

Analysis of the visa policies of the Visegrad countries

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Executive summary

On December 21, 2007, the Czech Republic along with Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia entered the Schengen area. There is no doubt that this step actually concluded entry to the EU in 2004 and is of important significance for citizens of those countries, which since then can travel freely inside the Schengen area¹. Yet, accession to Schengen also significantly narrowed the up to then relatively autonomous visa policies of the countries concerned towards their Eastern Neighbours (in the case of the Czech Republic this is meant in a broader geographical scope).

However, the first year after the accession of the Czech Republic to Schengen did not show any significant deterioration in refusal rates or general decrease of issued visas with the exception of Belarus where an approximately 13% decrease has been recorded. In terms of the consulate network the current status quo seems to be satisfactory and according to requested Czech MFA officers no enlargement of the current network in countries of interest is planned.

¹ All EU members except for the United Kingdom, Ireland, Cyprus, Bulgaria and Romania plus EFTA countries (Iceland, Norway, Switzerland – joined December 12, 2008 – with the exception of Lichtenstein that is set to join on November 1, 2009).

Throughout the 90's the Czech Republic along with other V4 members exercised visa-free policy. This has changed after 2000 when the Czech Republic and Slovakia introduced visas for Belarus, Moldova, Ukraine and Russia. This created a split within the V4 between stricter visa regimes (the Czech. Rep. and Slovakia) and Hungary and Poland pursuing liberal policies especially towards Ukraine.

With all concerned states having Eastern EU Policy as one of the priority areas emphasis should be put on the abolition of visa regime in the foreseeable future as it is assumed by the newly established Eastern Partnership initiative.

From 4 countries of interest (Belarus, Moldova, Russia and Ukraine) the highest number of issued visas has been recorded in Russia at

the Embassy and the Czech Center in Moscow with the highest number of short-term visas whereas Ukraine is from the 4 countries the leading one in the case of issued long term (national) visas.

The Czech Republic's first year in Schengen: Statistical review analysis of 2007 and 2008

One year on after the Schengen enlargement from December 2007 is an opportunity to analyze initial impacts though it is clear that for precise analysis observation in forthcoming years will be needed. For the following tables data from the European Commission and date provided by Czech MFA were used.

Data concerns four Eastern neighbours of the EU: Russia, Moldova, Belarus and Ukraine

Table 1. Short term visa (type A, B, C²) issued in 2007 and in 2008

Country	2007	2008	Difference
Belarus	22 561	19 615	(-)13%
Moldova	2 631	3 402	(+)29%
Russia	273 837 ³	293 093	(+)7%
Ukraine	104 744	98 110	(-)6%

Source: Czech MFA

As we can see in the table there is no general immediate effect of the Schengen enlargement – visas issued for citizens of Belarus and Ukraine recorded a decrease while the number of visas issued in Russia and Moldova in-

creased. It is yet uncertain to what extent was the Schengen enlargement effect mitigated by existing visa facilitation agreements (VFAs) that provide space for decreased visa fees from EUR 60 to EUR 35 on the basis of a bilateral agreement between the EU and a third state⁴. Russia has VFA and the number of issued visas has increased, in the same manner the decrease could be explained in the case of Belarus since there is no VFA in force between the EU and Belarus. However, there are

² **Type A** (airport transit visa) – the airport transit visa only authorises the bearer to transit through the airport's international area; **Type B** (transit visa) – this visa is valid for transit through one or more Schengen countries on the way from one non-Schengen country to another non-Schengen country. The transit may last no longer than five days; **Type C** (short term stay visa) – This visa allows the bearer to enter the territory of the Schengen countries for a maximum stay of 90 days in a six-month period. The visa may be issued for one or more entries.

³ In the case of Russia there is a difference of approximately 9 000 issued visas between data published on the EC website (276 883) and data provided by the Czech MFA that are based on the consulates reports (282 927) – the former are used in the table.

⁴ Originally fee was EUR 35. However France in April 2006 succeeded with its proposal to increase fee to EUR 60. This decision was subsequently partially eased by introducing the possibility of VFAs between the EU and respective states that decreased visa fee to EUR 35 for defined groups of applicants (students, artists, journalists etc.).

VFAs in force in the case of both Moldova and Ukraine (since January 1, 2008 in both cases) but both countries recorded different results.

The following table refers to long-term visas issued in the four countries concerned (MFA data).

Table 2. Long-term visa (type D⁵) issued in 2007 and in 2008

Country	2007	2008 ⁶
Belarus	615	566
Moldova	2 041	2 440
Russia	5 421	4 361
Ukraine	26 860	12 789

Source: Czech MFA

Long-term visas are generally less represented in statistics regarding issued visas. However in the case of the Czech Republic and the 4 target countries there are two apparent exceptions: Moldova and Ukraine. The reason behind this is legal labour migration to the Czech Republic from Ukraine and Moldova (according to the Czech Ministry of Labour and Social Affairs there were 73 937 Ukrainian, 8 178 Moldovan and 2 057 Russian holders of work permits as of December 2008). Long-term visas are not entirely connected with enlargement of the Schengen area. Long-term visas have limited territorial validity and their holders are only entitled to transfer through other Schengen countries other than the country that issued the visa. Recently the Czech government announced its intention to limit the

number of issued long-term visas. It is expected that 12 000 foreigners will lose their work as a consequence of the economic crisis and long term visa's will expire for 68 000 more in the second half of the year. One of the basic labour market regulations requires that employers can offer jobs to foreign worker under the condition that the particular position is open for 30 days. On January 1, 2009 new regulation on "green cards" came into force. Green cards combine a visa with a work permit and scale down the complicity of the whole process of obtaining a visa and work permit. However eligibility is limited to a relatively small number of states (12 in total) from which 3 are members of the G-8 (Canada, USA and Japan) and Ukraine is the only one from Eastern Europe.

Table 3. Prices of long term visa (in CZK*)

	D type	D+C type
Belarus	2.000	2.000
Moldova	2.500	2.800
Russia	4.000	4.000
Ukraine	2.500	2.800

Source: Czech MFA

*Exchange rate (as of June 30, 2009): 1 EUR = 25,89 CZK

⁵ **Type D** – This is a national visa for a stay exceeding 90 days.

⁶ Figures from 2008 do not represent a final number because the entire process can last up to 120 days and therefore some applications were still pending at the end of December, total number of applications in Ukraine (e.g.) was 22 165 (MFA data).

Visa D+C is a combination of the national visa (D type) and the Schengen visa (C type). The holder of D+C visa is eligible to travel freely inside the Schengen area for the first 90 days of validity of the national visa. A report of the Czech Interior Ministry states that due to the very low number of issued D+C type at the expense of D type and lack of knowledge of D type holders caused a high level of illegal movement on territories of other Schengen states (every holder of D type that is eligible for a Schengen visa should be granted D+C

combination. However, in reality a significant majority of long-term visas were D type). The report indicates need for improvement on the part of consular staff in this regard.

In regard to the impact of the Schengen enlargement there is another important figure apart from the total number of issued visas and that is the refusal rate. The following table therefore shows the number of visa applications visa (A, B, C), number of refused and refusal rates (EC and MFA data).

Table 4. Refusal rates for 2007 and 2008 (type A, B, C)

Country	2007			2008 ⁷		
	Total A, B, C visas applied for	A, B, C visas not issued	Refusal rate (%)	Total A, B, C visas applied for	A, B, C visas not issued	Refusal rate (%)
Belarus	22 945	384	1.7	20 148	311	1.5
Moldova	2 955	324	11	3 979	848/577 ⁸	21.31/14.5
Russia	276 883	3 046	1.1	301 931	1 968	0.6
Ukraine	111 125	6 381	5.7	106 083	4 654	4.3

Source: Czech MFA and the European Commission

According to data there was no significant increase in refusal rate after the entry to Schengen. On the contrary refusal rates are lower. The only exception is Moldova. However due to discrepancy between data provided in the case of Moldova it is difficult to analyze this increase. In the case of Russia it could be the impact of VFA that is in force since June 1, 2007 so applicants are already familiar with the procedure. The outcome of data analysis is in the case of the Czech Republic clear: the expectations that accession to Schengen accompanied by fixed fee for visa (EUR 35/EUR 60) and stricter procedures may lead to (1) a decrease of number of issued visas, (2) an increase of refusal rate were not confirmed. Yet, it is too early to make a final judgment regarding the impacts of Schengen enlargement. We may expect a decrease in the total numbers of issued visas for different reasons other than stricter visa policies such as economic crisis (e.g. the intention of the Czech

government to limit the number of issued type D visas). However, a relatively low direct impact of Schengen enlargement should be attributed to stricter Czech visa policy in the years prior to accession to Schengen.

Czech consulates network in Belarus, Moldova, Russia and Ukraine

As of April 2009 the Czech Republic has an embassy with consular offices in each capital: Minsk, Chisinau, Moscow and Kiev. Moreover, there are two more consulates in Ukraine (Lviv and Donetsk) and Russia (St. Petersburg and Yekaterinburg).

⁷ Difference between number of applications, refused applications and visas issued (see Table 1.) is constituted by nullified applications.

⁸ There is a discrepancy between the two sets of data provided by MFA – one states that number of issued visas is 3 402 (see Table 1.) the other states that the total number of applications is 3 979 and the number of refused is 848 which makes the number of issued visas 3 131. There was no better way than to include both.

Table 5. Network of Embassies and Consulate Generals

Country	Embassies	Consulate Generals	
Belarus	Minsk	–	–
Moldova	Chisinau	–	–
Russia	Moscow	St. Petersburg	Yekaterinburg
Ukraine	Kiev	Lviv	Donetsk

There was an embassy in every country since the establishment of diplomatic contacts with the exception of Moldova. The Czech embassy there was established quite late in 2006 but the consular office was opened even later in 2007. Up to then Moldovan applicants had to undertake a journey to the Czech consulate in Bucharest. The Network of General Consulates developed gradually, e.g. the GC in Lviv was opened in 2004 followed by a CG in

Donetsk. Requested MFA officers find the current network to be more or less satisfactory. More problematic is the lack of consular staff especially at the most exposed consulates (e.g. Consulate General in Lviv).

The following tables show statistics of visas issued in 2007 and 2008 divided according to individual consulates:

Table 6. Number of issued visas in 2007 and 2008 in Russia

Year	Moscow			Petersburg			Yekaterinburg		
	total	Issued (A,B,C)	Issued (D)	total	Issued (A,B,C)	Issued (D)	total	Issued (A,B,C)	Issued (D)
2007	206155	202912	3243	58297	57482	815	23896	22533	1363
2008	224541	222007	2534	48658	47726	932	24255	23360	895

Table 7. Number of issued visas in 2007 and 2008 in Ukraine

Year	Kiev			Lviv			Donetsk		
	total	Issued (A,B,C)	Issued (D)	total	Issued (A,B,C)	Issued (D)	total	Issued (A,B,C)	Issued (D)
2007	70894	65774	5120	57188	36638	20550	3521	2331	1190
2008	59866	57838	2028	22859	13928	8931	28174	26344	1830

Table 8. Number of issued visas in 2007 and 2008 in Moldova and Belarus

Year	Chisinau			Minsk		
	total	Issued (A,B,C)	Issued (D)	total	Issued (A,B,C)	Issued (D)
2007	4673	2632	2041	23176	22561	615
2008	5842	3402	2440	20181	19615	566

Source (table 7–9): Czech MFA, EC

The Czech Republic and consular practice before accession to Schengen

During the 90's the Czech Republic along with other V4 countries exercised visa free regimes (general visa free agreements) with Belarus, Mol-

dova, Russia and Ukraine. However, with accordance of the Conception of Visa Policy approved by the Czech Government on August 25, 1998 visa regimes were subsequently introduced for Russia, Belarus on May 29, 2000, for Ukraine on June 28, 2000 and for Moldova on October 22,

2000. This step (in clear contrast to the approach of Poland) had the following reasons:

- 1) The Czech Republic had no strategy towards Eastern Europe at that time and therefore visa regime was seen mainly as a security tool rather than a foreign policy instrument;
- 2) The Czech Republic's top priority was accession to the EU and Schengen area. Emphasis was therefore put on the conclusion of accession talks and general prioritization of West-oriented foreign policy at the expense of relations with Eastern Europe.
- 3) The Czech Republic does not have significant minorities in any of the concerned countries, on the contrary according to statistics around 90% of illegal workers in the Czech Republic were Ukrainians – this led to a tendency to regard visa regime as a security tool.
- 4) Non-existence of common border eased immediate impacts of visa introduction on traffic.

Procedures – the case of Ukraine

One of the most significant problems related to the process of obtaining a visa were (and still are) long queues in front of the consu-

lates. Queues became an opportunity for organized middlemen, Marek Čaněk, a Czech migration expert, in 2007 states in his article: *“Even if it [consulate] were feasible to collect the visa applications in a single day, it would not solve the problems caused by the self-appointed queue organisers, the activities of the middlemen and the situation in front of the Consulates. This problem does not pertain to the Czech or Polish Consulates in Lviv only. The European Union Embassies and the Ukrainian authorities do not want to deal with the problem in front of the Consulates and they toss it between themselves like a hot potato. From the point of view of the European Consulates, it is the territory of a foreign state over which they do not have sovereignty and for them it is therefore a “Ukrainian pavement”⁹.”* He also quotes experience of several applicants and here is just one example *“According to Nina and Ivan, two artists from Lviv who go to Prague every summer, the situation got worse this year, in comparison to last year: “Last year someone was trying to offer us a slot in the queue for 20 US dollars, this year it was 150. Of course, we refused.” They obtained their tourist visa in thirty days, which is the maximum according to the statute of limitations.”* It clearly says that those who were not willing to use self-appointed queue “managers” were disadvantaged.

Table 9. Czech visa applications of Ukrainian citizens

Year	Issued total	Refused total	Issued long-term	Refused long-term	Issued short-term	Refused short-term
2000	36,248	333	3,775	288	32,473	45
2001	77,643	2,330	10,712	673	66,931	1,657
2002	82,224	4,268	10,514	2,742	71,710	1,526
2003	85,543	7,800	13,362	6,322	72,181	1,478
2004	79,518	9,707	16,309	4,752	63,209	4,955
2005	105,063	9,308	18,143	3,669	86,920	5,639
2006	136,848	7,516	25,292	2,242	111,556	5,274

Source: Marek Čaněk: Enlargement of the Schengen area and possible consequences for the visa regime towards Ukrainian citizens. A comparative analysis of the Czech and Polish cases. <http://www.migrationonline.cz/e-library/?x=2054732>.

⁹ Marek Čaněk: Enlargement of the Schengen area and possible consequences for the visa regime towards Ukrainian citizens. A comparative analysis of the Czech and Polish cases. <http://www.migrationonline.cz/e-library/?x=2054732>.

The table above shows the development in numbers of visas issued in Ukraine between 2000 (when visa obligation was introduced) and 2006. There is a significant increase in the years 2005 and 2006 when the fee for touristic visas were abolished (in 2005 only between May and August). There were two reasons behind this increase: (1) the Czech economy was booming and therefore the labour market (particularly the construction industry) demanded a higher inflow of foreign labour (there is an almost 40% increase in issued long term visas between 2005 and 2006 and 55% between 2004 and 2006, (2) there is also a 30% increase in short term visas between 2005 and 2006 and 76% when we compare 2004 and 2006 as a direct consequence of visa liberalization.

Given the overload of the Czech consulates especially in Ukraine and as an attempt to get rid of “queue managers” outsourcing of visa procedures has been introduced in Lviv in June 2008. From that moment the applicant is obliged to book a meeting at the consulate via a private company running the Czech contact center (“call center”) in Lviv. Outsourcing might be a solution for particular problems the Czech consulate in Lviv has been facing. However, the fee for registration (CZK 300 that equals to EUR 11–12) further increases applicants costs.

2009: Winds of Change?

During the Czech presidency two regulations that are seeking improvements towards making them more “friendly” entered into force. On the European level the new Visa Code has been adopted at the end of June and particular improvements can be seen in at least four areas:

- ◇ Visa Code introduces the right for explanation in case of refusal and right of appeal;
- ◇ broadens list of applicants eligible for discounted visa (EUR 35);

- ◇ multiple entry visa should be granted to those with clear visa record;
- ◇ cooperation between Member States in countries where not all member states have a consular representation.

Whereas the Visa Code concerns mainly short term visas, on the national level, the Czech Republic introduced electronic registration for long term visas (system VISAPPOINT, http://www.mzv.cz/jnp/en/information_for.aliens/visapoint/index.html) at the end of May 2009. The process started in Hanoi (a three months trial period since February 2009), Vietnam and the system will be subsequently introduced at 21 consulates (first on schedule is China, Uzbekistan, Thailand, Mongolia and Kazakhstan). Ukraine is scheduled in the second group of countries together with Belarus, Russia in the third and Moldova in the fourth.

1st stage (since June 1, 2009)

China (Peking, Shanghai)
Mongolia (Ulanbatar)
Thailand (Bangkok)
Kazakhstan (Astana)
Uzbekistan (Tashkent)

2nd stage

Ukraine (Kiev, Lviv, Donetsk)
Georgia (Tbilisi)
Belarus (Minsk)

3rd stage

Russia – (Moscow, Sankt Peterburg, Yekaterinburg)
Macedonia (Skopje)
Bosnia and Hercegovina (Sarajevo)

4th stage

Moldova (Chisinau)
Serbia (Belgrade)
Albania (Tirana)Turecko (Ankara, Istanbul)

Source: Czech MFA

Visa Facilitation Agreements

Visa Facilitation Agreements between the EU and Russia entered into force on June 1, 2007 the EU and Moldova and Ukraine entered into force on January 1, 2008. The agreement decreases the administrative fee for Schengen visa to EUR 35, shortens visa procedure's time limit, defines exemption from visa fees and facilitates visa procedure for specific categories of applicants. This concerns short-term visas. Long-term visas remain unchanged, e.g. under regulation of national authorities.

General recommendations

The level of importance of relations between the Czech Republic and Belarus, Moldova, Russia and Ukraine are different from those of Poland or Hungary transformed by the lack of "eastern policy" of the Czech Republic. This created burdens regarding the joint cooperation of V4 countries in visa policies towards Eastern neighbours. The Czech Republic together with Slovakia on the one hand emphasized a more security related approach that led to stricter visa policy, Poland and Hungary on the other hand regarded visa policies as a foreign policy tool and therefore their more liberal approach served as leverage in relations with concerned countries.

However, since accession to the EU in 2004 the Czech Republic once again revived its Eastern

policy that gradually became one of the most important priority areas of Czech foreign policy. Since then the Czech Republic has become more supportive of visa regime liberalization though priority was given to the accession to the Schengen system. Even though Schengen enlargement poses new burdens between V4 countries and Eastern Neighbours (e.g. in some cases even the fee for visa under facilitation agreement means an increase from zero to EUR 35 and in the case of Belarus it is EUR 60 due to the non-existence of a facilitation agreement) it also puts V4 countries at the same level and therefore provides them with common ground that would facilitate a joint stance on visa liberalization with Eastern European Neighbours of the EU.

- 1, V4 countries should harmonize their approaches on regional and EU level regarding visa liberalization;
- 2, V4 countries should use existing EU framework for relations with Eastern Neighbours (Strengthened ENP, Eastern Partnership to promote visa liberalization with Ukraine and Moldova in the foreseeable future;
- 3, Joint approach on the EU level should transform into a visa liberalization "road map" for Eastern neighbours;
- 4, In the short term V4 countries should jointly pursue the EU to introduce visa facilitation regime between Belarus and the EU even without an agreement with the Lukashenka regime.