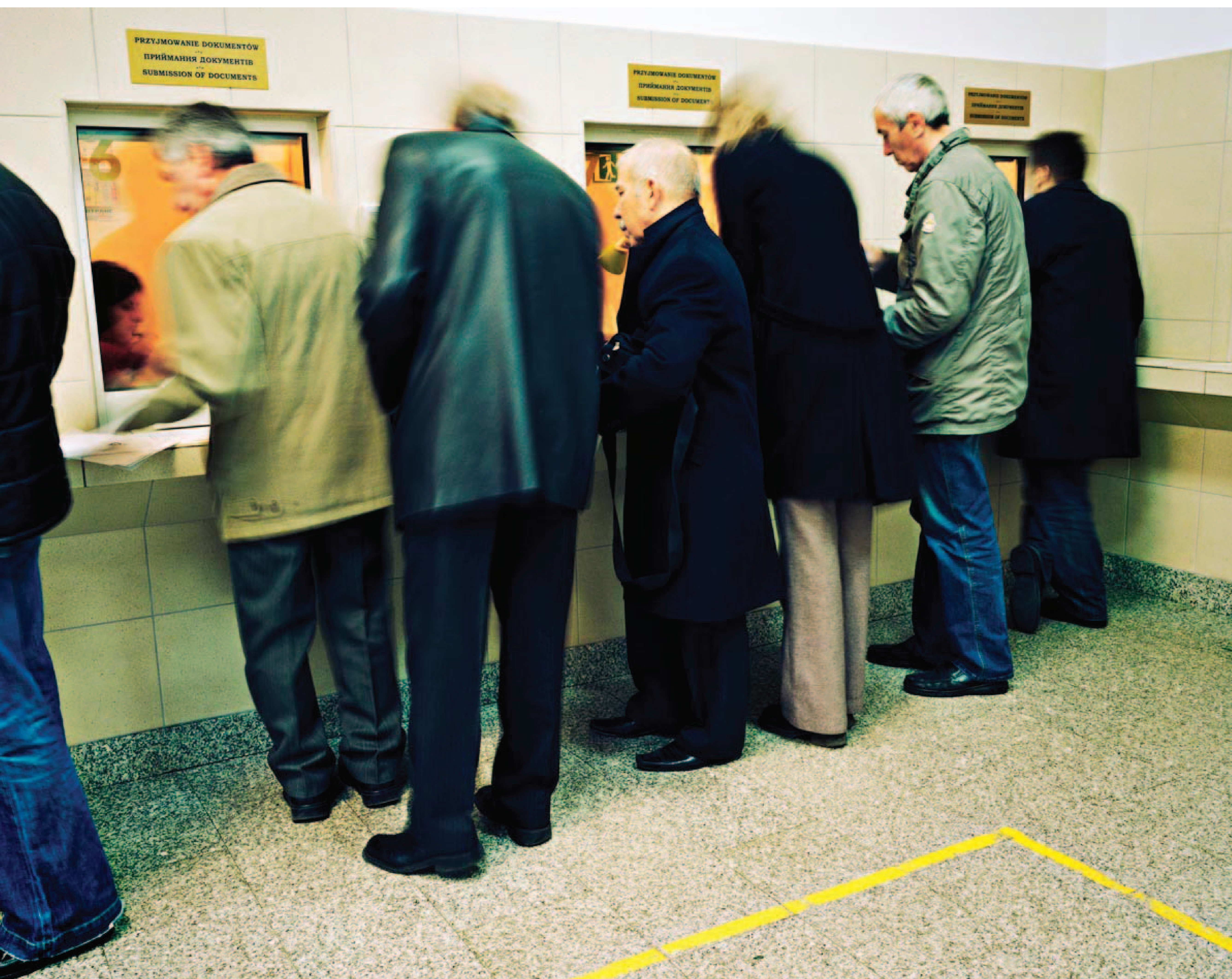


EASTERN NEIGHBOURS AND VISAS

FRIENDLY NEIGHBOURHOOD RELATIONS?



This exhibition was prepared within THE FRIENDLY EU BORDER PROJECT run by THE STEFAN BATORY FOUNDATION since 2002. The aim of this project is to streamline EU visa regimes as well as to improve the quality of services at external EU border crossing points. Further, we are trying to raise public awareness of the need to implement the policy of easy access and affordable entry visas for EU's Eastern neighbours. In cooperation with different non-governmental organizations and research institutions we have been monitoring procedures of issuing visas to citizens of Eastern Europe by EU Member States. We have also looked at the way visitors entering the EU are treated at border crossing points.

The presented data originate from the research *Monitoring of the Visa Policies of the EU Member States* carried out by THE STEFAN BATORY FOUNDATION in cooperation with 4 institutions: from Belarus (*Center for Social Innovations*, Minsk), Moldova (*Institute for Public Policy*, Chisinau), Russia (*The Carnegie Moscow Center*) and Ukraine (*Center for Peace, Conversion and Foreign Policy of Ukraine*, Kyiv). The monitoring was performed in autumn 2008 in the consular posts of 9 EU Member States: the Czech Republic, Finland, France, Germany, Italy, Lithuania, Latvia, Poland and the UK in Kyiv, Chisinau, Minsk and Moscow. More information on the research and its results can be obtained from our website www.batory.org.pl

We want to show that the procedure of issuing visas is not only a technical process, but also a personal experience of individuals with their lives, plans and interests, forced to spend significant amounts of their time, energy and financial means to receive documents making it possible for them to enter an EU country.

At the level of political declarations, much is being said about special relationships between the European Union and its Eastern neighbours. In practice, however, the first contact of a citizen of an EU's Eastern neighbour with an EU representative at the consulate is in utmost contrast to these declarations. Procedures needed to obtain a visa are anything but friendly. Moreover, it should be remembered that the enlargement of the Schengen area in 2007, allowing the citizens of new EU Member States to enjoy free movement, meant increased restrictions against other groups – citizens from Eastern Europe. Inevitably, this has led to the impression of growing isolation and of creation of new barriers in Europe.

Contrast is also present in the photographs shown at this exhibition. Dehumanized, austere interiors of consulates are shown in opposition to warm and cosy homes. Consulates, full of applicants, are empty spaces after office hours. The bureaucratic machine contrasts with young, smiling people. The rest is left for you to interpret.

Photos were taken at the end of 2008 and in the beginning of 2009 in the consular posts of some EU Member States in Kyiv, Lviv and Chisinau and in their surroundings, as well as in homes of persons from Ukraine and Moldova applying for visas.

The pictures were taken by photographer JAN BRYKCZYŃSKI.

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QUEUES ARE A CONSTANT ELEMENT OF THE VISA APPLICATION PROCEDURE

More than a half of visa applicants in Belarus, Moldova, Russia and Ukraine are forced to wait in queues. According to respondents, the shortest waiting times are in the posts of the UK – usually a few minutes, while the longest – over 4.5 hours on average – in Finland’s consulates. These, however, are only the waiting times for submitting documents or collecting a visa, and not the whole time span of the visa procedure. The time between the first visit in the consulate and visa collection varies between two and three weeks, depending on the country. It also needs to be remembered that the first visit at the consulate has usually to be arranged earlier, which can significantly prolong the procedure.



Dr Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, London 2005

Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy, Brussels, December 2006





Fragments from reports based on monitoring research carried out in selected consulate posts

UKRAINE, Kyiv:

In most cases, people have to wait outside the consulates. The greatest number of applicants gathers in front of the consulates of Poland (30–35) and Germany (20–25). (...)

Outside all the consulates, no shelter is provided to protect those waiting outside from rain or sun; there are no places to sit, either. The only consulate to have a shelter is the consulate of Germany providing a yard for the applicants to use, divided into separate lines, according to the window number appointed to each applicant. The capacity of the yard is up to 40-50 persons. However, some people usually have to wait outside the yard, out of shelter. (...)

MOLDOVA, Chisinau:

Except for the Common Visa Application Centre where people wait inside the building, most of the waiting time at the consulates is spent in the open. All consulates except for the Czech one have shelters from sun and rain, but a bench was installed only in front of the German consulate. At other consulates, people have to stand through all of their waiting time.

A particular case was noticed at the Czech consulate. The access road to the consulate and the area in front of the building is not paved; when it rains, the conditions of access to the consulate and waiting in front of it are worsened because of the mud. (...)

The number of people waiting outside the consulates fluctuates, from 1–5 at the Lithuanian consulate, through 15–25 at the consulates of Germany, Poland and France, and up to 40–50 at the Czech consulate.

RUSSIA, Moscow:

In the majority of consulates people have to wait outside the consulate for some time. As a rule, there are no seats or shelters outside the consulates (one bench is provided near the entrance to the Latvian consulate and the Czech consulate has a small shelter); and there is no possibility to fill in the application documents while standing in the queue. Queues are of various lengths (more than 50 persons at the German and Latvian consulates, 20–40 at the Lithuanian, Finnish, Czech, Polish and Italian consulates and a very small number of people at the French consulate and French, Italian and British visa centres). (...)

BELARUS, Minsk:

Lines to the consulates of the new EU Member States, as well as to those of Germany and Italy are usually longer than to other consulates – between 10 and 30 people waiting (those are also the most popular destinations for Belarusians). The number of people waiting depends also significantly on the season of the year: in May and November queues are much longer.

At the Czech consulate, a line was waiting at practically every day of the research team visits. There were days when visa applicants started a line in the evening of the day before in order to get to the consulate the next day. (...)

Typically, people wait outside consulate buildings; near the Polish consulate there are three benches; the Lithuanian consulate has a special small shelter with a roof, protecting against rain. Other consulates have no special shelters or places to sit outside while waiting in line. (...)



NEONILA, 51

Lives in the town of Pryluky in Ukraine, teaching Polish.

She spends her free time reading books and listening to good music. Now, she is going to Poland to take part in a supplementary language course in Lublin.

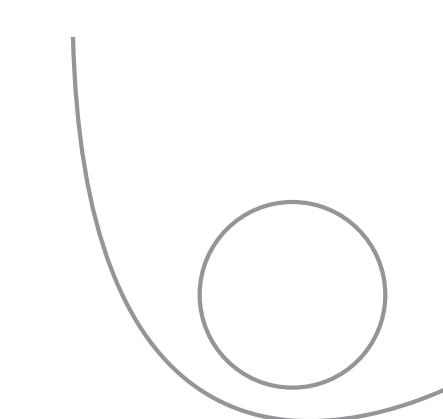
In her opinion, much should be changed in the process of visa issuing. Recently, she had to present the original invitation, which had never been required before. Additionally, apart from the application, passport and insurance documents she had to provide a confirmation letter from her workplace.

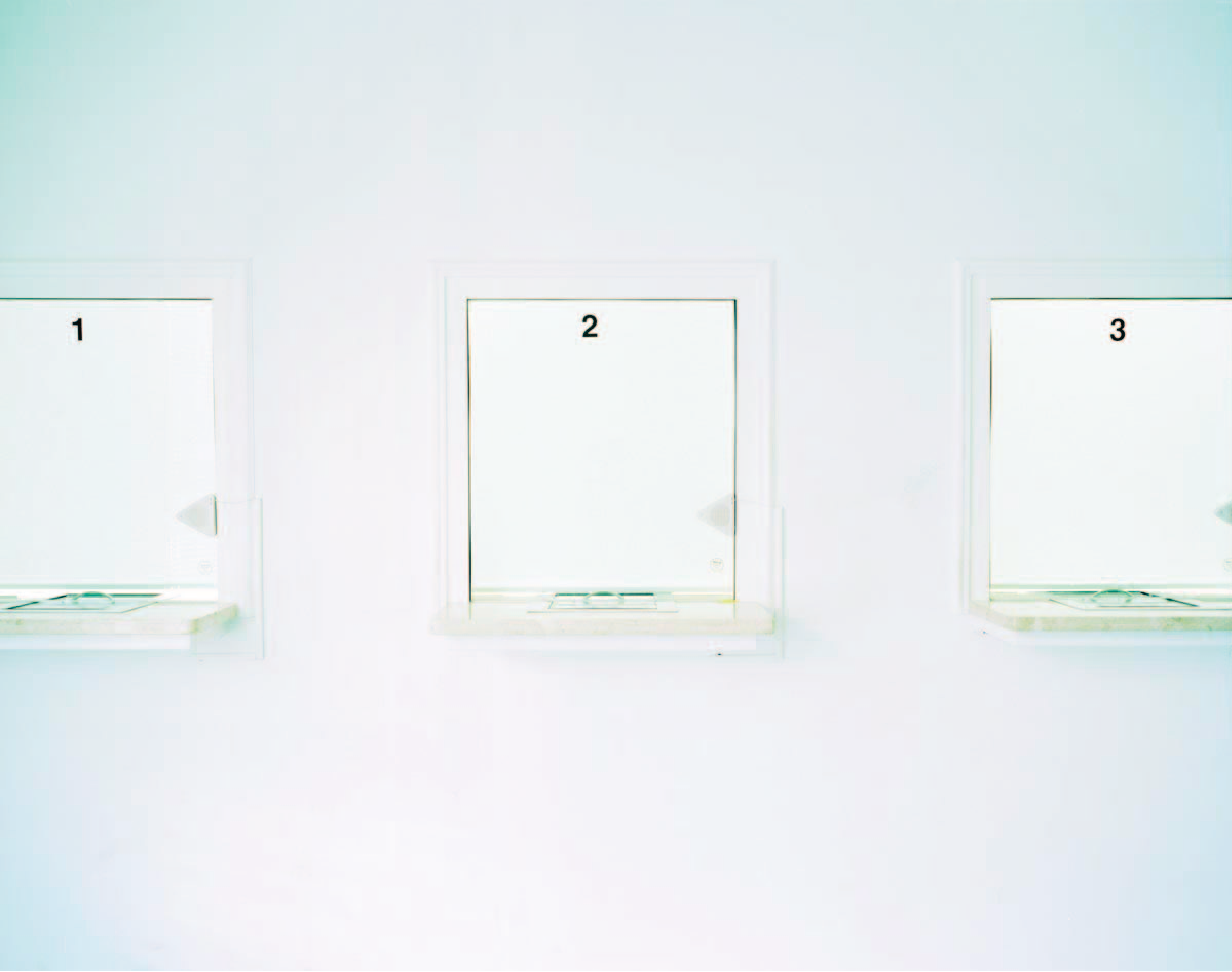
Following Poland's accession to the Schengen area and the introduction of new visa requirements, the number of visas issued by Polish consulates in Ukraine decreased in 2008 by 40%. Is this really the way to maintaining friendly neighbourhood?



WHO ARE OUR EASTERN NEIGHBOURS AND WHAT BRINGS THEM HERE?

Most visa applicants declare in the questionnaire that they are travelling to EU countries for business and occupational reasons (40%). Visiting family or friends goes second (24%) and tourism third (21%). A significant number of people participate in student or cultural exchange programmes, or go to study (8%). A large number of visa applicants are persons with college degree or higher – from 55% in Moldova through 60% in Belarus and 76% in Russia to 82% in Ukraine.

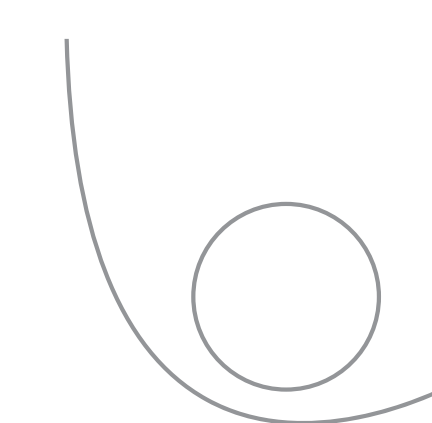




SCHENGEN ‘BLACK LIST’

Whether a person going to a Schengen country needs a visa or not depends on this country's presence or absence on the so-called SCHENGEN ‘BLACK LIST’.

Now the list contains over 120 countries, including countries neighbouring with the EU in the East, such as Belarus, Moldova, Russia and Ukraine.



EVERYONE WANTS TO BE TREATED WELL

Research made in consulates in Belarus, Moldova, Russia and Ukraine indicates that friendly service and appropriate treatment significantly influence the perception of visa application procedure by applicants – its difficulty and complexity.

Moreover, the staff's skills and their preparation to their job are a vital factor in assessing the complexity of the visa application procedure.



APPLYING FOR A VISA ENTAILS THE PROVISION OF VAST NUMBERS OF DOCUMENTS, WHICH ADDS FURTHER EFFORTS, AND OFTEN COSTS, TO THE WHOLE PROCEDURE

Our research showed that visa applicants had to provide – aside from standard documents like visa application, passport, photo and health insurance – such documents as invitation, all sorts of confirmations of the possession of sufficient financial means for the travel (income confirmations, travellers' cheques, bank statements), documents confirming permanent relationship with the country of origin (workplace or study confirmations, marriage acts), and documents confirming the destination of the travel (hotel reservations, study or work confirmations).



LONG AND UNCLEAR LIST OF REQUIRED DOCUMENTS

According to Community Code on Visas adopted in June 2009, consulate staff can request from persons applying for a Schengen visa – aside from a standard travel document, a photograph, an application form, and usually a proof of possession of medical insurance

– additional ‘supporting documents’. These can include: documents relating to the purpose of the journey (among others: invitations, study or work confirmations, entry tickets for fairs, congresses and other events, enrolments for scientific, cultural or sports programmes, documents confirming envisaged accommodation, confirmations of the booking of an organised trip), confirmations of the possession of sufficient financial means for the accommodation and stay in certain Member States as well as travel and return to the home country (for example: bank statements, traveller’s cheques, salary slips), and finally information enabling an assessment

of the applicant’s intention to leave the territory before the expiry of the visa applied for (among others: proof of financial means, real estate property or employment, bank statements, proof of integration into the country of residence, family ties or professional status, reservation of return or round ticket).

Even though the list of supporting documents exists, it is ‘non-exhaustive’ and in practice the Schengen states’ requirements differ from one consulate to another. This renders the system unclear and applicants have difficulties preparing their applications. As a consequence, an applicant may be forced to visit the post several times

in order to provide missing documents. Presenting all documents at the consulate requires additional visits, costs made and time lost.

Many documents seem unnecessary, and requesting them in the situation when the issuance of a visa is uncertain burdens the applicant with additional expenses, as the money cannot usually be claimed back. This for example is the case of confirmations of university enrolment. Issues related to proof of integration into the country of residence, family ties and professional status, in turn, are very vague notions and might be subject to discretionary interpretation by consulates.



WHAT OTHER DOCUMENTS WERE REQUESTED? SOME EXAMPLES: information on the accounts in bank, all documents concerning work and incomes, call for study, certificate of marriage, certificate of company registration, notarised translation of the invitation, characteristics sheet of the car, cooperation agreement between firms, contract with company, copy of the bank account, diploma in secondary education, documents from inviting university, documents from company, information on incomes, international transport waybill, letter from mother, reference from workplace, confirmation of salary (in English and Russian), old visas, hotel reservation, tickets, labour book, criminal record certificate, pensioner certificate, return tickets, son’s birth certificate, university diploma, birth certificate, motivation letter, work contract, document from the Red Cross organization, certificate to confirm the place of study, work-record book, document about property, translation of other documents, authorized documents of the company, certificate of employment, voucher



YEVGEN, 54

Married with five children, an entrepreneur from the town of Kalita in the Kyiv region.

He has already visited Germany and Poland. Now he is also going to Germany and Poland, on business.

He hasn't been summoned to an additional interview to the consulate, but he had to bring in an whole pile of documents.

He refuses (probably fearing consequences) to indicate the most difficult elements of the visa application process or whether anything should be changed.



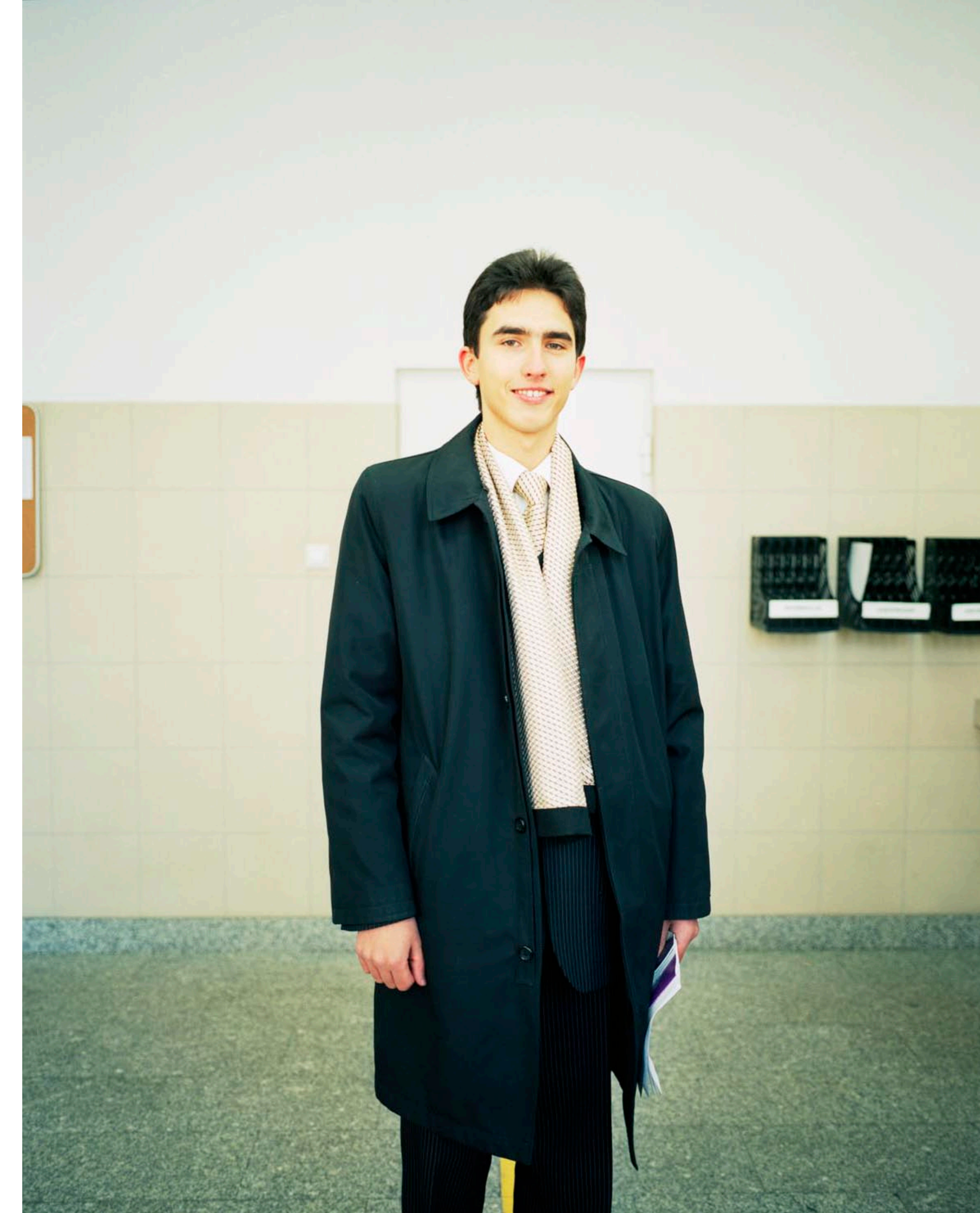
LILIYA, 21

Student living and studying in Kyiv. From among the EU countries she has already visited the Czech Republic and Poland, now she is going for a student exchange.



NINA, 48

Head of International Relations Department at European University in Kyiv. She is going to Warsaw to participate in a panel discussion at a conference. She has also been to Italy.



OLEXANDR, 18

Law student living in Kyiv. In his free time he sings in a church choir and plays basketball. In Olexandr's opinion visa issuance should be shorter.



DMYTRO, 19

Law student interested in photography. He has never been to the EU before, now he is heading for Warsaw. In his opinion, the worst part of the visa application procedure is that it takes so much time.



NATALYA, 18

Lives in Kyiv. In her free time she reads a lot. She is going to Poland to study. The worst part of the visa application process for her was to collect all the necessary documents. The number of required documents should be smaller.





PAVEL, 32

Physician working in a pharmaceutical company.

In the picture he is shown in the town of Balti (northern Moldova) where he lives.

He is married with one child; his hobby is playing computer games.

Out of EU countries he has only visited Hungary: his company sent him to Budapest, so it also helped with the travel formalities and paid the expenses.

In his opinion the most difficult element of the procedure is to gather and prepare all documents. Another problem is the vast amount of time needed to obtain a visa. Pavel believes it is much more difficult to obtain a visa when travelling in private, rather than on business. He himself would like to visit Italy: do some sightseeing and meet his family.



MAKSIM, 31

Journalist and civic activist living in Kyiv.

In his free time he reads a lot and listens to the music. He is also an amateur photographer and helps refugees.

He has already visited many EU countries: Poland, Hungary, the Czech Republic, France, Belgium and Sweden.

Soon he will be going to a conference in Stockholm.

Even though he had no difficulties in obtaining the visa, he criticises the whole procedure: the need to provide numerous documents, queuing and long waiting for the decision. He himself, depending on the consulate, was requested to file varying documents, such as invitation, employment certificate and salary confirmation. In Maksim's opinion, procedures should be shorter and consulate staff should be obliged to explain the reasons behind every individual refusal.

VADIM, 22

Vadim and Luminita, his girlfriend, in a student hostel in Chisinau.

Vadim is 21, studies and works at the same time. He is going to Romania as a tourist. He has visited two EU countries: Romania and Hungary. Receiving a visa for his trip to Romania was difficult. If he could change something in the procedure, it would be time – he believes visa issuance should take much less time.

KATERYNA, 32

Journalist and manager of cultural projects, dealing with art both professionally and in her free time.

She lives with her son in Kyiv.

She has applied for a visa because she's going to a conference in Brussels.

Kateryna complains about the large number of documents she had to prepare, time spent on the procedure and the unfriendly attitude towards Ukrainians.

In her opinion, the procedure should be adapted to the character of the travel: going for a couple of days to a conference should not require a whole day of waiting in line in the consulate with a box full of documents. And of course a nicer behaviour towards applicants would be welcome.



VACESLAV, 34

Waits for the visa decision. He'll soon find out he won't obtain a visa.

Vacslav lives in Gordinesti in northern Moldova. He is married and has one child. He used to go to France often, as he imported cars from there. Now he wanted to go to Slovenia. In order to apply for a visa he has to travel over 150 km to a consulate in Chisinau.



LESS THAN HALF OF THE APPLICANTS RECEIVED ANY EXPLANATION OF VISA REFUSAL, 11% SAID THEY SUSPECTED WHY THEIR APPLICATIONS WERE REJECTED, WHILE AS MANY AS 43% DECLARED THEY DIDN'T KNOW THE REASONS

Community Code on Visas introduced a standard form for justifying the refusal which has to be given to the applicant when refusing a visa. The form contains also information about the right of appeal against the refusal of a visa. EU Member States are obliged to use the form starting from April 2011; until that time decision as to whether and how the consulate should justify the reason for refusal is left at the discretion of the Member States. In practice some countries provide such information, and others don't.

Visa applicants unanimously agree that the provision of such information should be a standard. Moreover, it seems to be in line with administrative procedures of the majority of EU Member States. For the applicants, such information is valuable inasmuch as it allows them to prepare their next applications better, especially that those who managed to find out the reasons for refusal indicate that these were usually related to incomplete supporting documents. This means such mistakes can be easily avoided in the next application, on condition that the applicant is aware of them. Moreover, the fact that a consulate provides information on the reasons behind visa refusals shows that it is an institution with transparent procedures, free from arbitrary decisions.

INFORMATION SYSTEM

FRAGMENTS FROM REPORTS BASED ON MONITORING RESEARCH CARRIED OUT IN SELECTED CONSULATE POSTS

UKRAINE, Kyiv

Usually, an information board is provided outside the consular post concerning visa procedures, in Ukrainian and the language of the country, sometimes also English and Russian. Consulates don't have any information points or contact persons for information concerning visa procedures outside the consulate. In most cases, there is no (or only very basic) information as to how the applicant might complain about consular services. Websites of consular posts usually provide rather accurate details of office hours; application forms are available online in most cases (except for the Czech Republic), but online application procedure is not offered. Consulates don't offer sufficient information regarding opportunities introduced by the EU-Ukraine Visa Facilitation Agreement (except, in a few cases, the list of categories eligible for free of charge visas).

MOLDOVA, Chisinau

Information boards, with information mainly in Romanian and Russian, are installed outside each consular post and the Common Visa Application Centre. Additional information can also be obtained from the staff in charge, personally or by phone. However, in most of the consulates this can be done only during particular days and hours. Beside the Lithuanian consular post, all the posts and the Common Visa Application Centre have websites, with a wide range of information and visa application forms available for download. In all of the surveyed consular posts, visa application forms were the only available give-away material.

RUSSIA, Moscow

The information on the websites is usually provided in Russian, English and the native language of the consular post; some posts do not provide English translations (Latvian, Finnish, French, German and Czech posts). The websites of all posts, except for the Italian one, offer answers to various questions concerning visas (supporting documents for visa application; categories of persons who are eligible to enter the country without a

visa; visa fees; medical insurance; procedure of visa application; consular working hours and lists of holidays). German, Latvian, Polish and Czech consular posts provide the text of the Visa Facilitation Agreement; each post's website offers the possibility to download the application form; it is possible to apply online through the website of Consular Advance Registration Information System of the Lithuanian Embassy; in the case of UK Visa Centre, online registration and application is obligatory. (...) For those who have no Internet access, phone information and boards near consular posts are the main source of information. Boards are normally in Russian and consulate native language (only the French post and the UK Visa Centre have no such boards). The staff of a consular post is usually friendly and provides enough information during the conversation by phone; the German and the British posts provide only paid phone services.

BELARUS, Minsk

In all consular posts, information is presented on special boards near entrances (general visa requirements, examples of fulfilled application forms; and posts' working hours). In terms of the information system in Minsk, consular posts generally have the following gaps:

- 1) The list of documents needed to obtain a visa is imprecise and incomplete (in general, we observed that at least 2-3 additional documents were always requested later); as a result, applicants have to wait in queues several times;
- 2) No detailed criteria are provided concerning visa issuance; precise explanations of visa refusals are not given;
- 3) There are no regular information points where applicants could obtain preliminary explanations and information they need; therefore, volunteers – usually insurance agents – have started to carry out this function;
- 4) Channels which are supposed to provide visa information work very poorly; in particular, phone services are practically non-existent. (...)



VISA-FREE MOVEMENT – – WHEN?

Visa policy is one of the most important instruments influencing the relationships between the European Union and its Eastern neighbours. It wouldn't be an overstatement to claim that good relationships, well-developed bonds and people-to-people contacts are hardly possible in the presence of a visa regime. Moreover, with the new EU Member States' full accession to the Schengen area and tightening the procedures, the situation of citizens of Belarus, Moldova, Russia or Ukraine wishing to travel to their immediate neighbours has worsened significantly, which has been mirrored by a large decrease in the number of visas issued in these countries.

EU Member States have recently declared several times that visa-free movement between the EU and at least some of its neighbours is a long-term aim. However, declarations should be followed by actions: firstly, the creation of roadmaps to visa-free regime, containing clear criteria for the Eastern neighbour countries to fulfil. The EU should also abolish visa fees with respect to these countries.

about the photographer:

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