure 2). Therefore, a properly structured ranking of visa systems must consider those factors.

Figure 1

How Difficult Was the Entire Process? (% Hard/Very Hard)

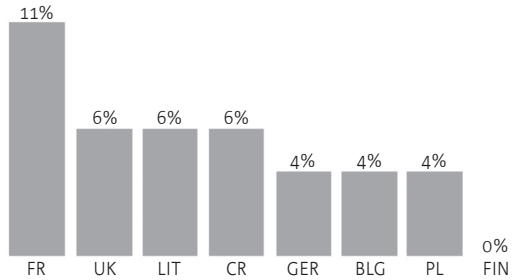
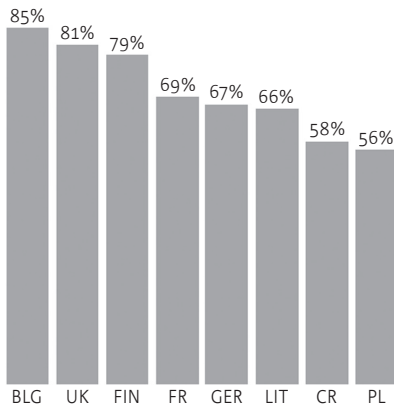


Figure 2

College Education



To allow for the above said factors, we analysed perceptions of difficulty of the visa procedures assuming mean rates of the applications refused, education level and the demographic data of the respondents. Given those assumptions, the ranking changed considerably (Table 1⁴), but not with respect to the most and the least applicant-friendly visa system.

Table 1 How Difficult Was the Entire Process? (Adjusted Mean Values)

System	Mean Value (1=very hard; 5=very easy)
Finland	4.60
Poland	4.50
United Kingdom	4.33
Czech Republic	4.22
Germany	4.22
Belgium	4.20
Lithuania	3.97
France	3.85

Assessed with the following values adopted: Refusal rate = 0.92; Gender = 1.50 (1=female; 2=male); Respondent age = 36.3; College education = 0.7 (1=college; 0=elementary/high school).

Are These Systems Understandable?

The visa procedure can be evaluated in terms of the number of visits needed to fully understand them. For it can be assumed that after a number of visits in a specific country (i.e. also in its Consulate), every or almost every applicant will regard the visa application procedure as easy. Figure 3 displays the number of visits under the following systems: the easiest one (Finland), the most difficult one (France) and the average one (Germany).

⁴ Details on the hardship assessment model, assuming mean levels of the explaining factors (refusal rate and demographic features of respondents) are available at www.openborders.pl (see Annex VI).

Table 2 shows the perception of the individual systems depending on the experience of the visa applicant.

Figure 3

How Many Prior Trips Does it Take to Learn the System?

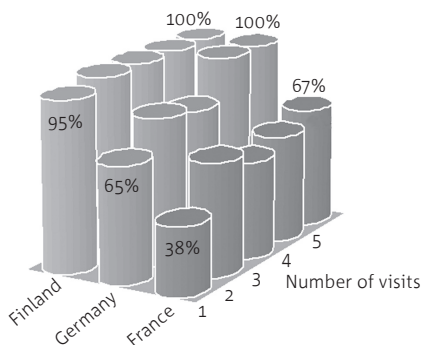


Table 2 Percentage of Interviewees Saying the Visa Procedure Is Easy/Very Easy and the Number of Prior Stays in that Country

Country	Number of prior stays in a country	1	2	3	4	5
		% reporting the procedure was easy/very easy				
Finland		95%	100%	100%	100%	100%
Poland		86%	82%	80%	100%	100%
Germany		72%	67%	81%	100%	100%
UK		65%	82%	78%	100%	100%
Belgium		66%	85%	92%	88%	100%
Czech Republic		86%	90%	70%	80%	100%
Lithuania		77%	92%	60%	50%	100%
France		38%	63%	54%	60%	67%

Thus, an applicant lodging an application in a Finnish Consulate for the first time has a 95% chance of discovering that the visa procedure is easy or very easy, while the same applicant at the French Consulate has only a 38% chance of arriving at the same conclusion. As early as during their second visit at the Finnish Consulate, all applicants perceive the procedure as easy or very easy. All systems but one, namely the French one, become fully understandable after the fifth visit.

If we consider all the above-discussed factors, i.e. the refusal rate, the respondent demographics and the respondent experience (number of visits in the country of the planned visit), the final ranking of the visa systems will look as follows (Table 3).

Table 3 How Difficult Was the Entire Process (Adjusted Mean Values)

System	Mean Values (1=very hard; 5=very easy)
Finland	4.59
Poland	4.49
United Kingdom	4.37
Czech Republic	4.25
Germany	4.24
Belgium	4.22
Lithuania	3.99
France	3.82

Assessed with the following values adopted: refusal rate = 0.93; number of visits in the destination country during last two years = 3.98; college education = 0.70; gender = 1.49; age of respondent = 36.37.

Perhaps most striking is that the UK system, despite its restrictiveness (measured by the refusal rate) is perceived as user-friendly. Equally remarkable is the finding that the Lithuanian system is perceived as better only when compared with the French visa bureaucracy, despite the fact that the former is the least restrictive of all the surveyed visa systems.

Chapter 3

Schengen Visa Policy – Is There a Single System?

Key findings:

- The Schengen States significantly differ among themselves with respect to their visa policies concerning the Eastern European countries.
- New EU Members States much less frequently refuse visas for citizens of Eastern Europe than do the Schengen States.
- Russian citizens are least likely to be refused a visa, while Belarusian citizens are refused a visa most frequently.

Applications Submitted by Individuals, Travel Agencies, Organisations and Institutions

The focus of our survey is the individual visa applicant and the perception of the treatment received while going through the multiple stages of the visa application process. Over two thirds (66%) of the clientele of the Consulates surveyed filed their applications as private persons. (Figure 1).

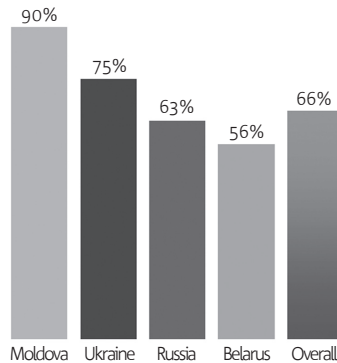
Those applying in the territory of Moldova were most likely to apply as private persons (92%), followed by those applying in the Ukraine (75%), and Russia (62%). Only 56% of Belarusian respondents were individual applicants.

The remaining one third of the respondents represented commercial companies (46% of non-individual respondents), travel agencies (29%), government and public sector organisations (19%), while 7% represented NGOs and other organisations.

Generally, those applying through an agent were refused a visa much less frequently⁵ than those applying by themselves. Because the experiences of those who personally did not appear at a Consulate are not comparable with the experiences of those who have actually gone through the application process themselves, the analysis which follows applies only to the latter.

Figure 1

Applications Submitted by Individuals



Citizenship Matters

States participating in the Schengen⁶ system turn down a far greater proportion of individual applicants from the four Eastern European coun-

⁵ Annex III includes a table representing refusal rates for visa applications submitted through commercial companies, travel agencies, public organisations and NGOs.

⁶ The UK, although not a member of the Schengen system is generally more restrictive than an average Schengen State. For the sake of simplicity, in the statistical analysis that follows we group the UK with other Member States. Excluding the UK from this comparison does not influence the magnitude of the difference (see Annex VII – Table 1b, available in electronic form at www.openborders.pl).

tries included in this survey than do the non-Schengen States, i.e. the Czech Republic, Poland and Lithuania. However, considerable variations exist within the Schengen area: French Consulates turn down as many as 22% of individual applicants while the Finns only 3.5%. Hence some countries (Finland) apply procedures more similar to those of a non-Schengen State than of a Schengen system itself⁷.

Table 1 Refusal Rates: Individual Applicants

	France	UK	Germany	CR	Belgium	Finland	Poland	Lithuania	MEAN
Belarus	32.1%	44.0%	26,2%	15.4%	–	–	0.0%	0.0%	19.6%
Ukraine	38.9%	21.6%	18,2%	4.8%	5.2%	6.9%	2.8%	0.0%	12.3%
Moldova	12.9%	12.5%	5,4%	–	–	–	0.0%	–	7.7%
Russia	4.8%	0.0%	0,0%	0.0%	3.3%	0.0%	0.0%	0.0%	1.0%
MEAN	22.2%	19.5%	12,5%	6.7%	4.3%	3.5%	0.7%	0.0%	–

These estimations can differ from official data on refusals of specific countries during the analysis period. The table shows only data concerning applications from applicants applying as individual persons and on their own behalf. These persons are approx. 2/3 of all applicants, though their applications represent less than half of all applications (which follows from the fact that organisations representing applicants submit several dozens of applications).

Who Is Turned Down Most Often?

Considering applicants from all four Eastern European countries, the best predictors of one's chances of getting a visa are the citizenship of the applicant, whether they are employed or not, and their age and gender⁸.

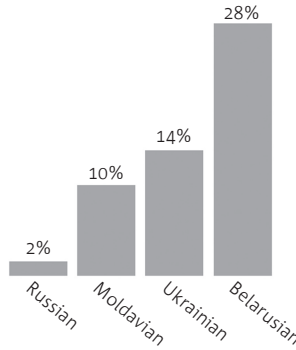
⁷ For statistical details, see Annex VII (Tables 1a and 1b), available in electronic form at www.openborders.pl.

⁸ For more details, see Annex VII (Table 2a), available in electronic form at www.openborders.pl.

Thus being Russian helps a great deal; being Belarusian, however, bodes particularly ill for the visa applicant. Only 2% of Russians are refused a visa by the Member State concerned while as many as 28% of Belarusian citizens find themselves in such situation. The proportion of Ukrainians and Moldavians refused a visa are 14% and 10%, respectively (Figure 2).

Figure 2

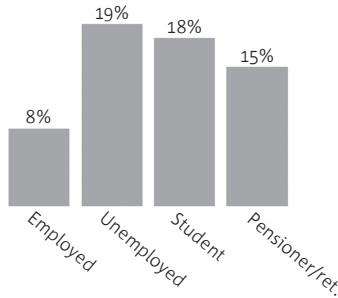
Refusal Rates and Citizenship



Schengen/UK

Figure 3

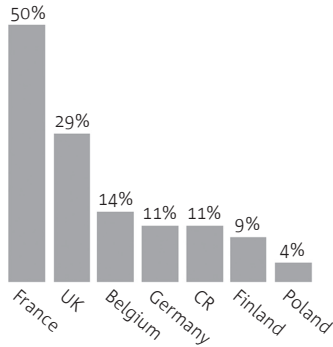
Refusal Rates and Occupational Status



Schengen/UK

Figure 4

Refusal Rates among the Unemployed and Students

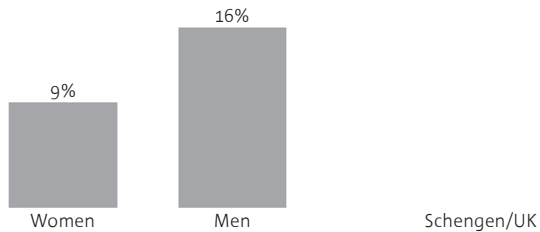


Comparison of refusal rates with respect to the unemployed and students in certain EU Member States shows that labour market protection is an obvious priority in the French policy (Figure 4).

Apart from citizenship and employment, another essential factor determining the visa process is gender. Men are nearly twice as likely to be refused a visa than are women – 16% and 9%, respectively (Figure 5).

Figure 5

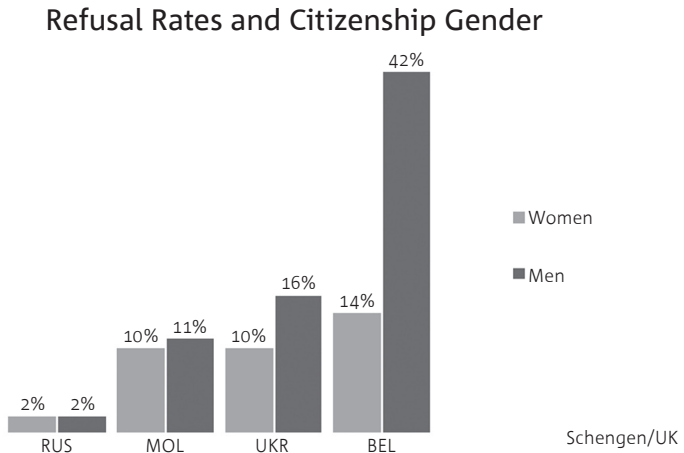
Refusal Rates and Gender



Specific Refusal Criteria

It is unlikely, however, that categories as broad as citizenship and gender are deliberately used as screening criteria by Western European consular officers. Indeed, some combinations of demographic factors dwarf the effects of citizenship and of gender taken separately. These consular systems do not discriminate simply against Belarusians and Ukrainians but against male applicants from these countries. These systems are obviously designed to protect labour markets against illegal economic migrants: thus the higher the refusal rate for a given country, the higher proportion of males within that country who are refused a visa (Figure 6).

Figure 6



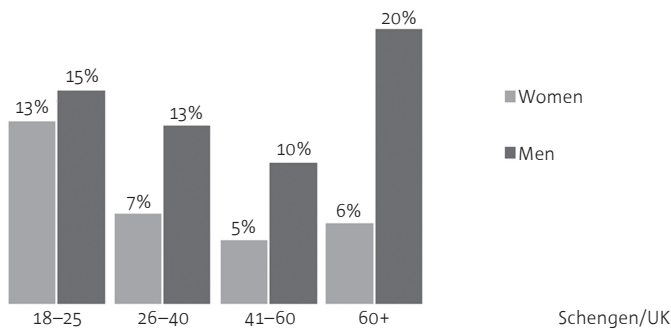
Analysis involved interviews with persons who were refused a visa. Reasons for some of these refusals are incomprehensible. Many persons applying on the basis of a private invitation have their application refused, frequently without being notified of a reason for the refusal, which raises obvious anxiety among the applicants. We present here the stories of various persons encountered:

Male, 32 years old, entrepreneur, company director, learned profession – manager. Bachelor. His travel purpose – visiting relatives (sister and mother). He applied for a visa to the French Consulate in Minsk as a private person. His mother and sister legally stay in the territory of France, sister is employed and mother is unemployed. He has already visited France seven or eight times. He said that neither he nor his family have ever had any problems with the authorities. He has never worked in any EU Member State. There are previous visas to the EU Member States in his passport. Visa application was refused. No reason was revealed.

Engineer from Minsk, 51 years old, applied for a visa to the German Consulate as the representative of a company. Married, has one son. He has maintained business contacts since the USSR times, he has travelled on business to Germany many times. These business trips were short – they lasted about three days, took place once a month, which means 12 business trips per year. The respondent does not have any relatives in Germany, he has never worked in any EU Member State. His son studied in an EU state for one year. Now his son works in Belarus in a company other than the one in which his father does. The son has a multiple-entry visa to Germany. Neither this applicant nor any of his relatives have ever had any problems with the law in an EU state. There are previous visas in his passport, a recent visa to Germany was granted for a period of one year. Visa application was refused.

Figure 7

Refusal Rates, Gender and Age



In addition to this economic dimension regarding visa refusals, there is also a high degree of profiling by a combination of gender and age: while in general men are refused a visa more frequently than women, women under 25 are refused one significantly more often than older ones (Figure 7). This probably reflects concerns about crime and the prevention of human trafficking, though the human aspect of such decisions should also be taken into consideration. Women who were refused a visa emphasised that they feel discriminated against by dint of being treated as potential prostitutes.

Group of women – Ukrainian musicians between the ages of 35 and 40 – came from Uzhorod to Kyiv (500 km) to obtain visa for two-week trip to Düsseldorf. They sing in a professional choir, they were invited by the cultural centre in Düsseldorf to participate in a concert. They came to Kyiv three times to provide additional documents (documents from the inviting party, employment certificate, income certificate). The visas were refused. No reason for the refusal was given.

Key National Differences

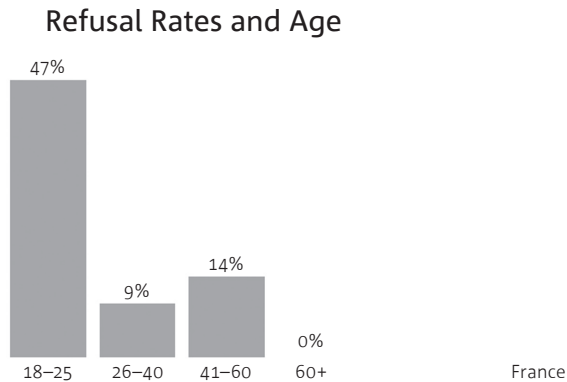
It appears that French consular officers consider young applicants of both genders as more undesirable than older Eastern Europeans, while UK ones screen out males and apparently consider the educational credentials of applicants. The German system, although relatively restrictive, does not seem to focus on any particular category of applicant.

Being a young applicant is the best predictor of being refused a visa by a French Consulate. Nearly half (47%) of those between the ages of 18 and 25 are turned down (Figure 8).

Dmytro, 29-year-old, ballet dancer in Kyiv. He travels a lot, obtains a large income from shows, he has visited such countries as Belgium, Netherlands, Germany and Austria. He has never had any problems with obtaining a visa. During his trips he met a girl – citizen of France. As he had a valid visa for any Schengen State, he accepted an invitation to travel to Paris with her. Having spent some time with her and met her parents, he decided to continue the relationship. They met again during another of his trips to Brussels. When

the boy returned to Kyiv and after exchange of correspondence, the girl invited him to visit her in Paris again. The visa application was refused; no reasons were given. After intervention from France, he obtained a visa, but upon his return to Kyiv had to report back to the Consulate that issued it.

Figure 8 French System



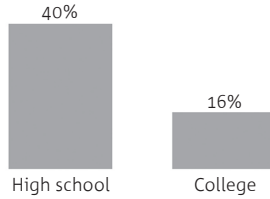
The UK system is favourably predisposed towards those with college education (Figure 9). In comparison with those with only high school education, going to college reduces the probability of an applicant being refused a visa by over a half (16% versus 40%).

Being a male doubles (30% versus 15%) one's probability of being refused a visa (UK system).

In contrast to the French and British systems, the German system does not use gender, age or any other form of 'profiling'. This seems to be a positive aspect of this system.

Figure 9 UK System

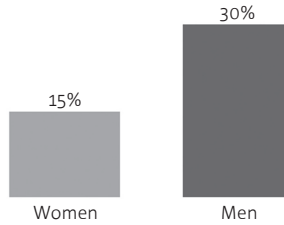
Refusal Rates and Education



UK

Figure 10 UK System

Refusal Rates and Gender



UK

Criteria used by the French and UK Consulates suggest that their officers do not consider applications individually, but according to the category of the applicant involved. This is perceived as gender and age discrimination and creates bitterness among the populace of Eastern Europe.

Chapter 4

Schengen Legal Framework and Consular Practice

The objective of this chapter is to compare the common legal framework governing the process of the issuance of visas, resulting from the Schengen *acquis*, with the practice applied by Consulates (the source of the comparison were interviews with employees of the Consulates of selected EU Member States⁹). The comparison refers not only to the practice of the Schengen States but also to practices applied in the Consulates of the United Kingdom and the new EU Member States (shortly to become the new Schengen States themselves). Our hope is that this wide-scale comparison will enable the advancement of best practices and serve as an inspiration for the stimulation of further development of the visa system.

⁹ The survey included interviews with consular officers, and was conducted by experts cooperating with the Stefan Batory Foundation – Jorita Praneviciute (Lithuania), Ulrike Rub (the UK), Ondra Sokup (Czech Republic), Kristien Vanvoorden (Belgium), and Almuth Wardemann (Germany). The comments section embraces interviews with staff members of the following: the Belgian Consulates in Moscow, Kyiv and Bucharest (the latter handling the applications of Moldavians); the German Consulates in Kyiv, Minsk and Moscow; the UK Consulates in Moscow, Chisinau, Minsk and Kyiv; the Lithuanian Consulates in Moscow, Minsk and Kyiv; and the Czech Consulates in Kyiv and Minsk. The French Ministry of the Interior sent us an official note refusing any interviews with staff members of French Consulates.

The way the Consulates replied to our questions varied widely. Some interview reports contain comprehensive answers to questions. In addition, even among Consulates of the same State, some staff members provided detailed answers, whereas others refused to answer due to – in their opinion – the confidential nature of the information. Apart from that, some answers were very brief or equivocal, which made it virtually impossible to determine the facts

According to the Schengen Agreement, the Schengen States issue common visas that are valid within the territory of the entire Schengen area in which the border controls have been lifted. The issuance of visas for short stays is governed by the provisions of the First Pillar, which means it falls within the competence of the Community. At the same time, provisions laid down pursuant to the Schengen Agreement (1985) and the Convention Implementing the Schengen Agreement (1990), together with the Schengen agreements themselves, were incorporated into the *acquis*. There are, therefore, three groups of provisions governing the issuance of visas: (1) the provisions of the Treaty Establishing the European Community, together with the Schengen Protocol; (2) the provisions of the Schengen *acquis* and (3) other Community provisions established pursuant to the Schengen *acquis* as part of the First Pillar. Of the group of countries surveyed, France, Belgium, Germany and Finland fully apply the common visa law, Poland, the Czech Republic and Lithuania – do so only to a certain extent, whereas the United Kingdom, who is not a Schengen member, does not apply it at all.

The Common Consular Instructions (CCI), being part of the Schengen *acquis*, lay down the rules and procedures for issuing visas for short stays, while Council Regulation No 539/2001/EC defines the list of third party countries whose citizens need to have visas when crossing an EU border, and of countries whose citizens are exempt from this obligation. The Schengen Implementation Convention specifies the general rules for the issuance of short-term visas, which are further detailed in the CCI.

All third party countries surveyed (Belarus, Moldova, Russia and Ukraine) are included in the list of countries whose citizens must hold a valid visa when crossing an EU border.

¹⁰ Pursuant to the Treaty of Amsterdam, the issuance of short-term visas has been transferred from the Third Pillar to the First.

Schengen Visa Issuance Procedure

The procedure for the issuance of visas is always carried out on the basis of completed and submitted standard visa application forms. The application should be accompanied by: a valid travel document in which the visa can be inserted, and, if required, any documents confirming the purpose and conditions of the planned visit.

In the course of the procedure, the main objective of the body issuing visas will be to determine: (1) whether the visa is not going to serve purposes such as illegal immigration, or (2) whether the visit in the territory of the Member State is not going to compromise its security. The issuing body is authorised to refuse any visa application submitted by any individual arousing suspicion of the materialisation of either of these possibilities.

According to CCI rules, the general rule of the visa procedure is to conduct interviews with applicants for visas (in certain instances a Consulate may depart from the interview procedure – it is the case for commonly known persons, if the distance between the place of residence and the Consulate is too great and the applicant being beyond suspicion of any malicious activity, and for groups if a reputable institution can confirm the good faith of the group members).

In German Consulates, the interview is part of a standard procedure which can only sporadically be departed from. For instance, the interview procedure can be waived when a foreigner had already been granted a Schengen visa in the past (Kyiv), or for organised travel being part of special projects (such as excursions for children from Chernobyl – Minsk). On the other hand, a Belgian Consulate employee in Bucharest told us no interviews were applied with respect to individuals known to the Consulate, who had travelled to Belgium on many previous occasions.

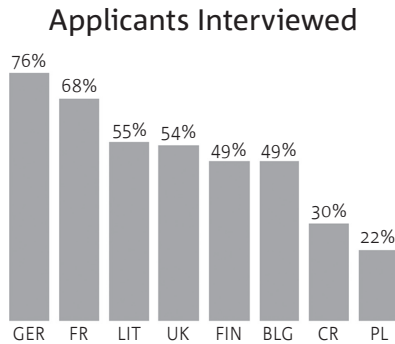
The Consulates of the United Kingdom in Minsk and Chisinau (outside of Schengen area) carry out interviews with applicants as part of their standard procedure. A Consulate representative in Kyiv said the majority of applicants submitting their applications for the first time are interviewed, however, if an applicant had been granted a visa in the past and returned to his or her original country without violation of the law, he/she will not be

required to re-apply for the visa in person and the entire procedure can be conducted in writing. In the British Consulate in Moscow, the written procedure is a general rule – yet, only 10% of the applicants are interviewed (the interviewee said it would take place if the documents were insufficient for making the visa decision; also individuals submitting their applications for the first time may be invited to an interview).

Lithuanian Consulates applied no single practice – the Consulate in Minsk would conduct interviews as part of its standard practice, whereas the Moscow-based Consulate would ensure the persons invited to interviews were identified in the first place.

Surveys with applicants confirm diverse practices as regards decisions when conducting interviews. As for the Schengen States, the Finnish and Belgian Consulates are among those who depart most frequently from the interview practice concerned (Figure 1).

Figure 1

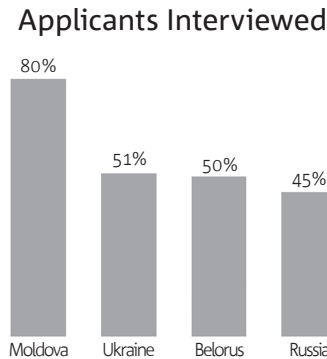


Among the systems surveyed, Moldavians were interviewed most frequently (Figure 2).

As documented, the interviews can serve two basic purposes: (1) evaluation of the credibility of the applicant based on the interview, in particular if he or she is suspected of misstating the purpose of his or her actual travel, or willingness to return to the country of origin; the evaluation of

the inner coherence of statements made by the applicant seems especially important here; (2) eliciting certain details to confirm facts that cannot be proven by documents.

Figure 2



Information collected in the Consulates provides evidence of substantial discrepancies as regards reasons for conducting the interviews with applicants. A Belgian Consulate staff member in Bucharest (having the territorial jurisdiction over Moldavians) said that an interview provided a better picture of the actual state of facts and the possibility of explaining any doubtful issues by the applicant, and that it was also helpful in situations when applications were incomplete. The German Consulate in Kyiv stated the interviews were carried out to verify the declared destination and the applicant's willingness to return to the country of origin, pursuant to the law on foreigners. In the German Consulates in Minsk and Moscow, the interlocutor made a direct reference to the Schengen acquis – the Common Consular Instructions – as the basis for the obligation to interview. He added the interview was helpful in evaluating the credibility of the applicant's statement regarding his or her destination, the willingness to return, and available funds (presumably: to cover the cost of stay) etc.

A staff member of the Lithuanian Consulate in Minsk informed us that the main purpose of the interview was the determination of the nature of the documents accompanying the application, while a Czech Consulate employee indicated that verification of the authenticity of the applicant's documents was the reason.

Pursuant to the CCI, the visa procedure is directed at detecting those applicants who misstate the reason for their travel destination claiming it to be tourism, study, business or a family visit – all that to be able to enter a Member State and settle down there. The special risk group, according to the CCI, includes the unemployed and persons without a regular source of income.

Presumably, documents submitted in the course of the procedure should constitute the main source of information with regard to the immigration risk. The number and type of documents required is determined on a case by case basis (related to exposure to the risk of illegal immigration) and by the situation in the country of origin of the applicant, therefore, the list of required documents may vary to a considerable extent. Possible types of documentary evidence required are described in detail in the CCI. Documents evidencing the purpose of travel may include: an invitation and a business travel order, whereas the coverage of the transportation cost to the place of destination can be proven by the presentation of a return ticket, or evidence of the availability of sufficient monies and car insurance. Documents acknowledging that accommodation has been booked are: a hotel reservation, a statement from the local authorities saying that the applicant will stay with a private person or a private institution. Availability of funds to cover the cost of stay can be proven by the provision of evidence of cash, traveller's cheques or credit cards. The amount of funds should be in proportion to the duration and purpose of the planned stay and subsistence costs in the destination country¹¹. Other documents required of the applicant can include: certificate of residence and evidence of ties existing with the country of origin, documents confirming the social and professional status of the applicant, the latter two being pretty vague terms.

The incorporation of a wide range of documents into the CCI, which the Consulates may request, entails the following consequences: the application of very diverse practices by the Consulates of individual Schengen States,

¹¹ The necessary funds are determined on an annual basis by the State concerned. For example, France requires an amount equal to the monthly minimum salary divided by a number of days (SMIC); on 1 July 2002, such daily rate amounted to EUR 47.80.

and a continuous lack of clarity as regards the list of obligatory documents and the frequent practice of sending applicants away to complete the documentation.

As far as the evaluation of an applicant in terms of State security is concerned, the primary (if not the only) source of information will be the data from the SIS system (the Schengen Information System) and information obtained as a result of local consular liaisons.

The opinions of the staff members of the Consulates of the individual Schengen States on the scope of cooperation between Consulates displayed a vast diversity. According to an employee of the Moscow-based Belgian Consulate, the liaisons include: notifications via e-mail to other Consulates (both of the Schengen States and others) of refused visa applications, regular meetings of Consulate representatives (both from the Schengen States and others) and special meetings of representatives of Consulates of the Schengen States organised by the European Presidency. A totally different picture of the liaisons was drawn by a staff member from the Belgian Consulate in Bucharest – according to him the cooperation is not regular and its nature quite informal.

Staff members of the German Consulate responded that data was shared with embassies of other Schengen States (cooperation under the SIS system – the Schengen Information System), including data on individual cases involving suspected compromise of security, or applications with forged documents attached (all visa refusal instances are entered in the SIS database).

All employees of British Consulates stated firmly that they had participated in no data sharing concerning individual cases (a Minsk-based British Consulate employee said his organisation paid special attention to the protection of applicant personal data and informed us he could not recall a single case where the Consulate would ask another Consulate to provide information on any applicant). British Consulates share general data with other Consulates on migration trends and the exposure of the forgery of documents. Meetings with other Consulates take place on a regular basis (Moscow – every six weeks) or on an as-needed basis (Kyiv, Minsk).

A staff member of the Lithuanian Consulate in Moscow stated that the liaisons involved informal meetings with other Consulate representatives from EU Member States and data sharing via e-mail. Employees of the Czech Consulates in Minsk and Kyiv said there was no data sharing between Consulates (only the Police were involved in such practice).

Pursuant to the Schengen *acquis*, the visa procedure is aimed at detecting and fighting the threat of the trade in human beings. Methods of detecting cases of human trafficking vary.

The trade in human beings mentioned as being very frequent in the region was specifically emphasised by a Belgian Consulate employee in Bucharest. In order to restrain the trade in human beings, the Consulate in Bucharest analyses particularly thoroughly applications for visas by young women and especially girls wishing to take up employment as au pairs (due to the threat of being forced into prostitution) and those of children (due to the possibility of being sold to illegal adoption). In all these instances the interviews are particularly perspicacious, and further to that the Consulate confronts the answers given by the applicant with information known about the country. However, the staff member from that Consulate said the majority of victims of the trade in human beings were probably smuggled to Belgium illegally, without any visa. Other Belgian Consulates were not in a position to decide how widely the trade in human beings was spread, and also that they did little to prevent it (distribution of the leaflets of IOM or local NGO's).

Staff members of the German (and Lithuanian) Consulates did not answer the question as to how widely spread was the trade in human beings and what measures were in place to prevent it (an employee of the Kyiv-based German Consulate said only that counteracting the trade in human beings was the responsibility of the country of the Consulate's seat. Nonetheless, some Consulate staff participated in seminars on combating the trade in human beings, conducted by organisations dealing with that problem).

The replies of employees from British Consulates pointed out that generally it was not within their competence to deal with the problem of the trade in human beings (a staff member of the Moscow-based Consulate said it was not at all within his competence). They replied it was actually the problem of organisations responsible for migration and that it was rather connected with illegal immigration (those involved do not usually apply for visas). Especially exhaustive information was provided by an employee from the Minsk-based Consulate who pointed out different methods for the prevention of the trade in human beings when granting a visa. For instance, in the case of visa applications for children, the consent of both parents is required. A computer system warning against cases of one person based in the United Kingdom issuing invitations to a number of foreigners is another security measure. Apart from that, there are no formal procedures, and the entire system is based on the experience of Entry Clearance Officers who are to identify any cases arousing suspicion.

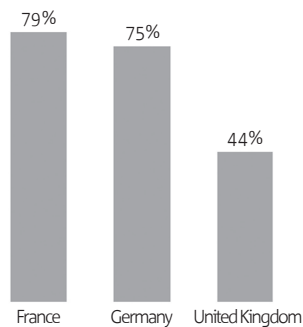
A Czech Consulate employee in the Ukraine stated that the primary and quite effective method for the prevention of the trade in human beings was the dissemination of information on legal forms of employment (leaflets of La Strada, information in the local press).

The CCI provides for a standard procedure for the notification to the party concerned of reasons for the refusal of the visa application concerned, however, the obligation to serve such information upon the party is governed by the relevant national legislation. No regulation in that respect in the CCI is resultant in the majority of applicants never finding out the reasons for the refusal.

No practice for advising the applicant of the reasons for refusal in the Consulates of France and Germany has been pointed out in the survey. Below, please find the percentage of applicants who were not advised of the reasons for the refusal of their visa applications (Figure 3).

Figure 3

No Reason for the Refusal Was Given



Belgian Consulates are legally bound to advise the applicant in writing about the reasons for refusal, including a caution on the methods of appeal against the decision to refuse a visa. Employees of German Consulates said there was no obligation to notify the reasons for refusal, and that foreigners 'generally' are not informed about those reasons.

British Consulates advise about the reasons for refusal in writing. A staff member of the British Consulate in Minsk said justification was drafted in English but the content would be read in Russian when the decision was collected at the Consulate. An employee of the British Consulate in Moscow pointed out that the decision was read to the interested party in the case of personal collection, however, the procedure tends to evolve towards written communication. From 1st April 2006, the Consulate is going to change its rules of operation – it will outsource some work related to the collection of applications to a private company. If there are obvious grounds for the refusal of the visa, the Consulate will conduct the procedure in writing and will not interview the applicant.

The Lithuanian Consulate in Minsk does not advise applicants about the reasons for refusal. However, employees of the Lithuanian Consulate in Moscow provide written information to the applicant, yet, only if the refusal was due to formal reasons, i.e. due to some missing documents or an error in the visa application. Such information is provided in order to enable the applicant to re-apply in a due fashion. In other cases the Consulates are not allowed to advise applicants of the reasons for refusal. Moreover, those refused a visa may request the reasons be given to them in writing, however, such request will not be binding upon the Consulate.

Czech Consulates (Minsk, Kyiv) inform applicants of the reasons for refusal only in exceptional cases and they do it verbally.

Similarly, as in the case of the notification of the reasons for refusal, the right of appeal against the decision granted is as provided for by the Schengen rules (CCI).

According to a Belgian Consulate employee in Moscow, Belgian law stipulates that those refused a visa have the right to appeal against the decision granted to a unit which is a part of the Ministry of internal affairs (Dienst Vreemdelingenzaken) and, in the second resort, to the State Council (Raad van State, acting as the Administrative Court) within 60 days. The appeal will be considered provided the party has an address for service in Belgium (it may be that of a legal representative of the foreigner). With regard to German Consulates, applicants may use the appeals procedure available within the Consulate's structures (II resort, in writing, not later than within one

year of the refusal). Where the decision is sustained, the applicant receives written notice of the reasons for refusal with a caution regarding further steps. The latter involves lodging a complaint to a competent Administrative Court in Germany. A Minsk-based Consulate employee said the immediate lodging of a complaint to an Administrative Court in Germany was possible without employing the internal appeals procedure.

British Consulates said the right of appeal was valid in respect of some visas. An employee at the Moscow-based Consulate made it more precise, stating that no right of appeal was valid for short-term visas (authorisation given to stay in the country of destination for less than six months), unless the purpose was a family visit. However, for long-term visas issued for a period of over six months, the applicant has the right of appeal to an Immigration Tribunal, via UK visas, a unit operating within the structures of the British Home Office. Having received the appeal, the Immigration Tribunal requests that the Consulate send the documents of the case, and takes a decision based thereon. The Consulate where the appeal was lodged can decide whether to accept it. Further to that, according to a Chisinau-based Consulate employee, each negative decision must be verified and approved by the Entry Clearance Manager upon its issuance (irrespective of the person issuing).

Applicants may not appeal against decisions to refuse a visa in the Consulates of Lithuania and the Czech Republic.

Chapter 5

Recommendations

Summary of Key Findings

Despite certain harmonisation under the Schengen system, visa procedures applied by EU Member States seem to be quite diverse both in terms of the legal solutions adopted (if they are provided for by the relevant national legislation) and in terms of practice. Contrary to the common viewpoint that there is no place for a national visa policy within the Schengen area, such policies noticeably exist and influence the practices applied within the visa system by the individual Schengen States

Those applying for a visa differ in their opinion on the degree of difficulty involved in the processes applied by the individual EU Member States. It has turned out that the Schengen system embraces both the procedures that are friendly to the applicant (Finnish Consulates) and procedures that are very complicated and unclear (French Consulates).

The survey carried out shows that the number of refusals indicates a considerable variance between the particular countries – Belarus, Moldova, Ukraine and Russia (this concerns applications submitted personally rather than via a travel agency). Those differences, stated in average terms for the entire Schengen group, fluctuate between 2% of refusals with respect to Russian applicants and 28% for Belarusian citizens (with 14% for Ukraine and 10% for Moldova). Another element of the findings

of the survey carried out was that the individual Schengen States apply diverse visa refusal practices.

Protection against migration is the likely reason for the frequent refusals, extended to relatively young individuals and students. However, it is important to understand that refusing those people a visa may arouse a sense of discrimination and exclusion among Eastern Europe citizens; it stands in opposition to the declarations made by European leaders on openness and cooperation with neighbours. It is also worthwhile to remember that such persons – well educated, with entrepreneurial flair and eager to get to know the world – represent the Europe-oriented society.

It has been surprising that the survey carried out has shown that the applicants perception of the onerousness related to the visa process is more dependent on the demeanour of staff members of the Consulate rather than on 'objective' factors such as waiting time or the ratio of refusals. Our Eastern neighbours are more ready to show lenience towards organisational problems and the modest infrastructure encountered in Consulates than to ignore staff demeanour, which they hold to be unprofessional or unfriendly. Consulates providing unreliable information, imposing procedures that are not understandable to applicants and issuing seemingly arbitrary decisions score worst.

The image of the European Union in the eyes of its Eastern neighbours is to a major extent shaped by the EU visa policies, since it is those policies that affect hundreds of thousands of ordinary citizens from those countries. Consular procedures and practices are perceived by Eastern Europeans as so-to-speak conformity checks on the European Neighbourhood Policy declarations against the actual intentions of the EU Member States. That is why regular monitoring of the Consulates involved and continuous raising of the standards of service seem so essential

Recommendations

Lifting the visa obligation with respect to Eastern European countries should be the long-term objective of the EU. In the short term, however, changes designed to facilitate the visa procedure and mitigate the related inconvenience are indispensable. Some of these recommendations require amendments to the Common Consular Instructions, yet, the majority of them fit well within the range of the applicable Schengen rules demanding some modification by the EU Member States of their visa practices, which – as shown in our monitoring – go in diverse directions in particular Member States.

Attitude displayed by the Staff

This seemingly minor factor – professional and polite treatment of applicants – affects to a considerable extent the perception of the visa procedure as a whole. The EU Member States should make every effort to ensure that Consulate employees are not only experts on the applicable provisions but also represent a high standard of personal conduct and adequate interpersonal skills. In practice, an essential thing to do would be to provide training sessions making Consulate staff understand the importance of the treatment of visa applicants and the need to show a professional and polite attitude towards customers. The above relates not only to the consular officers of the specific country, but also to local personnel providing service to individuals at counters, and to security personnel.

Applicants wish to receive reliable information. An improvement of applicant notification methods is required to facilitate the procedure. Consulates should establish standard and comprehensive information facilities for those applying for a visa (such information to be made available on information boards or included in free leaflets, on web pages or by phone). Visa application forms and examples of completed forms should be made readily available outside the Consulate (making it unnecessary to queue up to obtain them) and on web pages. Opening a separate information stand

and appointing an employee to provide information in the local language would be an example of good practice (so far only few Consulates apply this solution).

Establishing uniform methods of information and uniform lists of required documents (shortest possible – more information on this subject can be found below) for the entire Schengen area would be felt by applicants to be a considerable improvement.

Better Organisation of the Phase Preceding the Technical Procedure

A negative perception of the visa procedures was predominantly noted with respect to the steps preceding the technical procedure itself, such as acquiring the application, queuing up to make an appointment and submitting the documents required. Consulates should assume the responsibility for those non-technical stages (queues), moreover taking part mostly outside a Consulate. Monitoring of the queues and the attitudes of Consulate security guards is required. Procedures should be in place to enable the applicants to lodge documents at their convenience without having to stand in the line (appointment on the phone, via internet or via electronic facilities installed in front of the Consulate involved).

Shortening the Visa Procedure and Cutting the Number of Visits to a Consulate

The length of the procedure is not the only element perceived as being a major problem. The number of visits necessary to obtain a visa is an important factor too. Having to make numerous visits to a Consulate is an onerous problem since the relevant Consulate is usually a long distance from the place of the applicant's residence.

A decrease in the number of visits should be accompanied by a concurrent cut in the duration of the procedure. Even if two visits are sufficient

to obtain a visa, if they are dispersed over time, the effect on the applicant will be negligible.

It is necessary to eliminate the practice of sending the applicants back for additional documents. In each such case, Consulates should accept documents by post or e-mail.

The visa procedure is likely to be shortened as a result of less time being consumed by Consulate staff in the processing of each application (some examples have been described below).

Shorter List of Documents Required

In our opinion, the requirements regarding the scope of information and the list of documents to be submitted by the applicant should be much simplified. For example, the latter should be reduced to embrace only those documents that are absolutely necessary. The extensive list provided in the Common Consular Instructions leaves Consulates with too much discretion in this respect. This frequently leads to situations where the applicant is sent away with an admonition to provide supplementary documents that have not been required of them initially. For instance, the demand on the applicant to supply any title to their property should be eliminated. The same applies to the obligation on students to submit their University consent to their absence, and on the inviting parties to substantiate their income.

Waiver of the Interview Procedure

The practice of interviewing visa applicants wishing to visit a Schengen State has proven to be quite diverse. The talks are usually aimed at determining circumstances that are vital for the case and which cannot be elicited from the documents or the visa application submitted. However, in some Consulates interviews are only a formality and bring no additional knowledge to the decision maker. Departing from the interview procedure in obvious cases and holding extended talks in the case of doubt would be

good practice. More freedom for Consulates to waive the interview procedure should be legally admissible.

Simplified Reapplication Procedure

Simplified procedures should be employed with respect to individuals applying for another visa within a period of two to three years (provided no violation of the law was recorded). Good practice here could involve: an interview waiver and reducing the list of required documents (attached to the visa application and the invitation) and the possibility of written communication. Individuals who have not been penalised by court sentences and are frequent travellers to the EU should receive long-term multiple-entry visas as part of a routine procedure.

Elimination of the Obligation to Report Back

Our survey displayed recurring cases where the successful applicant was instructed to report back to the relevant Consulate upon their return. Being obliged to follow this practice, the applicants feel they are treated as second class citizens, to make things worse, it brings back memories of Soviet times when you had to report your return from a foreign trip and surrender your passport. This practice has also a negative impact on the length of the visa procedure since instead of dealing with visa applications, Consulates have to register those coming back from abroad.

Obligation to Justify Refusal

Among the Consulates surveyed, the Belgian and British ones are obliged to provide the applicant with a written justification for the refusal, whereas the German and French Consulates provide no reasons for their decisions. On the other hand, Consulates of Lithuania, the Czech Republic and Poland apply this procedure in exceptional cases only. The justification for the deci-

sion is of significant importance to visa applicants: on the one hand it allows them to prepare another, correct application (or an appeal – if possible), on the other – it builds the image of the Consulate as a friendly, open and transparent institution. The indirect advantage of providing a justification is that the decisions become less arbitrary – a consular officer must present concise and logical reasons for his or her refusal to grant a visa.

Recourse to the Right of Appeal

An important factor when evaluating the visa procedure is the right of appeal against the decision to refuse a visa. If we focus on the Member States surveyed, a foreigner is able to appeal against decisions issued by representative offices of Belgium, Germany and the UK – yet, in the latter case, only in respect of long-term visas. It is true without doubt that the right of appeal is the key issue in our endeavour to ensure a proper visa procedure, plus it confines potential arbitrary decisions of the consular officer involved and any related abuse of power.

Neither the option to appeal against the decision nor the obligation to give justification for the refusal is governed by the Schengen rules. Their incorporation into the Common Consular Instructions as obligatory procedures for the Consulates would be a significant improvement in the visa procedure.

Expediting the Queues

None of the Consulates surveyed ensured a place to sit or shelter against bad weather to those waiting outside. Finding an effective and suitable solution seems difficult in a situation where the number of waiting applicants is usually several dozen and sometimes several hundred people, however, introduction of the improvements described herein would certainly contribute to expediting the entire procedure and reducing queue length. The introduction of all possible methods of making appointments at specific hours is essential.

Shortening Distances to Consulates

The distances from the place of residence to the nearest Consulate for citizens of the four countries surveyed proved to be very long. A simple solution, apart from increasing the number of Consulates, would be the coordination of activities among the Consulates to make the required visa attainable at the closest Consulate of an EU Member State, irrespective of whether it represents the intended destination country. This solution should be incorporated into the Schengen rules and not bilateral agreements which are currently implemented only in exceptional cases. It may involve the implementation in the future of the Euro-Consulate system.

Accession of Poland and other New EU Member States to the Schengen Agreement

The current Polish visa system applied towards our Eastern neighbour countries is based on easy-to-get visas and free visas for citizens of the Ukraine, Moldova and Russians from the Kaliningrad Oblast, and also cheap visas for Russians and Belarusian citizens (a short-term visa costs USD 12 in Russia and USD 6 in Belarus). The current visa simplification is aimed not only at facilitating an intensive cross-border exchange and cooperation but also at sending a political signal that the EU enlargement is not against its Eastern neighbours and is not leading to a new polarisation.

Taking into account the scale of the movement of persons to Poland from Belarus and the Ukraine (in 2004 for instance, Polish Consulates in the East issued over one million visas to Belarusian citizens, Russians and Ukrainians), the citizens of the Ukraine were granted the largest number of them (575,471). In the same period, German Consulates in the East issued only slightly over half a million visas to citizens of the three said countries, including 123,434 visas to Ukrainians, which is roughly equal to one fourth of the number of such visas issued by the Polish Consulates referred to above. The scale of the movement of persons into Poland from the neighbouring

countries implies that the consequences of introducing visa charges that are now applied within the Schengen area coupled with additional visa barriers would be really dramatic.

Apart from the negative consequences for thousands of travellers, this solution would put the European Union in a very bad light; this step would punish rather than reward the Ukraine for its democratic changes and Moldova for its European aspirations. Furthermore, it would deprive the inhabitants of the Russian enclave in the EU of their privilege of free visas to Poland and Lithuania. Finally, in spite of all the declarations to the contrary, it would exacerbate the isolation of the Belarusian nation.

Every effort should be made to prevent the accession of Poland, Slovakia, the Czech Republic, Hungary and the Baltic States to the Schengen Agreement from bringing about deterioration in conditions for Eastern Europeans wishing to travel to those countries. This may require taking up discussions on the Schengen *acquis*, as well as looking for solutions regarding national (long-term) visas.

Long-term visas (for visits longer than three months) do not fall under the harmonisation scheme and remain under the national competence of the individual Schengen States. Such visas are valid only within the territory of the issuing State (and for transit purposes, also in other Schengen States). A holder of this type of visa can easily enter an EU Member State, however, the risk of the resulting sanctions if an offence is revealed (prohibition to enter the EU for several years) should serve as a sufficient discouraging measure. The issuance of long-term visas may become an essential policy towards our Eastern neighbours. Yet, Western European countries may fear that national visas will increase the risk of migration from the Ukraine, therefore, this issue must become a topic of political dialogue between the new and old EU Member States. The good intentions of Poland and other new Member States should be confirmed by introducing effective controls to monitor national visas against the abuse of their intended purpose.

In order to enable citizens from the neighbouring countries to obtain long-term visas, the Polish visa policy should be combined with the migra-

tion policy and the facilitation of legal employment for foreigners in Poland. At present, large numbers of people coming to Poland on a tourist visa undertake illegal work (especially in such sectors as agriculture, household maids, the building industry). It is likely that once Poland accedes to the Schengen Agreement, the current liberal visa practices in respect of short-term visas will be restricted. Upon materialisation of this scenario, the first consequence will be the detrimental effects on many sectors of the economy if the current level of arrivals drops. Secondly, many people coming to stay on a temporary basis may decide to stay illegally in Poland in fear of problems with obtaining another visa. Opening legal ways of employment for foreigners and issuance of national visas as well as the implementation of the proposed changes in visa issuance procedures are all necessary steps to preventing membership in the Schengen area from causing aggravation to the situation of Eastern European citizens wishing to travel to Poland and other new EU Member States.

Annex I

Scope and Purpose of the Survey

The primary objective of this survey was to measure the degree of restrictiveness of the visa systems of selected EU Member States that are in force in four East European countries: Belarus, Moldova, Russia and the Ukraine. The visa systems of the following EU members were covered by this survey: in Belgium, in the Czech Republic, Finland, France, Germany, Lithuania, Poland and in the UK.

Face-to-face interviews were conducted based on a standardised questionnaire¹² with randomly sampled applicants for visas in host countries¹³. Not all 'system'-'host' combinations were covered by the survey; the reasons for that were as follows: (1) Some systems are not represented in every host country; (2) Inclusion of some 'system'-'host' combinations was not feasible due to small numbers of applications.

¹² The model form used for the survey is available at www.openborders.pl.

¹³ Some systems, for example, Poland, have more than one consulate in every Eastern European host country except Moldova. It has been assumed that the consular system of the EU Member State surveyed, operating in the capital city of the country concerned, is representative of the entire consular system of that State in that country.

Table 1 Combinations: EU Visa Systems – East European Countries Surveyed

		EU systems							
East European hosts		Belgium	Czech Rep.	Finland	France	Germany	Lithuania	Poland	UK
	BLRS		X		X	X	X	X	X
	MOL				X	X		X	X
	RUS	X	X	X	X	X	X	X	X
	UKR	X	X	X	X	X	X	X	X

As shown in the table, at least four systems were studied in each Eastern European capital city: that of France, Germany, the UK and Poland, but all systems were studied in the capitals of two Eastern European countries – namely Russia and the Ukraine.

Additional Survey

In addition to the survey of randomly selected applicants for visas, additional in-depth interviews were conducted with those who were refused a visa, as well as with consular officers.

Sample

The key objective of this survey was to measure the restrictiveness inherent in the visa system. The rate of refusals under a specific visa system, published by official EU sources¹⁴, provides a reasonable approximation of the restrictiveness of that system. The sample size was determined for each system separately, because the systems differ among themselves to a greater extent than the hosts do, that is, the refusal rates differed considerably from system to system but less so from host to host.

¹⁴ The website of the Council of the European Union features key statistics on visa policies of EU Member States: http://ue.eu.int/cms3_fo/showPage.asp?id=549&lang=EN&mode=g;search documents by key phrase, for example: exchange of statistical information.

The key proportion used to calculate the sample size for each system was that system's average refusal rate, computed on the basis of data for 2004 and 2005. Our budgetary limitations made it necessary to accept a fairly large margin of error of $\pm 6\%$. Assuming an additional 95% confidence interval, which translates into a standard score of 1.95, the sample size for each host was determined by inserting the average refusal rate to the following equation:

$$n = 1,96 \sqrt{\frac{PQ}{n'}}$$

where P is the refusal rate and Q = (100-P); n' is the initial sample size.

Accordingly, the initial sample sizes were as follows:

	BG	CZ.R.	FIN	FR	GER	LIT	PL	UK
BLRS		61		21	46	1	2	46
MOL				21	46		2	46
RUS	30	61	23	21	46	1	2	46
UKR	30	61	23	21	46	1	2	46

This initial sample was adjusted assuming 85% survey response rate, and corrected further to ensure that at least 100 interviews for each system were conducted. Thus the final sample reflecting the number of required interview attempts for each survey site (i.e. a Consulate representing a system-host combination) was as follows:

Number of interviews at the individual sites

	BG	CZ.R.	FIN	FR	GER	LIT	PL	UK
BLRS		70		35	53	46	35	53
MOL				35	53		35	53
RUS	69	70	69	35	53	46	35	53
UKR	69	70	69	35	53	46	35	53

Timing of the Project

The interviews were conducted in October because the volume of applications during that month approximates the monthly average volume throughout the entire year. In one case, in the UK Consulate in Kyiv, the interviewing continued until early December.

Implementation

Since the involvement of the Consulate staff could hinder the achievement of the survey objectives, the sampling frame could not be defined. To ensure the random selection of survey respondents, points in time were drawn. Each interviewer received a precise break-down of points in time when the interview attempt should have been made. At a designated point in time, the interviewer was supposed to approach the first person that appeared at the Consulate's exit.

The point-in-time schedules were determined as follows: (1) The overall number of interview attempts for a specific site was divided by six to reflect the number of survey days earmarked for an individual Consulate; (2) The period of time when visas are issued in a specific Consulate – usually two to three hours – was divided by the daily number of interview attempts, which allowed the determination of the maximum interval between interview attempts; (3) The minimum interval was fixed at five minutes to provide the field workers at least five minutes between interview attempts; (4) The actual time interval between interviews was determined by drawing a random number between five and the maximum determined in step two; (5) Next, a number was drawn at random between one and the actual interval to arrive at the time of the first interview attempt; (6) Each subsequent interview attempt time was calculated by adding the actual interval as many times as was necessary to match the daily number of interview attempts.

Site Visits

Information on the topography and traffic patterns at the individual Consulates was gathered beforehand during site visits conducted by local partner organisations. During these visits, locations of exits, deployment of security personnel, number of service stands and other key details of the visa application process were determined.

Interviewer Training; Testing the Questionnaire

Two formal training sessions were held: (1) A two day meeting in Warsaw, focusing on the methodology of surveys and interviewing techniques; (2) One day training sessions were conducted in each EU capital city just before the beginning of the field work; their aim was to practice interviewing skills useful during the field work.

The training involved analysis and field tests of each language version of the questionnaires (the Russian, Ukrainian and Romanian versions).

Quality Control

Spot checks were conducted at each site: local coordinators travelled to other capital cities to observe unobtrusively the work of their colleagues. In addition, a Collegium Civitas student travelled to one of the capitals to perform a covert observation of the field workers in action. These quality control measures had been announced in advance – but the timing of the visits was not.

Response Rate

Over twelve hundred interviews were conducted. The average response rate for this project was 85%. The lowest response rate was recorded in Moldova (74%) and the highest in the Ukraine (92%).

Annex II

Site Visits at the Consulates

In order to collect the information presented in this Report, our partner representatives assumed the role of applicants making endeavours to obtain visas in order to visit EU Member States. Descriptions provided herein are not a result of a representative survey but rather a subjective evaluation of the situation in Consulates reported by the survey facilitators. In addition, not always were we in a position to gather exhaustive data on the operation of the Consulates therefore these descriptions are not fully comparable.

BELARUS

Site visits in Belarus were conducted at the Consulates of Russia, the United Kingdom, France, Germany, Lithuania and Poland; all of them took place in July 2005³⁵.

³⁵ Only Poland and Germany had a separate Consulate in Belarus. For other countries, the Consulate and the Embassy shared the same building, yet, separate entrances/exits were provided for those applying for a visa. The UK Consulate was the only one to close its doors on Fridays; the remainder being opened from Monday to Friday. All Consulates were opened and closed according to their timetable. The procedure for the collection of visas would take place within fixed periods for all the Consulates. Official breaks in the office hours were noted at the Consulates of Russia, Germany, Poland and France – their duration was between one to three hours. A substantial variance in the number of available service stands was observed – from one stand in the UK Consulate to ten in the German.

1. Waiting outside the Consulate

No Consulate in Belarus offered suitable conditions to those waiting outside (no places to sit, no shelter against bad weather). In the case of the British Consulate, the fact of those waiting to obtain the British visa having had to queue up together with people interested in getting into the Italian Consulate aroused some confusion.

The number of people waiting in front of the individual Consulates varied considerably – from approximately 120 in front of the Polish and Lithuanian Consulates – to up to 350–400 persons outside the French one.

2. Travel Agencies and Insurance Companies

The interviewers provided data on the Consulates of Germany, France and Lithuania. In all three cases assistance was offered in completing the visa applications: approximately EUR 5 – for completing the German application, EUR 12 – for avoiding the queue outside of the German Consulate, and USD 10 – for completing the Lithuanian application. In front of the French Consulate, an unofficial waiting list ‘manager’ offered a place at the top of the list for a fee of between EUR 30 to 100.

3. Information System

Only a half of the Consulates (Consulates of Lithuania, Poland and the United Kingdom) had separate stands exclusively for providing information to applicants. No Consulate, however, employed a person responsible for information. Information in the Belarusian language is available in the Consulates of Poland and Germany. The impolite behaviour of security personnel at the French Consulate drew particular attention, and the provision of visa application forms at the Lithuanian Consulate only after entering the building slowed down the entire process.

4. Visa Application Procedure

The waiting phase of the visa procedure in the French Consulate is specific. People wait outside the Consulate even all night long. It is also necessary to confirm your place every day ('securing your place in the queue') on the unofficial 'presence list'. A very long waiting time was also reported outside the Polish Consulate – in order to meet the required formal requirements, it was necessary to spend up to seven hours in front of the building. Particularly time consuming was also the phase for the submission of documents and awaiting the interview with the French consular officer.

UKRAINE

In the Ukraine, site visits were carried out at the Consulates of Poland, Austria, the Czech Republic, Germany, the United Kingdom, France, Italy and Finland; all of them took place in July and August 2005¹⁶.

1. Waiting outside the Consulate

The greatest number of people appeared in front of the Consulates of Germany (40), the United Kingdom, the Czech Republic and Poland (30 to 35). Those queuing up outside all the Consulates had no shelter secured against rain or sun, there were no places to sit, either. The lack of suitable conditions while waiting in the queue was particularly emphasised by the interviewer as he described the German Consulate – the applicants had to

¹⁶ Five out of eight Consulates were housed in a separate building (Italy, the UK, Germany, the Czech Republic, Poland). The remaining Consulates shared the building with the Embassy. The vast majority of the Consulates surveyed offered only one entrance/exit from the Consulate (the German Consulate had two entrances/exits). The Consulates surveyed were open from Monday to Friday, and usually during the same office hours (save for German and the UK Consulates). No objections were raised as to the timely opening or closing of the Consulates (slight discrepancies were noted in the case of France). The Consulates of Italy, the UK and the Czech Republic had an official break of an average of two hours. The procedure for the collection of visas took place within a fixed period for all the Consulates surveyed. The Polish Consulate provided nine service desks for those applying for a visa (although at the time of the site visit, only seven desks were open for service), while the German consulate provided as many as twelve.

bear 36° C heat, and taking a seat on nearby benches meant you would lose your place in the line. The situation in front of the Czech Consulate was described by the interviewer in the following way:

People are waiting outside the Czech Consulate. Some of them arrive at the place as early as at 6.00 am. No places to sit down, no shelter against rain or sun. The visa applications are often completed on the knee or in the nearby café. Close to the Consulate is an insurance agency offering paid assistance in completing applications, copying documents, providing answers to questions on the visa procedure. The applicants complain about the impolite behaviour of the security personnel and some Consulates. The guards let travel agency employees in without having to queue up, which irritates those standing outside.

2. Travel Agencies and Insurance Companies

In the Consulates of Poland, Austria, the Czech Republic and Germany, paid assistance in completing visa applications, document translation or reducing the waiting time was recorded (outside of the Polish Consulate, the interviewer was offered the entire procedure be reduced to three hours against a fee of EUR 30). People offering such services are predominantly representatives of travel agencies and insurance companies, taking advantage of the ignorance of those in the queue.

3. Information system

Exclusive stands providing information services were missing at the British, Polish and Finish Consulates. Information personnel was available only in the Consulates of the Czech Republic and Germany. Free information leaflets could be obtained in the Polish and German Consulates.

Special information boards were displayed at all the Consulates surveyed, usually outside the building. France, Germany, the UK and Italy encourage applicants to refer to the information available on the Consulates' web pages.

4. Visa Application Procedure

The duration of the visa application procedure in respect of German visas was precisely determined: it is two weeks for business travellers and group trips and five weeks for private trips. The German Consulate introduced a facility involving the possibility of early registration by phone (due to the substantial number of applicants in August, the appointments were scheduled for mid-September at the time) to set individual dates and times for the submission of documents and the applicant's arrival at the Consulate. At the Polish Consulate, some applicants (representatives of travel agencies and State officials) can have their case handled without queuing up.

MOLDOVA

In Moldova, site visits were conducted in the consular departments of Poland, Germany, the UK and France; all of them took place in July 2005¹⁷.

1. Waiting outside the Consulate

Those waiting in the queue were not provided with suitable conditions. Only applicants for Polish visas were offered shelter against the rain. Everywhere people arriving at a Consulate would organise the waiting time themselves. A system of handing out special tags with numbers was introduced by the French Consulate.

When speaking about the behaviour of Consulate employees and officials, the interviewer pointed out in particular the extraordinarily kind, friendly and professional demeanour of a Polish Consulate employee

¹⁷ Only the Polish Consulate was housed in a separate building. Other Consulates shared the building with the Embassy, but only the French Consulate had no separate entrance/exit. The Consulates surveyed were open Monday to Friday, with the exception of the Polish Consulate that closed on Wednesdays. The number of service desks was comparable (between one and three). In all the Consulates, the applicants had to queue (an average of 20 people). In order to expedite the waiting process, the German consulate introduced number tags – the applicants were serviced according to their individual numbers.

(a guard) as opposed to the rudeness of an employee from the French Consulate.

2. Travel Agencies and Insurance Companies

In the course of monitoring the Consulates, the interviewer was offered no unofficial help to shorten the waiting time, yet, such cases were discussed among those waiting in the queue. The official methods of reducing the waiting time included presentation of letters of reference issued by the Ministry of Foreign Affairs (for France, Germany and the United Kingdom), payment of a special surcharge (in the British Consulate) and using the services of travel agencies accredited by the Polish Consulate.

3. Information System

The Consulates surveyed have no exclusive information stands, yet, all of them employ personnel in charge of the information service. Information is mainly provided in Russian and Romanian. The Consulates ensured free information leaflets, however, only on general issues (such as visa types and travel conditions to the destination countries).

The interviewer took notice of the fact that during the business hours of the French Consulate, no phone information service was available. The Consulates referred to their web pages with all the essential information on hand.

4. Visa Application Procedure

The longest visa application procedure was recorded in the case of the French Consulate – the applicants waited up to two weeks for their visa applications to be considered. In the description of the Polish Consulate, the emphasis was put on professional and polite service, the meeting with the consular officer involved, the adequate equipment of the Consulate interior and the extraordinarily low rate of refusals.

RUSSIA

The site visits in Russia were conducted at the Consulates of the Czech Republic, Finland, France, Germany, Lithuania, Poland and the United Kingdom; all of them took place in July 2005¹⁸.

1. Waiting outside the Consulate

The number of people waiting outside the Consulate fluctuated – between seven (the UK, Finland) to 52 (Lithuania). Only the Finish Consulate ensures suitable waiting conditions for applicants – such as providing shelter against rain or sun, some seats are also available there. Other Consulates surveyed offer no such conveniences.

The German and French Consulates provide the possibility of early registration on the phone prior to arrival at the Consulate (the fee for this service is RUB 134 in the case of the French Consulate). In front of the Polish Consulate, the queue would form very early in the morning.

2. Travel Agencies and Insurance Companies

In the course of the site visits, no unofficial help was offered to the interviewer, however, in order to expedite the visa procedure and avoid the queue, it is necessary to employ the travel agency services.

¹⁸ Consulates housed in a separate building were noted in the case of France, Germany and the UK. The remaining Consulates shared the building with the Embassy. The applicants could enter the Consulate through one separate entrance however there were no separate exits. Only the French Consulate had two entrances and one separate exit. The Polish Consulate offered the opportunity to submit the application in a room in a separate building. The Finish Consulate was open Monday to Saturday, and the remaining ones, Monday to Friday. The Consulates surveyed started and finished their work in a timely manner; some slight departures from the timetable were noted only in the case of the Lithuanian Consulate. The visa collection procedure was also handled in a timely fashion. Official breaks in office hours typically lasted an average of two to three hours. The French Consulate provided those applying for a visa with four service desks, while the UK and German Consulates one, the Polish and Lithuanian Consulates two, and the Czech and Finish Consulates three each. The Consulates failed to ensure adequate space to those waiting inside.

3. Information System

No Consulate surveyed provided free information leaflets; visa application forms were the only materials available. Exclusive information stands operate in the Consulates of Finland, France and the UK that in addition employ information personnel. Notably, the Finish Consulate provided information in five languages: Russian, English, German, Finnish and Swedish.

The interviewer emphasised that in all the Consulates surveyed, personnel in charge of information had a good command of Russian, and the information boards were readily available and were the main source of news for the applicants.

4. Visa Application Procedure

The longest time spent in expectation of a positive or negative visa decision was reported in the case of the French Consulate (up to eight days), while a long-term British visa required a waiting time of up to four weeks.

Annex III

Refusal rate for visa applications submitted through commercial companies, travel agencies, public institutions and non-governmental organisations

Host	System	Sum of applications filed by organisations (including travel agencies) or by relatives	Sum of denials (reported by representatives of organisations and by relatives)	Denial rates for non-individual applicants
Belarus	Czech Republic	259	5	2%
	Germany	75	1	1%
	France	56	0	0%
	Poland	82	0	0%
	United Kingdom	31	7	23%
	Lithuania	263	0	0%
Moldova	Germany	12	1	8%
	France	14	0	0%
	Poland	11	1	9%
	United Kingdom	10	0	0%
Russia	Belgium	133	0	0%
	Czech Republic	225	3	1%
	Finland	175	1	1%
	Germany	46	5	11%
	France	70	10	14%
	Poland	57	0	0%
	United Kingdom	47	1	2%
	Lithuania	28	0	0%

Ukraine	Belgium	21	0	0%
	Czech Republic	15	0	0%
	Finland	76	0	0%
	Germany	16	0	0%
	France	3	0	0%
	Poland	7	0	0%
	United Kingdom	17	0	0%
	Lithuania	3	0	0%
	TOTAL	1752	35	2%

Project Partners

Stefan Batory Foundation, Warsaw

The aim of the Stefan Batory Foundation is to support the development of a democratic, open society both in Poland and in other countries of the region. The Foundation's priorities include the reinforcement of the role and a proactive approach to civil society, the propagation of civil liberties and the rule of law as well as the development of international collaboration and solidarity. The Foundation acts as a coordinator of the Friendly EU Border Programme.

www.batory.org.pl

www.openborders.pl

Collegium Civitas, Warsaw

A private university in Warsaw. It is an international school operating under the auspices of five social science institutes of the Polish Academy of Sciences. The Research Centre for Economic Sociology of Collegium Civitas supervised sociological studies conducted as part of the survey over the EU visa system applied towards Eastern European citizens.

www.collegium.edu.pl

The Helsinki Foundation for Human Rights, Warsaw

The Foundation promotes the harmonisation of Polish law with international standards. It provides education in the scope of human rights, the rule of law and constitutionalism and is a facilitator of legal counselling services addressed, among others, to foreigners staying in Poland. Within the framework of the examination of the visa system of the EU for citizens from Eastern European countries, the Foundation provided consultations and training in law for partners from Belarus, Moldova, Russia and the Ukraine.

www.hfhrpol.waw.pl

Institute for Public Policy, Chisinau

The Institute for Public Policy is an independent non-profit organisation supporting the development of democratic society, the rule of law and free-market economy. On account of its research and publications, the Institute provides an in-depth analysis of Moldavian public life to political, business and academic circles as well as to the media. The Institute conducts research on the new EU borders, and – since 2005 – has been collaborating with the Stefan Batory Foundation on the Friendly EU Border Programme.

www.ipp.md

Moscow Bureau for Human Rights, Moscow

The Office monitors on an ongoing basis all cases of human rights abuse in Russia focusing in particular on xenophobia, racial discrimination and anti-Semitism. It ensures publicity to any instances of human rights abuse, publishes an Annual Human Rights Report addressed to governmental institutions and the judiciary in Russia. The Office provides legal counselling services on the phone, organises press conferences, seminars and round table debates on the subject of tolerance.

www.antirasizm.ru

Centre for Peace, Conversion and Foreign Policy of Ukraine, Kyiv

The major objective of this organisation is participation in research projects on the current problems of security, the political and civil growth of the Ukraine and the process of its integration with the European and global community of nations. The research results – specifically concerning civil society, human and minority rights, migration, socio-economic living conditions, potential conflicts in the Ukraine, the ruling elite, civil control over military forces, the Ukraine’s international position and its integration with European structures – are being presented to the Ukrainian authorities and to political leaders in the Ukraine and abroad.

www.cpcfpu.org.ua

International Renaissance Foundation, Kyiv

IRF is an integral part of the International Soros network and the Ukraine’s largest charity. The International Renaissance Foundation provides financial and operational assistance to projects and programmes which foster the development of civil society, promote rule of law and an independent mass media. Funds are also allocated for diversification of information resources for the third sector, democratization of education and public health, advancement of social capital and academic publications, as well as ensuring the protection of the rights of national minorities and their integration into Ukrainian society. IRF is providing financial support to the Friendly EU Border Programme.

www.irf.kiev.ua