

Monitoring of Polish Visa Policy Report

Authors

Jakub Boratyński
Leszek Chajewski
Małgorzata Kulej
Patrycja Nowak
Urszula Rybak
Karolina Stawicka
Bartłomiej Tokarz
Paweł Wojtowicz

Collaborators

Jaryna Boreńko
Julia Gabidulina
Krzysztof Ignatowicz
Wołodymyr Jaworski
Leonid Kalitenja
Jędrzej Karpiński
Maksim Sawinow
Irina Sujetina
Iryna Suszko
Denis Torhow
Władysław Wialiczkin

Methodology of research and data analysis

The Economic Sociology Department, Collegium Civitas
Leszek Chajewski, Jędrzej Karpiński, Małgorzata Kulej,
Urszula Rybak, Paweł Wojtowicz



STEFAN **BATORY**
FOUNDATION

Monitoring of Polish Visa Policy

Report



Stefan Batory Foundation

ul. Sapieżyńska 10a

00-215 Warsaw

tel. |48 22| 536 02 00

fax |48 22| 536 02 20

batory@batory.org.pl

www.batory.org.pl

Translation

Jerzy Giebułtowski

Editor

Dorota Szczęsna

Art director of the Stefan Batory Foundation's publications

Marta Kusztra

Cover design by

Michał Poloński

Cover photo

Maciej Biernacki

Typesetting by

TYRSA Sp. z o.o.

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Introduction

The report, *Monitoring of Polish Visa Policy*, has been written within the framework of a joint project by Stefan Batory Foundation and the Helsinki Foundation for Human Rights, in collaboration with Collegium Civitas and non-governmental organizations from Belarus, Russia and Ukraine. The picture of Polish consular agencies is based on responses from visa applicants in an anonymous questionnaire and information compiled during conversations with consuls and consular staff.

The project *Monitoring of the Openness of the EU Eastern Border* forms a part of our efforts to establish a friendly eastern border, which ought to remain open and thus facilitate the development of neighborly cooperation and interpersonal contacts. This is of paramount importance in the light of the imposition of the visa duty, as of 1 October 2003, for all our eastern neighbors and Poland's accession to the European Union as of 1 May 2004.

We are grateful to all non-governmental organizations which have participated in the survey of applicants at Polish consular agencies in the East. We also wish to express our gratitude to all interviewers and volunteers, who, despite adverse winter weather, took part in this survey. We equally extend our thanks to the Consular and Poles Abroad Department of the

Ministry of Foreign Affairs and consuls for their help in carrying out this survey and making available statistical data at their disposal; to the Border Guard Headquarters for their materials; and, last but not least, to the experts for their advice and assistance in the preparation of this report.

*Stefan Batory Foundation
The Helsinki Foundation for Human Rights*

Monitoring of Polish Visa Policy

Jakub Boratyński

Without any doubt freedom to travel rates among the most momentous changes brought to people in Central and Eastern Europe by the end of the cold war. Mutual discoveries by tourists, businessmen, students, dealers or illegal workers of the once divided Europe made the process of coming closer of the two parts of the continent all the more concrete and tangible.

Jakub Boratyński
Stefan Batory
Foundation

Millions of inhabitants of Central and Eastern Europe were given what they had been repeatedly and steadfastly denied – passports that entitled them to freely decide about traveling abroad. But the right to travel is merely one side of the coin. The right to leave one's country, one of the basic human rights, does not mean the right to freely choose one's place of settlement or only of temporary entry.

One of the basic attributes of sovereignty of the contemporary state is the authority to decide who and on what conditions, of course apart from its own citizens, is entitled to stay on its territory. These issues are regulated at length by immigration law. Such regulations grew in importance once mass-scale immigration to Western Europe had begun and attempts were made to curb it. Migration regulations contain one crucial element: the entry regulations, as each foreigner's entry poses a potential risk of breaking immigration regulations: either unauthorized extension of stay or taking up illegal employment. Countries may use the visa obligation as an instrument of minimizing the risk connected with entry. Such a risk is reduced,

at least in theory, in two ways: first, the visa procedure makes it possible to determine the probability of violating migration laws by a given foreigner (for instance by verifying his/her wealth, motives to travel, family relationships, etc.) and, second, it means a two-stage control over the foreigner: while granting the visa, which is but a conditional promise of entry, and at the border, where the final decision is made by a border guard. Such is the character of visas in Europe and in most developed countries.

Apart from their fundamental functions, visas are sometimes, in fact, a kind of public levy imposed on visitors, which brings revenue to the state budget. Visas are also employed by authoritarian regimes of some countries to refuse entry to foreigners that constitute an actual or imagined threat to such powers.

Visas are treated as a fundamental instrument of migration policy, as they enable systematic control and regulation of entry by citizens of countries that violate immigration regulations. Their role and effectiveness, however, are overestimated. Although they make it possible to limit the number of entries from a given country (e.g. informal guidelines on the desired coefficient of refusals or the assumption of measurable criteria such as one's bank account balance or leaving a family member behind), they are not an effective barrier against organized crime or terrorism. One possible side-effect of an extremely restrictive visa policy is illegal immigration.

Undoubtedly, for travelers themselves the obligation to have a visa is a substantial obstacle. Primarily, this means that it is necessary to plan one's trip ahead, sometimes wait a few weeks for the visa, often make a long journey to a remote consulate, wait in lines, be subjected to interrogation, in which one has to reveal various details from one's personal life, and finally, pay a high fee – and all this does not guarantee obtaining a visa.

Let us go back to the 1990s...

Let us recall the bitter reaction of Polish citizens to the decision of western governments to uphold visas after the dramatic changes of 1989, even though the procedures themselves were not particularly inconvenient. Yet in the spring of 1991, despite pronounced fears of mass immigration from

Poland among western (German in particular) public opinion, most European politicians agreed that to uphold the obligation to obtain visas would be politically and morally wrong, and, as a result, most European governments abolished this obligation. It was understood that in time of such a historic change and given the role of Poland and 'Solidarity' in abolishing the division of Europe, Poles should not be sent a signal that they are not welcome in Western European countries.

At that time, the changes in the Soviet Union and a liberal interpretation of border traffic regulations led to the fall of a wall, which, albeit in a less literal way than that in Berlin, had divided the USSR and its European satellites. Although officially the friendship of the eastern bloc nations flourished, interpersonal contacts were strictly limited, mainly due to the political ferment Poland spawned throughout the eastern bloc. Despite this, visits, business deals, everyday contacts between Poles and our eastern neighbors, primarily in Poland, played a key part in overcoming historical prejudice and resulted in a situation, where the policy of reconciliation and cooperation with our eastern neighbors (Ukraine in the first place) has not been limited to narrow elites.

The outbreak of World War I marked the end of the 19th century Europe, in which a train passenger traveling from St. Petersburg to Lisbon did not have to show his passport. Currently, the European Union undertook a tremendous effort to overcome the heritage of two world wars and the resultant distrust and to institute the freedom to travel. But it was the issue of free travel, as one of the four freedoms upon which the Communities were founded, that was the hardest to accept by the member states.

The abolition of border control within the EU, the essence of the Schengen Treaty, dating back to 1985, was surrounded by numerous institutional solutions, which were aimed at guaranteeing the security of the member states. Joint visa policy became a key flanking measure. On the one hand, it facilitates travel for citizens of non-member states, who do not need to apply for visas of all Schengen-zone states, but only to one of them, and, on the other, it led to the application of a common, fairly restrictive, de-

nominator. According to the Schengen standards, the member states are obliged to employ a rather detailed procedure to determine an applicant's professional and family status as well as his/her travel motive and plan; they must also resolve any doubts against the applicant.

The prospect of Poland's accession to the EU meant that it was necessary to change the regulations for the citizens of eastern states traveling to our country. The need to introduce visas has, for a number of years, been one of the major issues in our relations with the eastern countries; on the one hand, our eastern neighbors feared hindrance to our mutual contacts and the emergence of a new 'iron' or 'paper' curtain; on the other, euro-skeptics kept telling the public that Poland and Europe, by introducing visas, will turn their back on our eastern neighbors.

Initially, Poland made attempts (particularly in its relations with Ukraine) to find an alternative to visas. Finally, however, the government unequivocally declared readiness to fully harmonize these regulations with the Schengen standards. Aware of the benefits: the prospect of abolition of border control between Poland and Germany and that of cooperation in the field of security with other EU states, we were also conscious of the dangers. That is why the preparations to introduce visas were accompanied by the will (enjoying wide popular support) to introduce solutions which would minimize inconveniences connected with applying for a visa and prevent the emergence of a barrier to our contacts with our eastern neighbors. This made it possible to negotiate with Ukraine an agreement that allows Polish citizens to travel without a visa in exchange for exempting Ukrainian citizens from all visa fees.

The translation of the political will into practice was an enormous task, given the multi-million scale of entries from the East. The Stefan Batory Foundation, for a number of years involved in building friendly contacts with our eastern neighbors, was, as many other Polish NGOs, profoundly interested in the success of this operation. That is why we have decided to carry out independent monitoring, which would make it possible to evaluate in detail the effectiveness of the new visa system as regards its

'friendly character' for our eastern neighbors and lay a foundation for possible recommendations aimed at correcting it. While evaluating such a system not only is it important to examine such easily measured indicators as the number of visa applications turned down or the average waiting period, but also how this system is seen by ordinary people who file visa applications. It is the visa policy and the way people crossing the border are treated that will be the most tangible expression of Poland's policy toward its eastern neighbors.

Apart from the current experiences concerning Polish visa policy one should also ask crucial questions about the future. Will we be able to continue the current fairly liberal visa system once Poland joins the Schengen zone? Will we be able to persuade our partners to engage in the European neighborly relations if the lofty declarations of the need for cooperation and partnership are accompanied by an extremely restrictive migration and visa policy? The friendly border model, where applying for a visa or crossing a border is not beset with obstacles and the feeling of being a second-rate European, will be conducive to the development of interpersonal contacts between the EU and its eastern neighbors. Such a model will also become one of the most important positive arguments in the hands of those forces in the Belarusian, Russian and Ukrainian societies that opt for a pro-European orientation of their countries.

Legal framework of the visa system

Bartłomiej Tokarz

According to the principles of international law, the decision on foreigners' entry and stay on a state's territory is one of the attributes of national sovereignty. The traditional freedom of states in this field, however, is restricted by norms of international¹ and domestic law. Polish law, as that of other countries, obliges a foreigner to have upon entry a valid travel document and a visa.

Citizens of most countries are therefore required to have a visa. Citizens of the European Union and their family members, as well as citizens of countries that have signed agreements with Poland on non-visa travel regime are exempt from this duty. Such agreements had also been concluded with Belarus, the Russian Federation and Ukraine. Before the accession to the EU, however, Poland was obliged to introduce visas for citizens of those countries, and accordingly, terminated the existing visa-free traffic agreements. Since 1 October 2003 citizens of Belarus, the Russian Federation and Ukraine are obliged to have a visa upon entry into the Republic of Poland. Based on intergovernmental agreements signed between Poland and Bela-

Bartłomiej Tokarz
The Helsinki
Foundation for
Human Rights
Program of Free
Legal Assistance to
Refugees and Aliens

¹ Pursuant to the *Geneva Convention relating to the Status of Refugees*, Poland is obliged to allow onto its territory any person that files a refugee application on the border, irregardless of the fact whether he/she has an entry permit.

rus, the Russian Federation and Ukraine, more favorable visa requirements and procedures were introduced for citizens of these countries².

In the light of Polish law, as well as according to international standards, a visa is a permission issued to an alien to enter Poland, travel across it, stay and depart in a time and with a purpose specified therein. A visa, therefore, defines entry, stay and departure conditions. It always specifies the time of an authorized entry and the duration of a stay and may also define the foreigner's rights and obligations during his/her stay in Poland. Since Poland did not sign the Convention on the Schengen Agreement of 14 July 1985 upon accession to the EU, it does not issue the so-called 'common visas' which are valid throughout the Schengen zone, where border control has been abolished.

A visa is issued or refused by consuls. In certain situations, when a foreigner has already entered the territory of the Republic of Poland, it may also be issued or refused by a province governor (*wojewoda*)³. In practice, visa proceedings before a consul are much more common. The procedure before a consul is governed by significantly different rules from those applied in a typical administrative procedure, mainly because of the fact that the code of administrative procedure, which provides an applicant with certain guarantees of his/her rights is not applied here. The visa application procedure is a single-instance one, thus an applicant cannot appeal against an unfavorable decision and a consul is not obliged to justify his decision.

A visa is either stamped in a travel document or issued as a separate passport-size sheet. It specifies the foreigner's travel document number, date and place of issue, purpose of entry and stay, the validity period, specifying the date of the first entry and the last departure from the territory of

² Based on agreements with Belarus and the Russian Federation, citizens of Poland on the basis of the principle of reciprocity were granted similar privileges, while according to the agreement with Ukraine, they are exempt from the visa obligation, if their stay does not exceed 3 months.

³ Visas are issued on a different basis and by other organs to heads and staff of diplomatic agencies and consulates and their family members. Also, in exceptional situations, visas might be issued by a local agency of the Border Guard.

Poland, as well as the length of stay allowed and the number of permitted entries (one, two, or unlimited number) during the stay.

Visas may also contain other kinds of information and specify other entry conditions, in particular: the foreigner's name and surname as well as his/her photograph, the place where the traveler should cross the border, the number of children and other accompanying persons listed in his/her travel document. The data in a visa as well as the visa's type can be encoded (e.g. C/1 denotes short-term visitor's visa for tourists).

Types of visas

The *Act on Aliens* contains a catalogue of visa types, of which but a few have a considerable practical significance for personal traffic. Most often, foreigners apply for the residence visa. The *Act on Aliens* enumerates situations in which a foreigner may be granted a residence visa, e.g.: tourism, private visits, business trips, asylum procedure⁴, employment, study, training, teaching, and seeking temporary protection. Residence visas are issued either as short-term visas, which permit a three-months' stay within a period of 6 months of the first entry date or as long-term visas, which permit a one-year stay during the visa's validity period, not exceeding 5 years. Visitor's visas are of particular importance for citizens of Belarus, the Russian Federation and Ukraine.

Transit through the Polish territory requires a transit visa. Permitted stay for its holders cannot exceed 5 days. Transit visas are not required for citizens of Belarus, the Russian Federation and Ukraine traveling to the Schengen zone or several other states. Another type of visa that permits transit through the Polish territory is the airport visa. It allows its holder to enter the transit zone of an international airport and stay there for a period not exceeding 2 days. Citizens of Belarus, the Russian Federation and Ukraine are exempt from this type of visa.

⁴ Under the Polish law, 'asylum proceedings' should be distinguished from refugee status proceedings.

In order to repatriate, to resettle as a repatriate's next of kin or to realize a residence permit for a limited time or to permit a foreigner to settle, entry visas are issued. They allow a person who meets the above mentioned criteria to enter the territory of the Republic of Poland on a single occasion. Citizens of Belarus, the Russian Federation and Ukraine who have been granted a residence permit for a limited time or a settlement permit are exempt from this type of visa.

Additionally, the following types of visas are issued for heads of diplomatic agencies and staff of diplomatic missions, heads of consular offices, administrative and technical staff of diplomatic missions or consulates and their family members as well as diplomatic and consular couriers: a diplomatic visa, an official visa, a courier visa and a diplomatic transit visa.

Visa application procedure

A visa application procedure is always initiated by a foreigner. Visa application forms are filled out in Polish, or in a foreign language specified by the consul.

The application should include the foreigner's personal data and the description of his/her travel document (passport number and the issuing organ), information on his/her travels and stays abroad in the last 5 years, as well as the purpose of stay. The foreigner is also obliged to justify his/her application, provide documents which confirm the data included in the application form as well as photographs of all the persons covered by the application form. Filing of the application is noted in the foreigner's travel document by marking it with an official stamp including a date.

The range of the applicant's rights varies significantly according to whether the procedure is carried out before a consul or a province governor.

As mentioned above, in the procedure carried out before a consul, provisions of the code of administrative procedure do not apply, thus the applicant cannot refer to the guarantees contained therein. Having filed

his/her visa application, the applicant is not entitled to participate actively in this procedure or to have access to the files of his/her case. The consul has a discretionary decision-making power and is not obliged to justify his/her decisions. A decision denying a visa is therefore final and the applicant has no legal means to appeal against it.

A consul, however, is obliged to respect constitutional rights and freedoms and to act on the basis and within the limits of the law. A consul should, in particular, inform a foreigner applying for a visa or for the extension of a visa in a language he/she is able to understand about the rules of the procedure and his/her rights and obligations.

A foreigner has a right of complaint in relation to the action of an organ issuing a visa. According to the code of administrative procedure, complaints may concern, in particular, a dereliction or improper performance of duties by competent authorities or their staff, a violation of the law or an applicant's interests, as well as a protraction of proceedings. The right of complaint is not limited exclusively to matters that involve a refusal to issue a visa. The *Act on the functions of consuls of the Republic of Poland* provides that appropriate provisions of the code of administrative procedure apply to matters falling within the scope of consuls' competence. Complaints against consuls are to be filed with the Minister of Foreign Affairs.

Before issuing a visa the consul ought to carry out explanatory proceedings in order to verify whether a given foreigner meets the requirements for a given type of visa, and whether there are grounds for possible refusal. This often involves interviewing the applicant by a consulate staff member. Polish consular offices in Belarus, the Russian Federation and Ukraine issue visas within the framework of the so-called 'streamlined' system⁵, which shortens the waiting period, and makes interviews extremely infrequent.

These shortened proceedings for citizens of Belarus, the Russian Federation and Ukraine are, in part, a result of Poland's obligations. These

⁵ This is the way Polish consuls referred to the system of issuing visas during conversations within the framework of the project in March 2004.

countries' citizens, in special circumstances, are entitled to receive a visa in a shortened time period⁶. Issuing a visa is subject to fees, and the basic tariff is laid down in an ordinance of the Minister of Foreign Affairs.

A visa is issued upon paying a fee. Basic amounts of fees were provided by the Minister of Foreign Affairs. For citizens of Belarus, the Russian Federation and Ukraine visa fees were modified by way of agreements signed with these states. Citizens of Ukraine as well as citizens of the Russian Federation living in the Kaliningrad District are exempt from visa fees. Similar exemptions apply to certain categories of citizens of Belarus and the Russian Federation which are specified in relevant agreements; these categories include persons under 16 and over 65 or 70 years of age (according to agreements with Belarus and the Russian Federation, respectively) as well as invalids, persons visiting graves of their relatives and certain university teachers. Additionally, in exceptional cases concerning the applicant's personal situation, consuls are authorized to reduce the consular fee or refrain from collecting it at all.

Visa proceedings before a province governor do not, in principle, differ from other proceedings in matters concerning foreigners. In these proceedings the provisions of the code of administrative procedure are applied and the foreigner has access to the files of his/her case; the decision is justified and can be appealed against to the President of the Office for Repatriation and Aliens.

Decisions in visa-related matters are left to the administrative discretion of a given organ; hence it is not obliged to consider applications favorably, even if a given foreigner meets all the visa requirements. Moreover, a foreigner is refused a visa if relevant requirements have not been met or if there are grounds for such a refusal. In particular, the relevant organ is obliged to refuse a visa to an applicant in the following cases: the applicant's data are included in the list of aliens whose residence is undesirable on the territory

⁶ Without delay for Ukrainian citizens, without delay or within 2 days for Belarusian citizens, within 2 days for Russian citizens.

of the Republic of Poland; the applicant does not have adequate financial means to cover the costs of his/her stay in Poland; issuing a visa might result in a threat to national security or its defense system or law and order or be otherwise detrimental to Poland's national interest; the foreigner's travel document is valid for less than 3 months after the date of obligatory departure from the territory of Poland specified in the issued visa; or if less than one year has passed since the last visa refusal and the foreigner has failed to provide new circumstances of the matter under consideration, or if he/she has provided false information, given a false deposition, concealed the truth, forged, altered or consciously used a forged document.

A visa may be cancelled by a Border Guard commandant for reasons listed above or if there are reasons to believe that the purpose of entry or stay will be different from what has been declared.

Foreigners are entitled to appeal against such decisions to the Chief Commander of the Border Guard.

A foreigner staying on the territory of the Republic of Poland may have his/her visa extended by a province governor on the following grounds: a vital professional or personal interest, events beyond the foreigner's control which could not have been foreseen upon the issuance of the visa. A province governor's decision to extend a visa and to issue one ought to be distinguished.

Due to the fact that consuls' decisions rely upon administrative discretion and due to other restrictions in these proceedings, the functioning of the visa system as regards citizens of individual countries largely depends upon Poland's migration policy. At present, citizens of Belarus, the Russian Federation and Ukraine are issued with visas on fairly liberal basis, with a very low percentage of refusals.

However, the Polish visa system is bound to evolve, primarily due to Poland's accession to the Treaty of Schengen. As far as citizens of Belarus, the Russian Federation and Ukraine are concerned, these changes might lead to further restrictions on their entry or their stay on the territory of the Republic of Poland.

Project aims and methodology

The Team

Aims

The aim of this project was to examine the availability of visas and the difficulties visa applicants face in Polish consulates in Russia, Belarus and Ukraine as well as to find out whether applicants are treated with proper respect and whether human rights are violated or not.

This project was carried out a few months following the introduction of visa requirements for citizens of the above countries and a number of complementary research methods were applied. First, the functioning of the visa system as regards the observance of human rights and other legal provisions was looked into. Second, groups of applicants at individual consulates were interviewed for a survey to determine what sort of problems they are faced with. Third, members of consular staff were interviewed about the functioning of the visa system and their professional standards; finally rooms in consulates accessible to visa applicants were inspected.

Drawing upon the experiences of the first edition of the project *Monitoring of the Openness of the EU Eastern Border*¹, the researchers applied methods of sociological research, combining them with a method used in human rights monitoring, i.e. registering cases of human rights violations

Leszek Chajewski PhD
Collegium Civitas
Urszula Rybak
Collegium Civitas
Karolina Stawicka
Stefan Batory
Foundation
Paweł Wojtowicz
Collegium Civitas

¹ *Monitoring Poland's Eastern Borders. Report*, Stefan Batory Foundation, Warsaw 2003.

(case study)². Reaching a compromise between these methods turned out to be rather difficult and involved certain organizational and methodological complications. The purpose of a sociological research is to determine the occurrence of certain types of phenomena and their scale, while human rights monitoring aims at revealing all the phenomena to do with a given issue, which are considered negative from the point of view of human rights. Human rights monitoring often focuses on individual cases irregardless of their frequency. In the light of these dilemmas, the following solutions were adopted: 1) the survey and the monitoring were separated in time, and the monitoring was carried out by those who were not involved in the survey; 2) interviewers had undergone rigorous training; 3) the interviewers' work was thoroughly monitored.

On-site inspections

In the course of the monitoring, two on-site inspections were carried out in each of the 11 consulates examined; the inspections were of course restricted to areas accessible to applicants. The first one took place right after the introduction of visas, between 1–15 October 2003, i.e. before the survey. It was carried out by leaders of those non-governmental organizations³, engaged in social matters and human rights, which have their main office in a city with a Polish consular agency⁴. Their task was to watch the consulates with respect to waiting conditions, access to information,

² *Human Rights Monitoring*, HFHR, Warsaw 2000.

³ Belarus: the Association: Social Center for the Protection of Rights 'Vesna' (Brest), the Center for Social Innovations (Minsk), a panel of experts from the Grodno District Social Association 'Ratusza'; Ukraine: the Center for Peace, Conversion and Ukrainian Foreign Policy (Kyiv), the Kharkiv Group for Human Rights Protection, European Dialogue (Lviv), the Association for the Defense of Young People's Rights in Volhynia (Lutsk), the Civil Initiatives Support Association 'Kowczeg' (Odessa); Russia: the Kaliningrad Regional Social Organization Regiomonti; the Moscow Helsinki Group, the St. Petersburg Center for Humanities and Political Studies 'Strategy'.

⁴ The study did not cover the Irkutsk consular agency, as at the time when the project was under preparation (August–September 2003) the agency had not been opened yet.

behavior of the security staff and the consular staff. Each consulate was monitored by a few people at the same time, and the information collected was subsequently, in late October 2003, communicated to the Ministry of Foreign Affairs and the media in the form of a preliminary report on the functioning of Polish consulates⁵. Stage two consisted in ‘stock-taking’ of resources available to applicants. The term ‘resources’ comprises both the infrastructure (e.g. waiting rooms and their equipment) and all the information that can be obtained on the spot, over the phone or on the Internet. The results of the first inspection, being a kind of pilot project and an introduction to research proper, have already been made public and thus are not included in this report.

Organization of interviews with consular staff

Interviews with consular staff were carried out at the same time as the survey of consular clients between 1–30 March 2004. In each consular agency in Russia, Ukraine and Belarus attempts were made to interview 5 staff members of various levels.

In practice, 3–4 interviews per agency were carried out, on the average. The interviewers, students of Collegium Civitas, made use of a scenario of several dozen questions, and the interview took about one hour to complete. The results of these interviews are included in the chapter *Visa procedure as seen by consular staff*.

Organization of the survey

The authors chose 1 March 2004 for the survey launch date because they decided that the several months that had passed since the introduction of

⁵ The preliminary report on the observation of the activity of Polish consulates in the East based on research by non-governmental organizations and human rights activists from Belarus, Russia and Ukraine – during the first two weeks of the functioning of the visa system between 1–15 October 2003.

the visa system, i.e. 1 October 2003, was enough for the system to 'harden'. It was assumed that the first months were a test of the entire system. The winter period would not have been favorable for the survey due to the rather atypical number of visa applicants (the long holiday period and the weather conditions). The survey was carried out by 11 non-governmental organizations from Russia, Ukraine, and Belarus, aided and supervised by Collegium Civitas.

In agencies where due to the small number of applicants there could have been difficulties in launching the first interviews at times specified by the algorithm, on the first day the interviewers were assisted by Collegium Civitas students. Such was the case in St. Petersburg, Kharkiv and Odessa.

Sample size and selection

In order to obtain the most precise results, the survey was carried out with a representative sample (unproportional, stratified-layer-systematic random sample)⁶.

⁶ While calculating the sample, all the applicants were divided into 3 groups, i.e. those applying in Russia, Ukraine and Belarus (strata). Then in each group, subsets of applicants of individual consulates were distinguished (substrata). The third step consisted in calculating (according to the estimates of the Ministry of Foreign Affairs) the percentage share visas issued by individual consulates represent in the total number of visas issued in a given country. After the minimum number of interviews required to achieve the desired precision was estimated to be 1120 ($p=0.03$, error $\pm 3\%$ with 95% probability), the number was first, divided between the three countries and then, between individual agencies proportionally to the previously calculated percentage share in the total number of visas issued in a given country. The number of interviews thus calculated ranged between a dozen and several hundred. The number of interviews in agencies where fewer than 100 visas a day were issued was increased as drawing any conclusions about the actual situation in a given consulate on the basis of several dozen or fewer questionnaires would not have been reliable. As a result, if we assume that 80% of those approached agree to be interviewed, the number of attempted interviews reached 1777. The application of a temporal algorithm was helpful to make a random selection of respondents. An exact time for each of the attempted 1777 interviews was calculated. The interviewer's task was to approach about the interview the first person to appear in the doors of the consulate at the specified time. Thanks to such a method, the survey covered randomly chosen respondents and not those who wanted to express their – favorable or negative – opinion about the work of a given

Questionnaire: anonymous and voluntary

The survey consisted in carrying out a direct interview on the basis of a standardized anonymous questionnaire (questionnaires are available on the website: www.openborders.ngo.pl). The voluntary participation rule was also observed. Those who refused to take part in the survey, had already participated in it or were visiting the consulate for other than visa-related purposes were registered on a separate form (the so-called ‘selection form’). Although the issue of the type of visa granted was interesting for the authors, only one general question to this effect was asked (question E.2 of the questionnaire) and the visa symbol was not included in the inquiry. A precise question regarding the visa symbol would have involved inspecting the respondent’s passport, and therefore violating the anonymity principle and could have resulted in more refusals to take part in the survey.

Interviewers

The interviewers had been recruited by non-governmental organizations from Belarus, Russia, and Ukraine. In order for the project to succeed, it was vital to engage organizations and persons that command respect, trust, and are independent of the respective governments or consulates. Another requirement was a knowledge of a language understood by those interviewed. Training of the interviewers and the introduction of control mechanisms were part and parcel of the project preparation. It was also noted that, owing to the local political situation, the less the interviewers were regarded as representing local or Polish authorities, the higher the

consulate. This approach enabled us to find out how an average client of a Polish consulate is treated. In the preparation of the temporal algorithm the working hours of consulate windows and the assumed duration of the study (20 working days) were taken into consideration. It was determined how many interviews a day ought to be carried out in each agency. Then, for each day of the survey and for each consulate the time when the first interview should start was randomly chosen. Subsequent interviews followed at identical intervals until the closure of a given window. Appropriate lists of thus calculated hours at which individual interviews were to start were given to local survey coordinators and to the interviewers.

so-called response rate (i.e. the ratio of successful interviews to the number of persons approached and qualifying for the survey) would be. These considerations favored recruitment by non-governmental organizations, as the interviewers were then able to convince the respondents that taking part in the survey did not involve any risk, as it was being conducted by reputable local non-governmental organizations.

Training

Local coordinators and experts from partner organizations from the East took part in discussions on the methodology and content of the questionnaire, among others, during the training in Warsaw on 19–20 October and 20–21 November 2003. In order to well prepare the interviewers to carry out their interviews, the partner organizations organized a direct training of every group of interviewers. In January and February 2004 two day training courses were carried out in Lviv, St. Petersburg, Moscow, Brest and Kaliningrad. The trainings were conducted by experts and instructors from Collegium Civitas, the Stefan Batory Foundation and the Helsinki Foundation for Human Rights. Each course consisted of a theoretical part devoted to the survey methodology, human rights monitoring, and a practical part. An essential element of the training was to explain the importance of a high rate of response and of a strict observance of the temporal algorithm for the survey to be reliable. The ethical aspects of an interviewer's work were also discussed, such as the need to remain impartial and to protect the respondent's anonymity. It was announced that representatives of Collegium Civitas would control the interviewers' work by concealed observation. In the practical part, the interviewers conducted mock interviews with one another and outside the consulates (each had to carry out at least one interview with a person leaving the consulate). Leonid Kalitenja, a survey coordinator from Minsk, stresses: *As far as the training is concerned, mock interviews outside the Brest Consulate proved to be most useful. A great deal of interviewers felt some kind of psychological barrier, fear that they would*

meet with reluctance on the part of respondents. The interviewers from the Moscow Helsinki Group admit: *My participation in this project was a valuable experience and helped me improve my qualifications as regards interviewing people* (Julia Gabidulina from Moscow).

Monitoring the quality of interviewers' work

While planning the survey it was assumed that the reliability of data obtained required monitoring and quality control mechanisms. Finally, it was decided that unannounced and anonymous visits in consulates would be made. The controllers tried to find out whether the interviewers followed the basic interview instructions, i.e. whether they made attempts to interview applicants at the appropriate time and whether they used the selection form correctly. Those interviewers who began the research with the assistance of Collegium Civitas students were not controlled later. If certain irregularities were found, after an intervention additional controls were also performed.

Communication with interviewers and problem solving

Throughout the survey electronic bulletins were sent out daily; they contained answers to questions asked by partner organizations and information on the progress of the survey. Additionally, each coordinator was obliged to send to Collegium Civitas a daily report containing information on the number of attempted interviews, interviews actually performed and refusals.

Number of attempted interviews, response rate and questionnaire completeness

During the survey 1763 interview attempts were made, including 1534 successful ones (tables with the data gathered during the survey are avail-

able on the website: www.openborders.ngo.pl). The number of attempted interviews ranged from 104 in Kharkiv to 332 in Kaliningrad. On the average 87% of attempted interviews were successful. Best results were obtained in Odessa (98%) and Lutsk (94%). Most frequent refusals came from respondents in Minsk, Moscow and St. Petersburg, where the response rate was the lowest, around 80%. The smallest number of missing data was registered in Kaliningrad and Odessa, where questionnaire completeness was nearly 95%. Interviews were most often interrupted by respondents in Minsk and Moscow (completeness: 72% and 77%, respectively). This is also confirmed by the impressions and information sent by local coordinators. Leonid Kalitenja from Minsk: *People were generally indifferent toward the survey, having no hope for any improvement that could come as a result of this operation. Sometimes, in order to interview a respondent the interviewer had to walk them to a bus stop or a few blocks homeward. Otherwise people were reluctant to waste their time.* On the other hand, favorable respondent reactions were mentioned, among others, by Iryna Suszko: *Most of those approached gladly accepted the invitation to take part in the survey. Refusals came from people who come from a different region and were therefore in a hurry. We noticed a certain regularity: the respondents' initial enthusiasm waned with the great number of questions, which were often repeated and the way they had been formulated was far from interesting. On the whole, the very idea of the survey was highly evaluated, but at the same time people expressed skepticism as to a possible change of situation concerning the visa policy.* Jaryna Boreńko, a coordinator from Lviv, observed that some respondents went so far as to make some sort of confession when talking about the visa procedure. Also in Grodno, to a survey coordinator's surprise: *People were generally very open, which we found surprising. It never happened that someone agreed to take part in an interview and ran away in the middle of it.*

Information about the project

The monitoring was carried out according to the principles of openness. Before it was started the Ministry of Foreign Affairs (the Consular and Poles Abroad Department) was notified, and, then, through it, consular agencies in the East were also informed. In a number of places, due to the local conditions, consulates took a proactive approach towards the survey and aided us in its organization. This is particularly true of those places where activities of NGOs relating to the protection of human rights could arouse suspicions of the security services or the police. The interviewers wore badges and had appropriate documents certifying their role and project goals. The local media were also notified about the planned survey, but owing to the special character of the monitoring, for the duration of the survey, media campaigns were halted in order to avoid putting pressure on the consulates. Polish organizations' websites (www.batory.org.pl) and those of our eastern partners, including the Moscow Helsinki Group (www.mhg.ru) featured information about this project, and the local press published articles on this subject⁷.

Thanks to the monitoring and the presence of interviewers outside Polish consular agencies, the non-governmental organizations engaged in this survey, in the eyes of the applicants, become natural recipients of complaints. Those who turned to these NGOs described situations connected with the treatment of foreigners not only by the consular staff, but also by border guards and customs officers⁸. Such situations will confirm the need to carry out independent research, and the necessity to give foreigners the opportunity to express their opinions about Polish visa procedures without

⁷ Jaryna Boreńko: *Visa problems as seen by human rights activists*, 'Lvivska Gazeta' (Lviv Gazette) 6 November 2003.

⁸ Several non-governmental organizations taking part in this survey, as a part of their statutory activity, offer information and legal advice services and are active in the field of human and civil rights protection. These are, among others: the Moscow Helsinki Group, the Kharkiv Group for Human Rights Protection, the Association Center for the Protection of Rights 'Vesna'. Despite the closure of the project they continue to undertake interventions and record cases of human rights violation.

being exposed to negative consequences, e.g. possible visa or entry refusals. This could be provided by non-governmental organizations, which on the one hand, offer information or legal assistance to citizens or foreigners, and on the other, they ought to be able to submit their conclusions to relevant authorities. The international project *Monitoring of the Openness of the EU Eastern Border* is an example of such an activity.

Visa applicants

The Team

Respondents' nationality and citizenship

Most visas are issued to persons who declare Ukrainian origin (68%). Russian nationality was declared by 16% of respondents, Belarusian by 11%, Polish only by 3%¹. In principle, nationality is identical with citizenship. Ukrainian citizens account for 71% of all respondents, while the number of Russian and Belarusian citizens equals the number of persons declaring Russian and Belarusian nationality. Citizens of other states account for a minimal percentage of visa applicants in Russia, Ukraine or Belarus. There are two exceptions: the towns of Grodno, where every third person declares Polish roots, and Kharkiv, where nearly 30% of visa applicants represent the Russian minority. According to the interviewers, Kharkiv is visited by many applicants from Russia and Moldova, saying that it is closer than Moscow and the transport connections are better.

Age and gender

As to gender, the percentage of applicants for Polish visas reflects gender proportions in the populations they come from. Among the respondents

Leszek Chajewski PhD
Collegium Civitas
Urszula Rybak
Collegium Civitas
Karolina Stawicka
Stefan Batory
Foundation
Pawel Wojtowicz
Collegium Civitas

¹ Figures that appear in this report are given in approximation; the figures in tables available on the website: www.openborders.ngo.pl, are rounded to the first decimal point.

51% were women, and 49% men². Visitors to Poland are mainly at the productive age: 50% of persons between 30–49 years of age and 30% of those aged 18–29. The oldest people, over 66, account for 6%. In the over – 50 age group, women are in the majority (64%, aged 50–65), while the younger groups are dominated by men (55%, aged 18–29). The 30–49 age group shows proportions of the entire sample. This confirms the general opinion that contacts with foreign countries (business, tourism, science and education) are in the hands of people at the productive age.

Education and employment

A half of recipients of Polish visas are people with secondary education and as many as 44% have higher education. A comparison of data concerning the level of education in Belarus, Ukraine and Russia with that of people coming to Poland shows that those who visit Poland are not representative of the general level of education in eastern societies³. The professional structure of the respondents shows that very often they have high qualifications. It should be added here that the education system in Russia, Belarus and Ukraine differs from its Polish counterpart, and makes it possible to receive higher education as early as the age of 21⁴.

² According to the Russian 2002 census, there were 46.6% men and 53.4% women in the Russian Federation (Federal State Statistics Service, <http://www.perepis2002.ru> or <http://www.gks.ru>). In Ukraine men account for 46.3% and women for 53.7% of the population (data as of 2001 <http://www.ukrcensus.gov.ua>). In Belarus these figures are, respectively, 46.9% men and 53.1% women (<http://www.bialorus.pl>)

³ In the Russian Federation people with higher education account for 19.1% (including incomplete higher education), secondary – 57.4% (both vocational and general), primary education – 21.4%, 1% declares having no education at all, while 1.1% does not identify their level of education (<http://www.perepis2002.ru>). In Ukraine about 9% of the population have higher education (around 43 924 out of the population of 48 450 000, <http://www.ukrcensus.gov.ua>). There is no data available for Belarus.

⁴ The education systems in the Russian Federation, Belarus and Ukraine are similar: compulsory primary education begins at the age of 6–7 – primary education (4 years, grades 1–4); the equivalent of junior high school (5 years, grades 5–9) ending with final exams (the junior high school diploma); education might continue in the 10th and 11th grade thus secondary education being completed with a high school diploma ('A'-levels equivalent)

The fact that there are more visa applicants with higher education demonstrates, among other things, that trade and social exchange with Poland engages the business circles, i.e. highly-qualified staff. Another group of people with higher and secondary education is made up of persons who participate in cultural and scientific exchanges (seminars, conferences, etc.). According to representatives of non-governmental organizations from Russia: *Poland, creating conditions for such exchange, might play the role of 'doors to Europe' for its eastern neighbors, as, for obvious reasons, it is a 'meeting point' for the East and the West, convenient both for business people and participants in cultural exchange.*

This opinion is confirmed by surveys among the citizens of Russia, Belarus, and Ukraine who come to Poland. The largest group (30%) is made up of students, experts, and academics, but they do not come here to take part in scientific or cultural exchange. A mere 10% of them comes here for such reasons. A fairly large group (16%) is made up of people who call themselves 'directors' or 'managers', but who do not specify where exactly they work.

Unemployment affects nearly a half of Ukrainian applicants and a third of Belarusians. Permanent employment is most often declared by Russians: nearly three quarters of respondents.

Purpose of visit

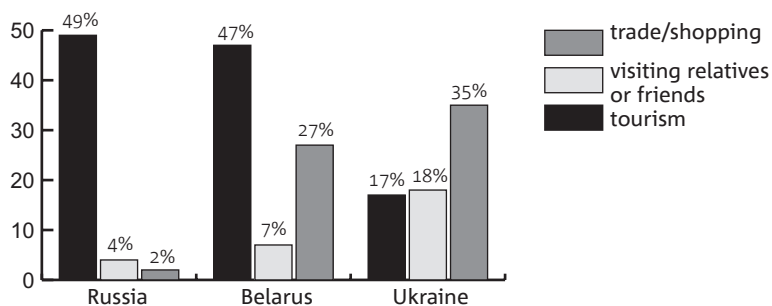
The applicants mention the following purposes of their visits in Poland: trade and shopping (29%), tourism (25%). 23% come to visit relatives or friends. A business trip is declared by 14% of the respondents, with 8% coming here to work or seek employment. A fairly low percentage declares

or one might choose 2 years of vocational school or 4 years of high school (graduating with a high school diploma); university studies last 4–5 years. In Russia, depending on the selected educational path, it is possible to receive the master's degree at the age of 22. In Belarus these degrees can be awarded at the age of 23, and the bachelor's degree at 21–22. As regards Ukraine, the difference lies only in the higher education system with 4–6 years of studies, and the bachelor's degree awarded at the age of 20–21.

training, studies, sport competitions or cultural exchanges as their purpose of visit – 6%. These figures can be erroneous as the respondents may have attempted to hide the true purpose of their visit. Nevertheless they do reflect the respondents' situation on the labor market: trade, shopping and the desire to take up employment is most frequently declared by Ukrainians, who happen to be most frequently affected by unemployment. Representatives of Ukrainian NGOs add that in their country, as in the neighboring states, women are more likely to be affected by unemployment, so they more often travel to seek work or to be involved in small trade. As citizens of individual states tend to give different purposes of visit, a comparative analysis was carried out to identify certain regularities.

Trade and shopping, as the main purposes of visit to Poland, are most frequently declared by respondents from Ukraine (35%), less so from Belarus (27%) and the least often from Russia (2%). Tourism was most often mentioned by applicants in Russia and Belarus (49% and 47%, respectively), and quite infrequently in Ukraine (a mere 17%). The research demonstrates that the strongest kinship ties and personal contacts with Poles are maintained by Ukrainians. As the number of Russians applying for a visa is relatively small compared to the entire population, and given the fact that the largest group

Purpose of visit



N=1705

of Russians who enter Poland work here, and have higher education, one might conclude that the Russians declare the true purposes of their visits.

'Living from the border'

Purposes of visits are closely related to the respondents' situation on the job market. Apart from housewives, most of whom declare that they are not employed (67%), unemployment affects mainly blue-collar workers (32%). It is the unemployed, blue-collar workers and housewives that most frequently come to Poland to buy and sell things (34%, 27% and 22%, respectively). Directors and managers, as a rule, come to Poland on business trips (47%), whereas experts, students and scholars, mainly as tourists (34%). There is a strong relationship between purposes of visit of individual professional categories: the more often buying and selling is declared within a given group, the less likely it is that its members would declare the intention to come to Poland as tourists.

Earning extra money on the frontier traffic is most openly declared by Ukrainians (35%), less so by Belarusians, of whom only 16% admit that the frontier traffic is their primary or secondary source of income. Under 10% of Russians earn money from the frontier traffic. As it had already been suggested, it is not the nationality or citizenship, but the difficult situation on the labor market that makes people come to Poland in order to buy and sell goods.

Types of visas issued

Most visas issued belong to the tourist category (37%), while visas that allow one to start a business account for 24%. Visas issued to those wishing to visit their friends or relatives make up over one fifth (20%) and visas that entitle one to work – a mere 6%. Other types of visas represent 10%.

The visa system is based on the assumption that the type of visa reflects a given person's purpose of visit. It is one of the consul's duties to verify

the purpose of visit declared by a given foreigner and compare them with the actual one if there are grounds for suspicion that the data given in the visa application form are not accurate.

Purposes of visits declared to interviewers did not always correspond with the type of visa issued to a given foreigner. It was already mentioned that the most frequently issued visas are tourist visas. 66% of those who were granted a visa declared tourism as their purpose of visit. The remaining ones who received tourist visas declared the following purposes: nearly 19% – shopping, 10% visiting friends or relatives, 6% a business trip, and 5% work or seeking work⁵. As regards the purpose of visits admitted openly by the respondents, tourist visas were granted to 93.3% of those that had declared tourism, 25% of those that had declared visiting relatives and 15% of those who had declared a business trip as their primary purpose. The tourist visa is most frequently an entrance pass for people coming to Poland in search of work (39%). As regards people earning extra income from frontier trade, they, as a rule, are also granted tourist visas (30%) or visitor's visas (18%). It is surprising that as many as 39% of respondents that are involved in buying and selling goods declared having received a visa to run a business. 7% of respondents refused to give any information on the type of visa received. One of the reasons for this could be their intention to hide their true motive for leaving or their ignorance of the type of visa granted to them. The information on the purpose of a given visa, whether it was single or multiple-entry, was encoded in the symbol (e.g. D/1) but that was not clear to all the respondents⁶.

⁵ As the respondents were able to identify more than one purpose of visit (question E.1), the sum exceeds 100%.

⁶ *Ordinance of the Minister of Interior and Administration of 18 August 2003 on visas for foreigners* (Journal of Laws [Dz. U.], 2003, No 128, item 1175) specified the coding used on visas, and as of 1 May 2004 information on the visa purpose is given on the visa sticker, according to the Schengen *acquis* standards. *Ordinance of the Minister of Interior and Administration of 23 April 2004 changes the ordinance on visas for foreigners* (Journal of Laws [Dz. U.], 2004, No 88, item 842).

Inconvenience of visa procedure

The Team

Refusals to issue a visa

Given that very few (1%) citizens of Russia, Ukraine, and Belarus fail to receive a visa, one might assume that the current visa system is no obstacle for them when they are planning a trip to Poland. But, as this survey was restricted to people leaving the consulates, with or without a visa in their passports, it is hard to determine how many applicants had been turned down before reaching the actual procedure, due to the lack of needed documents or failure to meet the relevant requirements. Some consulates, e.g. those in Lviv or Moscow, review documents for completeness before a visa application may be filed. If a given application is incomplete, applicants decide not to file it at all, as one of the requirements is a complete documentation of one's purpose of visit, e.g. invitations (more on this subject in the chapter: *Legal framework of the visa system*).

The visa procedure is evaluated not only on the basis of refusals to issue a visa, but what is also taken into account is the organization of the visa system itself and its accessibility to less educated people, those living far from consulate or the less affluent.

Leszek Chajewski PhD

Collegium Civitas

Urszula Rybak

Collegium Civitas

Karolina Stawicka

Stefan Batory

Foundation

Pawel Wojtowicz

Collegium Civitas

Waiting lines

Although the hardest time for the applicants came right after the visa system was introduced (as well as a few weeks before the introduction), when the lines outside the consulates were the longest, waiting in lines still remains the most conspicuous organizational shortcoming of the visa system.

In some consulates, particularly in Ukraine, people spend long hours or even days waiting in lines. The situation in individual states and consulates varies considerably in the frequency of lines and their length. The greatest numbers of people were waiting in lines in Ukraine (almost 70%), and Belarus (64%), with the lowest number registered in Russia – only slightly over 20%. Most frequently, lines can be seen outside consulates in Lviv, Lutsk, Minsk and Brest, which serve areas near the border. Only the lines in St. Petersburg are negligible.

The number of visas issued by a given consular agency cannot be considered sufficient explanation of waiting lines. The consulates' efficiency (measured as a ratio of the number of visas issued in a given consulate to the number of all visas issued by consulates in the East) compared with the frequency of waiting lines is a good indicator of quality and organization of work in a given consulate; differences between consular agencies do not only result from different amounts of visa-related traffic. The Minsk consulate, for example, issues 5% of the total number of visas, while 73% of its applicants have to wait in lines. The other two consular agencies in this country also experience some difficulties. In Ukraine there are greater differences between various consulates: the Lviv consulate shows a rather unfavorable ratio of line frequency to the intensity of the visa traffic (87% / 26%), while in Kyiv the lines are relatively rare. The consulates in Russia perform better than those in Belarus or Ukraine. It should be borne in mind, however, that organizing work in a consulate with a low visa-related traffic is far simpler and far easier than where there are hundreds of applicants queuing for visas, even if the number of consular officials is proportional

to the number of applicants. One cannot say, therefore, that waiting lines are caused solely by the intensity of visa-related traffic. (Regressive models can be found on: <http://www.openborders.ngo.pl>).

Difficulties in organizing consular work and considerable intensity of visa-related traffic might offer some explanation of the fact that it is the initial and simplest stage of the visa proceeding that causes the longest waits in consulates with a particularly large number of applicants. In Ukraine it is necessary to wait nearly three hours in order to get information, over four hours to get a visa application form, three hours and a half to get a token¹ and over two hours to file the documents.

At the Lviv consulate almost 90% of applicants wait in lines, and it is here that waits are the longest. The entire visa proceedings in this consulate take an average of 19 hours, while in Kyiv, with only 50% fewer applicants, they take 5 times shorter (4 hours). In the remaining cities the average waiting time ranges between 5 hours in Moscow and 11 in Minsk.

This is even more bothersome because usually the applicants have to wait in lines outside consulates (according to 92% of those interviewed in Lviv and 88% in Lutsk, as well as the majority in the other cities). As most consulates do not have any roofing on the outside, the applicants are often given no choice but to wait in adverse weather conditions.

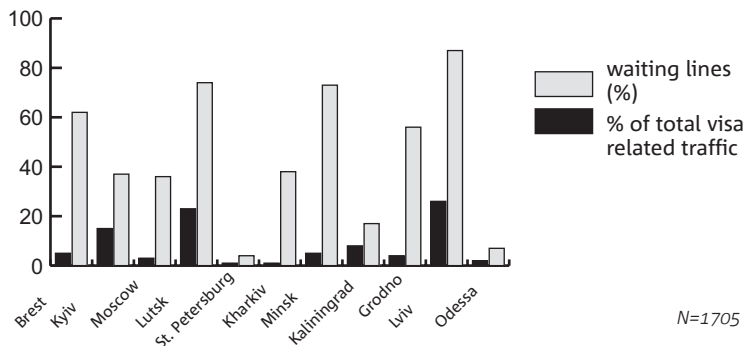
As we interpret the data on the length of waiting lines one should bear in mind that they were valuated subjectively by citizens of Russia, Belarus and Ukraine, used to long waits in offices. Sometimes people lined up to wait at 5 a.m., even if it was not necessary.

¹ Such tokens are used to identify the date and time of filing of the visa application and the attached documents in Grodno, Kaliningrad, Kyiv, Lviv, Lutsk and Moscow. In Minsk the above information is marked by a stamp on the visa application. Kharkiv, Odessa and St. Petersburg do not use the token system.

Behavior of consular staff

Irregardless of the lines and the varied efficiency of individual consulates, 94% of respondents in Russia, 93% in Belarus and 92% in Ukraine, described the behavior of the consular staff as good or very good. More diverse opinions were expressed as regards the security personnel, who are often not consular staff members but local security agency employees or militiamen. Questionnaires demonstrate that security staff appears to be a particular problem in Ukraine, where their work was evaluated favorably by 75% of the applicants. In the remaining countries, security personnel was rated as good or very good by over 90% of the respondents: 94% in Russia and 93% in Belarus.

Waiting lines and visa-related traffic



Communication in consulates: language, interviews, filling out visa forms

One reason why the behavior of consular staff was rated as good was the fact that applicants were usually able to communicate with them in a language of their choice. In Russia some people tried to communicate

in Polish, but only 3% of the respondents were able to speak it, while for 7% of applicants this is their preferred language. A similar situation was observed in Belarus where 2% could speak Belarusian, while as many as 13% would like to be able to communicate in this language.

One element of the visa procedure used to verify the applicant's trip and stay circumstances in Poland could be an interview conducted by a consular official. In practice, interviews are not carried out with every applicant. Such interviews with consuls are rather an exception than a rule in the Polish consular practice in the East. Most applicants are inquired about the purpose of their visit to Poland (four fifths of all interviewed). Over a third is asked about their family situation and their relatives in Poland. Rather infrequently may they be asked about their financial situation and funds available for their visit (13% and 9% of all the cases, respectively). The two latter questions were, on the whole, considered irrelevant or completely irrelevant.

The Cyrillic alphabet was most often needed to fill out visa forms in Belarus – 74% and, paradoxically it was also there that most difficulties connected with this were registered – 23%. In Ukraine the same number of forms were filled out in the Cyrillic script as in the Latin alphabet, but very often this was done by someone else – 36%.

The difficulties in filling out the application forms and using other people's help might have been related to the fact that the Belarusians and Ukrainians applying for Polish visas are not as well-educated as the Russians. Even though the alphabet itself does not necessarily have to be the source of difficulty, filling out a complex application form might be difficult for the less educated.

Evaluation of the inconvenience of the visa system

On the whole, the respondents did not find the visa system to be particularly inconvenient, but their replies varied dependent on the country. 25% of the Ukrainians find the visa proceedings inconvenient, fewer Bela-

rusians are of the same opinion (10%), and the fewest Russians (4%). On the basis of a statistical analysis of the influence of a number of variables on the evaluation of inconvenience, a few areas might be identified, which the respondents find particularly inconvenient. Accordingly, among them we find the behavior of the consular and security personnel, the length of visa proceedings, as calculated from the first visit to the consulate, the number of visits and the length of waiting lines². Such opinions also vary according to the declared purpose of visit. Demographically, the age of respondents is the most important here. (Regressive models are available on <http://www.openborders.ngo.pl>).



It comes as no surprise that the time spent in lines and the length of the entire procedure are inconvenient to the applicants. Yet it is puzzling why the behavior of the consular and security staff are the main issues brought up by the respondents. Good opinion about the staff influences the overall evaluation of the proceedings. Further down the list of inconveniences is the purpose of visit: those traveling to Poland for economic reasons find the visa proceedings more incon-

² The level of significance of these factors is: $p < 0.01$ for the behavior of security staff and level of education and $p < 0.05$ for the length of the lines. The lower the p value, the more significant a given factor is for the evaluation of the inconvenience of the visa proceedings.

venient than those coming to Poland as tourists, on business trips, or for other reasons.

Another issue related with the filling out of application forms is the need to use the services of people who offer their assistance for money. Problems with filling out visa questionnaires were recorded in Belarus (25% of applicants) and in Russia and Ukraine (10% in either country). Far more respondents used help while filling out the applications (36% in Ukraine, 25% in Belarus). Such assistance in most cases was offered by a person waiting in the same line, or outside the consulate or an employee of a travel agency. The fee for such services ranged from one to several dozen dollars.

More information on the inconvenience of the visa proceedings in individual consular agencies can be found in the chapter: *Situation in Ukraine, Belarus and Russia*.

Access to information

Patrycja Nowak

Every person applying for a visa ought to have a guaranteed access to information. It is one of the most crucial and necessary elements of the visa process. How this right is observed considerably affects the efficiency of the entire visa procedure.

This analysis of applicants' access to information is based on the results of interviews carried out outside consulates, of the inventory in the individual consulates, and on the evaluation of the web pages of the individual consulates.

The survey shows that for citizens of Russia, Belarus and Ukraine the main sources of information are the following: friends – 47%, the consulate – 34%, the press – 20%. Nonetheless this survey was aimed at obtaining the applicants' opinions about the information policy of Polish consulates. Russian citizens get most of their information from: the consulates – 35%, friends – 25% and the press – 18%; Belarusian citizens from the consulate – 44%, friends – 43%, the press – 18%; Ukrainian citizens: definitely from friends – as many as 52%, then the consulate – 31%, and finally the press – 21%.

Information boards

According to the respondents, the main source of information is the information board in the consulate, then the consular staff, the telephone,

leaflets and the Internet. As many as 89% said that their main source of information was the board, so it should be considered what kind of information ought to be put there, where it should be placed, what sort of access should be allowed to the board to facilitate the visa proceedings and guarantee the right to information.

Every board should meet three basis criteria: clarity, accessibility and completeness. Clarity is absolutely paramount, i.e. first of all information must be published in a language understood by the applicants. This survey shows that most information placed on the boards is published in the official language of the county where a given consulate is located. For instance, in Russia all the information is available in the Russian language (100%), while in Ukraine it is placed on boards in two languages, hence the result: 98% of information in the Ukrainian language and 55% in Polish. As for Belarus,

in some consulates information was given in 3 languages at once, which gives: 10% of information in Belarusian, 93% in Russian and 39% in Polish. Although many Belarusians prefer such information to be in Russian, offering information in Belarusian should also be considered.

Any information put on the board ought to be logical and easy to understand. Bits of information cannot contradict one another, as it was observed in Lviv, Brest and Grodno.

The information board should also be easily accessible. Unfortunately, in a number of



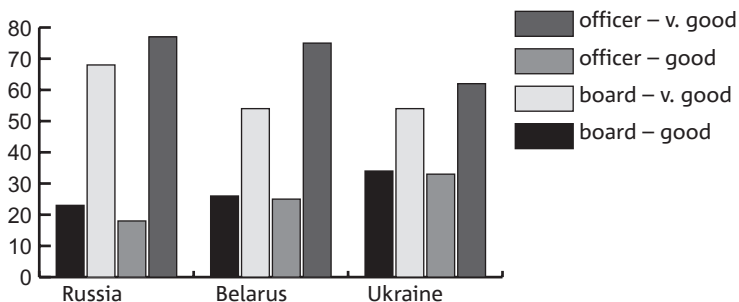
consulates, access to such boards is made difficult by long lines of waiting applicants. During on-site inspections carried out before the survey, it was observed that boards are virtually besieged by so many people that it is hard to read the information in peace. In Lutsk the interviewers established that it was practically impossible due to long lines. In the early days following the introduction of the visas, a survey coordinator in Minsk witnessed the following scene: *A group of people, who did not know how to fill out the application forms, climbed a bench chasing away some elderly people who were sitting there waiting for their turn at the window. The idea of reading information while standing on the bench caught on and the newcomers began climbing the bench as well. Eventually, there were so many of them that there was not enough room for everyone and the whole group fell on the floor. Fortunately nobody was hurt!* An inventory confirmed that this board in the Minsk consulate indeed hangs high on the outside wall of the building, and underneath it stands a small bench, which blocks direct access to this source of information.

Sometimes boards hang inside a room, which cannot be entered without a completed visa application form. Problems in accessing the boards were also observed in Moscow and Lviv. An ideal solution, which was employed by consulates in Kaliningrad, Minsk, Lutsk, Grodno, Odessa, and St. Petersburg, would be to hang two boards – one outside and the other inside. In consulates in Kaliningrad, Odessa and St. Petersburg, where the visa proceedings are relatively less inconvenient, thanks to the lack of lines, there are no difficulties in accessing the boards. Announcements displayed on the information boards should be regularly updated. Not everywhere the boards provided exhaustive information. The best situation was noted in St. Petersburg, Kharkiv, Kaliningrad and Odessa. The worst – in Lviv, Lutsk, Brest and Minsk.

Persons providing information in the consulate

Another source of information mentioned by respondents is an employee of the consulate. Each person willing to apply for a visa ought to be given a chance to ask such an official a few additional questions. Our survey shows that this is the second most important source of information

Quality of information: consulate officer vs. information board



N=1705

for the applicants (50%). A consular officer ought to be able to answer all questions and remove doubts concerning visa proceedings. The talk should be conducted in a language the applicant can understand. At present, the most often used languages are Russian and Polish. It was only in Belarus that the applicants did not speak with consular officers in their mother tongue but mainly in Russian. In Russia 99% of all conversations took place in Russian and 5% in Polish. In Ukraine three languages were spoken; there were a number of conversations partly in Ukrainian and partly in Polish or Russian. Statistically: 81% of conversations were in Ukrainian, 42% in Polish, and 25% in Russian. In Belarus, where some respondents failed to answer this question, 90% of all conversations were conducted in Russian, 23% in Polish, and a mere 3% in Belarusian.

Clearly, in the consulates in Belarus, the Belarusian language is used sporadically; this is probably for two reasons: either the Belarusian language is not known to consular officers, or it is not spoken by a majority of Belarusians. This might also explain the difficulties in filling out visa applications. The survey demonstrates that 23% of the respondents in Belarus had such problems, while in Russia and Ukraine only 10% mentioned such difficulties.

In most consular agencies, the person to provide information is an employee of a given consulate. Only three of these (Moscow, Grodno, and Minsk) were found not to have such a function. In this respect best results were observed in the following consulates: Lutsk, Kharkiv, Kaliningrad, Odessa, and St. Petersburg, with the Lviv consulate at the bottom of the rating. On the whole, the behavior of consular staff was described as good. It should be stressed here that many of those doing the inventory noted particularly good behavior of the security staff, who often helped applicants fill out their forms or provided them with information. The survey also shows that the behavior of the consular staff was rated higher than that of the security personnel.

Telephone information

Apart from a face-to-face conversation, obtaining information over the telephone is also an important element of the process. The importance of telephone information service is underlined by 31% respondents from Russia, Belarus and Ukraine combined. Unfortunately, getting through to the consulate is relatively hard, and the employees do not always have the time to give exhaustive information. One consulate (in Lutsk) for some time listed an incorrect telephone number on its information board.

On the official website of the Moscow consulate (www.polandemb.ru) one can find the telephone number of a 24-hour information service for citizens of Russia, Belarus, and Ukraine willing to apply for a visa. This service offers information about the visa proceedings recorded in Russian:

the required documents, conditions for receiving a visa, opening hours of the Moscow consulate and about the fees.

Leaflets

Another important source of information are leaflets, mentioned by 29% of respondents. They should be available in each consulate (and free to take home). They ought to contain a digest of information on the visa proceedings and, as the information board, be clear, available and complete. Leaflets were available in Lutsk, Lviv, Moscow, Kyiv and Grodno, but not in the other consulates. The Lviv consulate puts out official information that such leaflets are available, but the interviewers claimed that nobody had ever seen them.

The transliteration card

Citizens of Russia, Ukraine and Belarus applying for a visa need transliteration cards. If they were available, this would eliminate the market for

transliteration services, quite common a few months ago, but presently less frequent outside the consulates. In most consulates interviewers did not notice such cards (Lviv, Lutsk, Moscow, Kharkiv, Brest,



Grodno). They were available only in St. Petersburg, Odessa, Minsk and Kaliningrad.

Model visa application forms

The visa proceedings could be made more efficient if an unlimited access to model visa application forms was introduced. Even though they can be found in all consulates, the applicants cannot always use them. Best results were observed in Kharkiv, Kaliningrad, Grodno, Odessa, and St. Petersburg, while the poorest in Lviv, Lutsk and Minsk. The visa proceedings would be made significantly easier if those application forms were made available on the Internet. This could eliminate or at least reduce one type of waiting line. The importance of the websites was also underlined by consular staff. Unfortunately, access to the internet is not yet common in these countries. Nonetheless the information boards and leaflets should inform that the forms are available on a 'www' page, which would make the entire procedure far more efficient. Currently, this information is not adequately exhibited, and not all consulates made files containing appropriate forms available on the Internet.

Web pages

The survey and on-site inspections show that the Internet is relatively rarely used in the visa proceedings. This rapidly developing medium is mentioned by a mere 16% of respondents. One might wonder whether this is a result of the lack of common internet access or the standard and quality of individual consulates' web pages. Yet, whatever Internet access the citizens of Russia, Ukraine and Belarus may have, a consulate's web page should be a source of information.

Consular officers said that a high-quality web page and easy Internet access, combined with a download facility would make the visa proceedings

significantly easier. Access to exhaustive information could also reduce the length of waiting lines.

As the information board and the leaflets, a website should be clear, accessible and complete. At present only the consulates in Moscow, Kyiv, Minsk and Grodno have an Internet information portal.

The web page of the Moscow consulate (www.polandemb.ru) is fully developed and clear, and contains most necessary information in two language version – Polish and Russian, with the application form solely in Russian and announcements only in Polish. There is no information on the last update nor does it feature information about other consulates. In the afternoon it is hard to access.

The Kyiv consulate web page (www.polska.com.ua) is relatively difficult to navigate. It does not contain the consulates' opening hours, the file with the application form is far from clear, and it is available only in Polish. Visa information is only very cursory and has no 'last update' information. For a longer period of time, especially in the afternoon, it was hard to access.

As regards the Belarusian web page (www.embassypoland.nsys.by) it was difficult to find the application file, which was available only in Russian. On the whole, visa information is inadequate.

The Grodno consulate's web page (www.kgrpgrodno.nsys.by) is professionally designed and clear. It contains complete information in three language versions: Belarusian, Polish and Russian, but only some of the general information is available in the Belarusian language. The visa application is available in Polish and Russian, with information about the last update. The Grodno and Moscow web pages are better than those in Kyiv and Minsk.

Another source of visa information is the official website of the Ministry of Foreign Affairs (www.msz.gov.pl), which contains all the necessary information to do with the visa traffic between Russia, Ukraine, Belarus and Poland.

Situation in Ukraine, Belarus and Russia

The Team

As the previous analyses demonstrate, the consular system performs relatively poorly when it comes to respecting the rights of persons coming to Poland for economic reasons, who are often unemployed and relatively poorly educated. Realization of all their due rights, including the basic right to leave their country, is a considerable challenge, and often involves going through a number of bureaucratic procedures. This chapter presents experiences with the visa proceedings of people coming to Poland for economic reasons according to whether they come from Belarus, Russia or Ukraine.

A fairly large amount of space has been devoted to the analysis of data from Ukraine, where the proportion of persons declaring economic purpose of visit is considerable; Russia was not given a lot of attention, as the visa system is considered to be nearly perfect there and the consulates practically do not differ from one another as regards the demographic features of visa applicants.

Leszek Chajewski PhD
Collegium Civitas
Urszula Rybak
Collegium Civitas
Paweł Wojtowicz
Collegium Civitas

Ukraine

Who are the visa applicants in Ukraine?

Visa applicants in Ukraine differ from the rest of the sample according to the declared purpose of visit. As many as 35% of respondents interviewed

in Ukraine go to Poland in order to buy or sell things, while 27% go to visit their friends or relatives. Tourism and business are far less frequently declared (17% and 12%, respectively). Seeking employment or employment itself are declared by 11% of respondents, a markedly higher percentage than those obtained in Russia and Belarus.

Declared purposes vary according to the region of Ukraine. In Lviv 58% of applicants go to Poland to buy or sell things or to do shopping, while in Lutsk this purpose is declared by about one third (34%) of visa applicants. This certainly stems from the specific character of frontier contacts and trade exchange in the border areas.

In the remaining consulates most applicants go to Poland as tourists and those intending to visit their relatives or friends. There are, therefore, consulates that 'specialize' in tourist traffic, and those that deal mostly with people travelling to Poland for economic reasons.

Apart from being asked about the purpose of visit the respondents were asked whether they earned any part of their living from frontier trade. Over a half of all visa applicants in Lutsk and over a third of applicants in Lviv declared earning a living from frontier traffic.

Whether a given applicant goes to Poland for economic reasons, understood as trade, shopping, work or frontier trade, primarily depends on the respondent's situation on the job market¹ or his/her education². Less educated people and those out of work fairly often live from frontier trade or earn extra money from it, hence the close relationship between the proportion of the unemployed and the proportion of those earning a living or extra money from frontier trade. According to non-governmental organizations: *At present there are very favourable conditions for earning extra money from the frontier trade in Ukraine. This is due to price differences, particularly as regards liquor, and the infrastructure of the marketplaces, wholesale stores and the liberal attitude to customs duty regulations. Equally important are the*

¹ B=1.154; p<0.01

² B=-0.611; p<0.01

*social and economic conditions: the unemployment and the degradation of agricultural areas near the frontier. Earning extra money from frontier traffic is openly declared by the respondents, and in the frontier areas it is not seen as illegal or indecent, but quite to the contrary. The same factors might affect the scale of frontier trade in other towns along the eastern border*³. Out of respondents applying for visas in the individual consulates, the largest number of the unemployed was registered in Lutsk (67%). In Odessa and Lviv they account only for 22% and 33%, respectively, while in Kyiv and Kharkiv they account only for 11% and 5%.

People with higher education very rarely decide to go to Poland for economic reasons. Consulates in Lutsk and Lviv have the fewest of them (30% and 40%, respectively). In the other consulates most applicants, have college or university degrees. The respondents' age does not significantly affect the likelihood of visiting Poland for economic purposes. Respondents from Lutsk and Lviv are indeed the youngest (35 and 38 on the average), but the average age in the other locations is not markedly higher (39–49).

Inconvenience of visa procedures in consular agencies in Ukraine

The visa proceedings are not generally perceived to be particularly inconvenient. But the individual consulates fare differently in the overall classification.

In Lviv as many as 12% of all respondents find the entire process to be fairly inconvenient or very inconvenient. In Lutsk only 7% are of this opinion.

³ In Lviv one liter of vodka costs \$3, one liter of spirit \$2.5, a carton of Marlboro cigarettes \$7.3, a carton of Ukrainian cigarettes \$3. In Kaliningrad one liter of the cheapest vodka costs \$2, one liter of luxury vodka (e.g. Stolichnaya) – \$6; the cheapest filter cigarettes \$2 a carton, the 'Parliament' cigarettes – \$13 a carton. In Kaliningrad spirit cannot be purchased legally. In Brest 1 liter of Yeltsin Vodka costs \$2.7, one liter of spirit – \$5. One carton of red 'GOLD' cigarettes costs there \$2.2. How profitable such trade is can be seen by comparing these figures with retail prices in Poland: 1 liter of vodka – \$10, 1 liter of spirit – 23.5, 1 carton of Marlboro cigarettes – \$17.

As the intensity of the visa traffic in both consulates is similar (28% and 26% of the total visa traffic in Ukraine, respectively), such an inconvenience felt by the applicants cannot be explained only by their exposure to long waiting lines. As it turns out, the most important factor is not the infrastructure or material resources of a given consulate, but the behavior of its staff.

As it turns out, the differences in the degree of inconvenience of the visa procedure between Ukrainian cities are statistically significant ($p < 0.05$), but the only factors that affect this inconvenience are: the behavior of the security personnel, and, to a lesser extent, of the consular officers. Demographically, the age of respondents is significant⁴. The younger ones are more eager to say that the visa proceedings are inconvenient. The length of the waiting lines, therefore, does not significantly affect the degree to which the visa proceedings are perceived as inconvenient by the respondents. As regards the behavior of the security staff, the lowest ratings were given to those in the Lviv consulate.

It seems that an impolite attitude toward applicants may be somehow related to the intensity of the visa traffic. In Ukraine the intensity of the visa traffic is the highest, so visa applicants have to deal with the biggest number of problems. Most often they have to wait in lines – as declared by 87% of all visa applicants in Lviv and 74% in Lutsk. Almost 40% have to wait for some time outside the consulates in Kharkiv and Kyiv. Odessa seems to have the least inconvenient situation, where the lines are a sporadic occurrence – 7%. The intensity of personal traffic between Ukraine and Poland largely explains the presence of lines in the individual consulates. Visas issued in Ukraine account for nearly three quarters (70%) of all visas issued by Polish consulates in the three countries covered by this survey. Lviv and Lutsk serve over a half (52%) of all clients of the Polish visa system in the East (Lviv 27% and Lutsk 26% of the total number of applicants). Despite a similar number of applicants in these two consulates, there is a marked

⁴ Analysis of all key variables affecting the degree of inconvenience of the visa proceedings in Ukraine: security staff behavior ($B = -0.62$; $p < 0.01$); behavior of consular staff ($B = -0.51$; $p < 0.05$) and respondent's age ($B = -0.05$; $p < 0.05$).

difference in the frequency of waiting lines (87% in Lviv and 74% in Lutsk). This seems to point out that the Lutsk consulate is more efficient, while the scale of the visa traffic in Lviv does not explain why the lines there are so frequent and so long. Given the frequency of lines in both consulates it should be noted that neither of them (Lutsk nor Lviv) is prepared to deal with such a big number of applicants.

An average length of time needed to complete all the visa-related formalities in Ukraine is far greater than in Belarus or Russia. Each stage of the proceedings may take more than two hours. Surprisingly long is a simple operation of getting a visa application form: 4.4 hours on the average. Not much shorter is the time needed to obtain a token – 3.5 hours on average. It is also hard to obtain information from a clerk, and it takes 2.8 hours of waiting. The filing of the documents takes another 2.2 hours. In Lviv the lines are the longest and most frequent. To receive an application form and a token one has to wait for as long as 5 hours, and additionally for over 2 hours to file the documents. This situation, however, was changing in the course of the survey; according to the interviewers: *In Lviv one could notice lines of people waiting to get registration tokens (and visa applications at the same time). In the beginning (October) one had to wait for 14 days, so we witnessed numerous pathologies, e.g. the institutions of 'standers', people who sell their place in line, of 'checkers', who keep order at night and spontaneous initiatives to set up alternative lines. The situation gradually changed. Now, as a rule, applications are filed in the morning, and passports with the visas are already available for collection in the afternoon. In mid-March (the time of the survey) the consulate in Lviv extended the time of giving out registration tokens by two hours, which reduced the lines and made it possible to get the token on one's first visit in the consulate. The lines sometimes of 2,000 people, got reduced to 100–200, and there are days without anyone having to wait in a line.*

The situation in Lutsk is far better. Although the lines there are also very frequent, the waiting time is significantly shorter – from one hour to get the token to 2.5 hours needed to file the documents.

Belarus

Who are the visa applicants in Belarus?

Unlike the applicants in Ukraine, the applicants in Belarus far less frequently declare economic purposes (28%). This might be due to the fees required for visas issued for economic purposes, unlike the types of visas that are free of charge: education, scientific or family-related purposes⁵. 47% of all applicants visit Poland as tourists, while family visits account for 19% of all purposes. Every tenth respondent (11%) arrives in Poland on business.

The applicants in Minsk are, as a rule, well-educated and travel to Poland on business or as tourists. In Grodno, where the ties with Poland are very strong, and the Polish community very large, visiting relatives is frequent. In Brest, with the border just across the river, most visits are made to buy or sell things. Nobody declares tourist purposes.

The purpose of visit, naturally, depends on the distance between a given consulate and the border. The closer a consulate is to the border, the more likely the applicants are to declare economic purpose of visit. Their age, education and other demographic characteristics are not significantly related to the purpose of their visit.

On the other hand, living from the border or earning extra money from it depend on a given respondent's situation on the job market; this form of earning a living is generally chosen by the unemployed. Belarusian respondents are reluctant to reveal their actual purpose of visit when asked directly. But when asked elsewhere in the questionnaire, whether the border is their source of income, they are more inclined to admit this. As a result,

⁵ Art. 18 of the *Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on personal traffic of 26 August 2003* lists categories of people exempt from visa fees. The other categories of visas are subject to fees, but, after the survey had been completed, based on the diplomatic notes, Poland and Belarus, as of 1 May 2004, mutually agreed to reduce fees for tourist visas and economic-purpose visas.

an average of 15% of those declaring tourist purposes also admit that they live on or earn extra money from the frontier traffic.

Although the level of education in Belarus is not significantly related to the purpose of visit, individual consulates differ considerably when it comes to people with higher education. Such persons account for as much as 68% of all applicants in Minsk. In Brest, on the other hand, those with higher education turn up nearly twice less frequently (38%), while a mere 29% of all clients of the Grodno consulate have higher education. There is no marked age difference between respondents in individual cities. The average age in all consulates ranges from 37 to 38 years.

Inconvenience of visa procedures in consular agencies in Belarus

A sweeping majority of the respondents in Belarus view the visa proceedings as not inconvenient. As in Ukraine, the relationship between the opinion that visa proceedings are inconvenient and the length of waiting lines is not statistically significant. In the case of Belarus the lack of any relationship between the lines and the inconvenience of visa proceedings is less surprising, as the lines in Belarus are incomparably shorter than those in Ukraine. In Brest the entire visa procedure is completed within 6 hours on the average, whereas in Minsk and Grodno it takes twice as much (11 and 10 hours, respectively). In Minsk the visa procedure is perceived as slightly more inconvenient than in other consulates in Belarus. 48% of respondents rate it as very easy, against 60% in Brest and Grodno.

The reasons why the procedure is seen as inconvenient are similar to those in Ukraine; in both cases this is due to the behavior of consular and security staff⁶. Although the behavior of both these groups is in principle good, the security staff received the smallest number of good and very good marks in Brest (89% against 91% in Grodno and as much as 100%

⁶ Analysis of all key variables affecting the degree of inconvenience in Belarus: the behavior of security staff ($B=0.18$; $p<0.05$); and behavior of consular staff ($B=0.35$; $p<0.01$).

in Minsk,), while consular staff received the fewest of such marks in Minsk (92% against 97% in Brest and 99% in Grodno).

Russia

Who are the visa applicants in Russia?

Those applying for a visa in Russia come to Poland for reasons very different from those declared by the applicants in Ukraine or Belarus. Tourist (52%) and business (22%) purposes dominate. Economic purposes are declared very rarely.

Those coming to Poland on business apply for visas in the Russian mainland in St. Petersburg (47%) and Moscow (37%). The inhabitants of the Kaliningrad District, due to their proximity to the border, very often come to Poland as tourists. If the respondents' declarations are to be treated as true, the frontier trade between Poland and Russia is absolutely marginal in mutual contacts between the two countries. But, as it is very well known on both sides of the border, frontier trade dealings do exist.

Unlike the consulates in Ukraine and Belarus, Polish consulates in Russia are not frequently visited by the unemployed or the poorly educated. Among the applicants in Kaliningrad 15% are out of work, whereas in Moscow and St. Petersburg the rates are, respectively 3% and 5%. The respondents in Russia applying for Polish visas are also markedly better educated.

The survey confirms the interviewers' impression that the clients of Polish consulates are members of Russian elites: mainly big and medium-size business, the intelligentsia and white-collar workers.

Nonetheless, there are differences between individual cities in this respect. As many as 78% of all applicants in Moscow have higher education. Nearly three quarters (67%) of all applicants in St. Petersburg and 55% in Kaliningrad have a university degree.

There is no marked difference in the age of the respondents in individual cities: the average age of visa applicants in Russia is slightly over 39 years.

Inconvenience of visa procedures in consular agencies in Russia

The entire visa procedure in Moscow is completed within 5 hours, while in Kaliningrad and St. Petersburg it takes up to 10 hours. The interviewers in St. Petersburg observed that short waiting lines form spontaneously as some people come to the consulate a few minutes before the opening time, and also because it is impossible for everybody to get in at once. Such lines disperse in a matter of minutes, so, as a rule, when asked if they had to wait in a line during the visa procedure, the respondents said no.

No lines were seen in St. Petersburg. In Moscow, the early stages did not involve waiting longer than half an hour. In Kaliningrad it was similar except for the average waiting time for a token: 77 minutes. The entire visa procedure took on the average 5 hours in Moscow, and just over 10 hours in Kaliningrad and St. Petersburg.

In each of these consulates, over 90% of respondents find the visa proceedings to be either fairly easy or very easy. Also, 95% of all respondents were of the opinion that both the security staff and consular officers performed well or very well. These results are almost ideal.

Visa procedure as seen by consular staff

The Team

Interviews with consular officers in Kyiv, Kharkiv, Lviv, Lutsk, Minsk, Brest, Grodno, Moscow, St. Petersburg and Kaliningrad were carried out in March 2004; they were, as a rule, face-to-face occasions in the consulates. 45 people (16 women and 29 men) participated in these conversations. In each consulate, at least one senior consular officer (consul general or vice-consul) was interviewed. Around 25% of those interviewed were consuls or vice-consuls, while the other officers were responsible for consular, information, auxiliary, and technical duties. Most respondents were of Polish nationality and citizenship, with the average age of 35 years. Nearly everyone speaks fluent Russian; their second foreign language is English; Ukrainian and Belarusian are hardly spoken.

Their duties usually comprised consular functions as defined by the law (41 answers) and working with applicants in windows or telephone information service, etc. (36) and in the 'production' of visas (20). In the consulates, the principle of staff rotation is usually applied. This means that in most cases, each day a given officer may perform different duties, and these do not necessarily have to fall within his/her narrowly specified scope of qualifications. A consul can only be replaced by another consul, while the other staff members must be flexible and 'universal'. Sometimes the officers replace one another (34). Only in Brest rotation is infrequent and takes place every two months. Although embassies and consulates are not

Leszek Chajewski PhD
Collegium Civitas
Jędrzej Karpiński
Collegium Civitas
Paweł Wojtowicz
Collegium Civitas

typically perceived to be governed by flexible rules and division of duties, the Polish visa system appears to be an exception.

Visa system evaluation criteria

A significant number of employees pointed to the purely technical and formal functions of the visa system, especially its controlling function (23) and its role in implementation of standards after the eastward shift of EU borders (19). This was fairly predictable, but less obviously some officers (12) focused on the role the visa system might play in the cultural and political rapprochement with our eastern neighbors. Some consular officers (8) have a friendly attitude to frontier trade, seeing it as an economic phenomenon that is beneficial for all the parties involved.

The feeling that the visa system might be a tool of rapprochement rather than divide the two communities, might seem paradoxical. On the other hand, the need to adjust the Polish visa system to EU standards is generally obvious, and the system itself might serve to win the trust of the community it caters for, by reducing the inconvenience of the procedures. A head of a visa department admitted: *Visa fees are a barrier for the Belarusians. We would like to reduce them, but, unfortunately, the authorities here do not agree, because they want to ration their citizens' trips to the West¹.*

Infrastructure and resources of the consulate

The number of windows dealing with applicants depends on the size of a given consulate. In most consulates there is a sufficient number of such windows and, if need be, new ones can be opened. The biggest reserves of consulate space can certainly be found in Russia, while in Belarus and Ukraine their capacity is filled up. Since the introduction of the new visa

¹ Interviews with consuls were carried out in March and April 2004, i.e. before the consular consultations on the mutual reduction of visa fees for citizens of Belarus and Poland were concluded. As of 1 May 2004 much lower fees are charged.

system most consulates have changed the opening hours of the windows adjusting them to the needs of the clients. As a rule this was caused by a different intensity of visa-related traffic than expected. The consuls declare a flexible approach; one of them said: *We work from 7 until the last client leaves, and we do not have fixed working hours.*

A decisive majority of the consulates have a telephone information service, open during working hours of the consulate. Information is also provided in windows or sometimes by the security staff; information can also be found on boards placed inside or outside the consulate. Every third respondent said that one important source of information had been press conferences organized by the consulates before the new visa system was introduced. This helped further the new visa regulations. Visa applications are available in all consulates. Depending on the individual consulate, they are available in windows or special boxes outside or inside the buildings, or given out by the security staff. Usually they are also available in tourist agencies; in some towns on the border they can be obtained in municipal offices, at post offices or in local Polish community organizations. Writing implements needed to fill out the application forms are usually available on the spot. Sometimes, however, they are missing – for very mundane reasons: *There were scissors and a whiteout marker, but they disappeared* (as one visa officer said) or for safety reasons: *There used to be large scissors lying here but now, for safety, they are kept by the security.*

Contacts with clients and human rights

When asked how they understand observance of human rights in their professional life, the consuls and local employees most often talked about respecting the dignity and equality of their clients. They also underlined that they were trying to keep high standards and that one of the most important aspects of their job, as representatives of Poland, was to leave the applicants with a positive impression. Many consuls stressed that those recruited to work in the consulate were required to be friendly and com-

posed. During training courses the employees were reminded of the rules of dealing with the clients: avoiding any disputes or raising their voice, addressing everyone in a respectful manner and with a smile. Consular officers are aware that it is their job to make the visa proceedings as easy as possible for the applicants. *We do treat them kindly* – said one visa officer. If you break these rules you get reprimanded or in extreme situations you may be dismissed: *I watch my personnel and tell them that everybody who fails to treat the clients properly will be fired. All my employees wear badges with their names to facilitate the making of complaints, if necessary.* – said one head of a visa department.

Slightly different is the issue of equal treatment of all the people coming to the consulate. It was not made clear that all clients were equal. It was often declared that there had been no need to explain this to the employees, as it all seemed perfectly obvious. Some consuls admit that it is human to treat some clients with particular kindness and others with standard politeness, making it clear at the same time that impoliteness is not tolerated. Special treatment is offered to the elderly, who are served without having to wait in a line. The interviews show a very favourable attitude of consular staff toward their clients.

A totally different matter altogether, related to observance of human rights, is the way Chechens and other persons from the Caucasus are treated in Polish consulates. According to a few consular officers, due to the terrorist threat, these people are often excluded from standard procedure and are subject to additional verification. Their documents are scrutinized and they are usually called in for an interview with a consul. In a few consulates outside Russia, Chechens are referred to Moscow to get their visa there, as it is possible to get more information about them in that event². In one consulate an employee admitted that documents (passports) of people with ‘Caucasian features’ are specially marked before being handed over to the

² The situation of Chechen citizens applying for Polish visas was investigated by the Moscow Helsinki Group in the first weeks after the introduction of the visa system.

consul. Such people are more often refused visas. One consul commented on this: *How can I give a visa to a Chechen, who under 'occupation' writes: 'airborne troops officer.'*

It should be pointed out that some consular staff, when interviewed, said that there were no special procedures applied for the Chechens and the proceedings in their case are no different than in the case of citizens of the Russian Federation of other nationalities.

Most interviews between consuls and visa applicants are conducted in Russian. The standard procedure does not normally involve a 'qualifying' interview, since a need for such an interview arises primarily in atypical situations. A consul may call an applicant for an interview if there are doubts as to the documents filed or the declared purpose of visit, or if the matter is urgent or atypical. If a given applicant needs additional information, he/she may also request an interview. Such interviews are often requested by representatives of tourist agencies or business executives willing to avoid the initial contact with the consular window. The consuls also call for interviews nationals of countries considered to be 'dangerous' by the Ministry of Foreign Affairs as well as Chechens and other members of Caucasian nationalities. Consular officers claim that they do not inquire about the purpose of visit nor do they verify other statements made in the visa application: *We are not prosecutors or policemen. We accept and the final decision is made by the border guard* – said one consul. In typical cases getting a visa is a mere formality. A closer verification is carried out in the above mentioned cases or when long-term visas are to be issued.

Waiting lines, paid services, tourist agencies

A majority (28) of consular officers said they had not observed selling of places in lines outside the consulate. Such dealings take place outside the 'besieged' consulates (in Lviv an Lutsk, among others). Special 'line committees' are set up, one may encounter frauds, cheats or 'standers', who sell their place in the line. Sometimes this is an organized action. A similar

situation was observed with the transliteration (from the Cyrillic script into the Latin alphabet, in which the applications are to be filled out). This problem is generally overlooked. In some consulates the employees denied the existence of transliteration services, even though they were available right by the consulate. In others, particularly the more crowded ones, not only were the staff aware of such dealings but they knew the going rates – from a few up to 100 dollars.

If such dealings were observed, attempts were made to counteract them. Security was strengthened and more attention was to be paid to suspicious-looking individuals, rules of transcription were placed on information boards; in some cases consuls themselves made personal interventions (e.g. in Kyiv the consul gets out every morning and warns people waiting in lines against the frauds) or the local authorities were called in. Some interviews showed that consular staff were indifferent: *I don't know. The sidewalk is not part of the consulate, so whatever is going on outside does not concern us.* Indeed, the responsibility of consular staff, formally speaking, does not go beyond the limits of the consulate, but still, the waiting lines outside are largely a result of the way the work in the consulate is organized. The indifference of some members of consular staff is a bit worrying. Another disturbing phenomenon is the actual covert support for the legal and the illegal agencies that offer help in filling out the applications. Visa applications filled out by such bureaux are error-free and clear, so they reduce the workload of the consulate. According to one consul: *They charge a dozen hryvnas or so, which makes the filing of applications much smoother.* No doubt such agencies are useful to those who do not have the time to wait in lines, but they are also approached by people who are unable to fill out the application form on their own and cannot get the adequate help at the consulate. One interviewer observed a security guard in a consulate refer an applicant asking him for help to a specific tourist agency.

In some consulates the transliteration problem was tackled in a very simple way – as one visa officer said: *We do not require transliteration, it makes no sense; all the employees know Russian.* Elsewhere, if there are problems

with charging money for transliteration services, steps are taken as in the case of lines. A very good example is set by St. Petersburg, where, in the waiting room, one consular officer helps the applicants with the transliteration. It is only possible due to the small visa-related traffic there.

Refusals to issue a visa

Refusals are sporadic and are based on the request of the Ministry of Foreign Affairs, Border Guard, or in the case of filing false or incomplete documents. Visas are refused to people who committed crimes in Poland or extended their stay beyond the legally set limit or are citizens of a state that is considered a 'high-risk state' by the Ministry of Foreign Affairs. Sometimes visas are refused to Chechens as well. A consul is entitled to refuse a visa at his discretion. In practice, however, the visa system is extremely liberal – visas are refused to a mere 1% of all applicants. They are not refused even if it is obvious that a given person is going to Poland to buy and sell things or to work illegally. As one consul admitted, in an emergency such as the illness or death of a close relative living in Poland, even those listed in the register of unwanted persons are not automatically refused a visa.

Corruption and getting visas 'through connections'

According to most employees (26) the visa system is well secured against corruption. Thanks to the work organization in the consulates that resembles an assembly line each application must go through the hands of a number of officers, so it is virtually impossible to get one's visa 'fixed' by a single person. The only people capable of doing this are the consuls. At the same time 19 respondents said that no system is perfect, and there will always be a way to find a loophole, so everything hangs on the moral standards of the staff. The consuls also admitted that corruption is a serious threat in the countries where it is considered something 'natural'. They mentioned bribes proposed by tourist agencies. Two officers admitted that

there were ways of cheating the system, which can be used to advance the issuing of a visa (at the same time they declared they do not make use of such knowledge).

It turns out that the flexibility required of consular staff and their frequent rotations are not only ways of ensuring high efficiency, but also a way of preventing corruption. Quite often (e.g. in St. Petersburg) only upon arrival in the workplace, the officers are informed about their tasks to be carried out on that day. This is meant to reduce the chance of visas being issued summarily or groundlessly. Yet the best preventive measure is a low fee and the swiftness of the proceedings – giving bribes is pointless when the wait does not exceed 24–48 hours, as it is the case in most consulates.

Most respondents (26) claim they had never heard about getting visas ‘fixed’ via one’s contacts at the consulate, although there are certain amenities for certain categories of visa applicants. Those categories are, among others: representatives of local authorities, consulate staff, a consul’s friends, or sometimes certain businessmen. The VIP windows are open to employees of tourist agencies or representatives of the local Polish community.

Evaluation of the new visa system; opinions on potential threats

Consular officers appear to be proud of the new system, with many saying that it is nearly optimal. This opinion is confirmed by the short waiting time, the number of visas issued, the high qualifications of the staff, good atmosphere between the colleagues, short waiting lines or no lines at all, an efficient computer system, minimal red tape and customer satisfaction. *At the Polish consulate the visas are given the fastest*, one consul said proudly. Other advantages of the visa system are: the possibility to get information about the migration structure, reduction of illegal stays and introducing order to the borders. Although the system is viewed to be good and seen as a source of employment, the staff are not enthusiastic about visas as such.

They believe that visas form a barrier between communities, especially if they are subject to a fee.

Recommendations for the future mainly concerned the types of visas – suggestions were made to introduce long-term visas for ethnic Poles, a simplified procedure for children and young people, or, which seems rather infeasible, to make it possible to stay in Poland for 180 days (under the present system this cannot exceed 90 days). In Belarus it was proposed to reduce the visa fees (being too expensive there) and to introduce fees in Ukraine (to relieve the state budget). Suggestions concerning the functioning of the system were very diverse and mainly reflected slight shortcomings rather than clearly improper practices. The respondents mentioned mainly the need to simplify the visa application forms, which are hard to understand for many applicants or the much needed improvement in the office space (especially in Grodno and Lviv), the abolition of the transliteration obligation and improvements in the computer system. Changes were also proposed to be made outside the consular system itself, which would lead to building a more secure border; numerous suggestions were made to enhance the entry and search system (now lasting up to 2 weeks) of the unwelcome persons data base. It was also postulated to link up the Border Guard and consular data bases. Most employees agreed that there were no serious threats to the functioning of the system in the future. Serious problems could arise if there were a power failure, or a collapse of the entire computer system or an epidemic among the consular staff.

Interviews with consuls yield a favourable picture of the functioning of the new visa system. The consular staff had expected a great deal of problems, but instead they appreciate the new system's strong points: flexibility, good organization, resistance to corruption, efficiency of the computer system. They do admit that this system is a liberal one, as it makes it possible to get a visa with minimal formalities needed and in a short time. But as one visa officer said: *It is great with 40 visas a day, but what will happen if there are 500?*

Overall evaluation of the visa system: recommendations

The Team

The Polish visa system is an important element of safeguarding the high standards of border control on the external borders of the European Union. Its details were laid out during accession negotiations of the chapter 'Justice and Home Affairs'. Poland's effective implementation of a visa policy harmonized with EU visa policy is a key condition of Poland's accession to the Schengen convention.

An important element of Polish visa policy, according to the guidelines of Polish foreign policy¹, is maintaining good relations with the eastern neighbors. This visa policy is based, on the one hand, on the *Act on Aliens* and the *Act on granting protection to aliens within the territory of the Republic of Poland*, and, on the other, on bilateral agreements on personal traffic with countries in the East. Poland was the last aspiring EU member to introduce mandatory visas for citizens of Belarus, Russia and Ukraine.

¹ *Poland – Schengen Action Plan*, adopted by the Office of the Committee for European Integration on 15 August 2001 was a supplement of the Polish negotiation position in the sphere 'Justice and Home Affairs'. The '*Non-paper with Polish proposals as regards the future shape of the extended European Union vis a vis the new eastern neighbors*' was published in January 2003, <http://www.msz.gov.pl>; a speech by the Minister of Foreign Affairs of the Republic of Poland Włodzimierz Cimoszewicz [in:] *Policy of the extended European Union vis a vis its eastern neighbors*. Report from the conference organized by the Stefan Batory Foundation, in cooperation with the Ministry of Foreign Affairs of the Republic of Poland on 20–21 February 2003 in Warsaw.

Whether these guidelines proved to be efficient and workable depends on the number of visas issued and the number of refusals, as well as on the number of visitors from Belarus, Russia and Ukraine. The image of the Polish visa system also hangs on media publications in Poland and in the neighboring countries, as well as on the results of representative polls carried out among visa applicants.

One of the basic guidelines of Polish visa policy is the liberal character of the system, i.e. granting visas to everyone wishing to visit Poland unless there are circumstances to justify refusal as provided by appropriate law. Official visa statistics of the Ministry of Foreign Affairs corroborate the results of this survey, which show a minimal percentage of refusals to issue a visa (Belarus and Russia – 1%, Ukraine – 2%)². This is primarily due to the fact that in the visa proceedings, interviews with citizens of Belarus, the Russian Federation and Ukraine are sporadic, the statements made by applicants are not verified, especially those about the purpose of visit or funds available to cover their expenses during the stay³. Such a liberal approach of the Polish authorities to visa procedures results in a generally favorable opinion about Polish consular agencies among the citizens of Russia (93%), Belarus (91%) and Ukraine (72%). Respondents' answers, on-site inspections and legal analysis are the basis of our evaluation of the activity and effectiveness of individual consulates. We hope that the recommendations included here will contribute to improving the efficiency of individual consulates and enhancing the image of Polish visa policy in the eyes of our neighbors.

An analysis of data on the intensity of personal border traffic between January and May 2003, and, respectively, 2004, shows a 20.3% growth in the total number of entries by all foreigners into Poland. This does not, however,

² The percentage of refusals for March 2004, according to the Ministry of Foreign Affairs, looks as follows: Kyiv 0.36%, Kharkiv 1.03%, Lviv 0.45%, % Lutsk 1.48%, Odessa 1.66%, Minsk 0.12%, Brest 0.08%, Grodno 0.26%, Moscow 0.20%, Kaliningrad 0.08%, St. Petersburg 0.24%.

³ Under the general system, unlike in the streamlined system, before making a decision, the consul conducts an interview.

include the citizens of Russia, Belarus and Ukraine. Their number has been falling systematically since 2002. Thus between January and May 2003 and 2004, respectively, the number of Russians visiting Poland dropped by 6.6%, of Ukrainians by 16.2%, and of Belarusians by 14%⁴. One can say that the newly introduced visa system resulted in a fall in the number of citizens of Belarus, Russia and Ukraine coming to Poland. Certainly however, the visa system is not the only factor that brought on a drop in the number of visitors from across the eastern border.

Effectiveness

In order to evaluate the efficiency of individual consulates, we prepared a set of criteria that make it possible to assess the individual consulates as regards the inconvenience of the visa proceedings there. Three elements of the visa proceedings, crucial for the entire procedure, were taken into consideration: 1) the total amount of time spent in waiting lines while applying for a visa, and 2) the amount of time spent waiting to collect a visa, as well as 3) the number of visits needed to obtain a visa at a given consulate. It has been established, by means of statistical calculations, how long a queue outside a consulate can be explained by factors beyond a given consulate's control⁵, such as the number of applicants, their education and

⁴ The number of crossings of the Polish border by foreigners dropped by 6.6%, from 244,196 in 2003 to 228,198 in 2004 for Russia; by 16.2% from 1,729,066 to 1,449,613 for Ukraine; and by 14%, from 1,834,234 to 1,577,472 for Belarus (data of the Border Guard Headquarters).

⁵ The analysis of inconvenience based only on traffic intensity is not enough to evaluate a consulate's efficiency, as it depends on the number of applicants on a given day, as well as on their level of education or the purpose of visit, etc. Dealing with people who have higher education and going to Poland as tourists is far easier than in the case of the less educated applicants going there to buy or sell things. Therefore, while defining the justified length of waiting in a line we took into consideration not only traffic intensity (the percentage of the total number of applications filed in a given consulate), but also the applicants' level of education (measured as the percentage of applicants with a university degree), and their purposes of visits (measured as the percentage of those traveling to Poland for economic reasons).

their purpose of visit. These results were compared with the actual waiting time, as per the questionnaires and shown in the graphs (available on the website: <http://www.openborders.ngo.pl>).

Evidently, some consulates have a markedly good organization, where people wait shorter than it could be expected, while other definitely do not conform to the norm. According to all rankings, the Lutsk consulate tops all the lists, then come Brest, Moscow and Kyiv. The situation in Lviv is definitely poor, with that in Kaliningrad and Grodno being only slightly better. The figures below show the summary data for all the rankings (the best given 10, the poorest 0 points): Lutsk 27 points, Brest 25, Moscow 24, Kyiv 21, Kharkiv 20, Minsk 14, St. Petersburg 12, Odessa 9, Grodno 7, Kaliningrad 6, Lviv 3.

Recommendations

Organization of the visa procedure

The simplified (so-called streamlined) system of issuing visas makes it possible to get a visa within 2 days of filing documents in a consulate. Yet, certain stages of the procedure, e.g. asking for information or getting the application form, in some consulates, particularly in Ukraine, take up a lot of time and a few visits. As these are the initial and relatively simple stages of the visa procedure, it appears that they could easily be made more efficient. This would reduce the waiting lines and the number of visits to a consulate, and thus eliminate the key factors that make this procedure inconvenient.

Changes are particularly needed in the system of getting visa application forms. They should be available on the premises and not only in windows as it is the case in Grodno, Moscow, St. Petersburg, Minsk and Lutsk⁶, which

⁶ Despite this, the consulates in Moscow and St. Petersburg accept application forms downloaded from the Internet; in Minsk an application form obtained at the consulate bears

would make it possible to get acquainted with the application form, or even take it home. Easy access to application forms in a consulate is also important given the limited possibilities of downloading them from the web pages of the consulates. In these countries Internet access is rather limited. For those interested in getting a Polish visa, getting the application form itself is more difficult than filling it out. The respondents complained: *Visa application forms are not available in the afternoon* (Belarus and Ukraine). *Some pointed out that, generally speaking, this application form is simple when compared with that for the Schengen visa* (Russia).

Consular staff

On the whole, the respondents rated very highly the way they were treated by consular staff. *The service in the consulate: very kind* (Russia) *Very polite, well done!* (Russia). *I'd like to thank the consul, who appeared outside the consulate at 7 (although they open at 9.00), put the waiting line in order, a very kind and polite person* (Ukraine). These comments are consonant with opinions obtained during interviews with some consuls, who emphasized that they were trying to reduce the inconvenience of the visa system, by motivating the consular and security personnel to be professional and polite in their contacts with the applicants. We agree that this is the simplest and the most efficient way to increase applicants' satisfaction. Our eastern neighbors show understanding of organization problems and the modest infrastructure of the consulates, but they are very sensitive about the way the applicants are treated. That is why utmost care must be taken to avoid any discrimination and to equally treat all applicants regardless of their education, purpose of visit, etc. This is also true about the Chechens, most of whom intend to apply for the status of a refugee in Poland. This cannot lead to them being discriminated under the Polish visa system.

a stamp with the date and time of filing one's documents, while a downloaded application form does not.

Consulate security

Another important aspect connected with the inconvenience of the visa system is the way of treating foreigners by the security staff. Although in most cases they are employees of external security agencies, as a rule, they are identified with the consulate. They make the first contact and leave the first impression – good or bad. Of paramount importance is their job description: it should be precise (they sometimes give information about the visa procedure, which might be inaccurate), and stating who they actually represent (the consulate or the local authorities). In some cases, we believe, it is necessary to change the security staff behavior. Respondents described, among others, such situations: *A security guard checked my purse to find out how much money I had* (Belarus). *A fight almost broke out between the people waiting in the line and a security guard, who was being very rude* (Ukraine).

Security staff should be re-trained to make them aware that they represent the consulate not the local authorities. Alternatively, what could be also considered is hiring of security guards directly by consulates, instead of outsourcing these services. In any case, consulates' supervision over the security is necessary.

Access to information

All consulates provide information on the visa procedure, but its range, timeliness, and availability differ according to the consulate. In some places it is hard to obtain up-to-date and easy-to-understand information. In order to guarantee to the foreigners applying for a visa the right to information, the information boards should be placed both outside and inside each consulate, and unlimited access to visa application forms, information leaflets and other fact sheets should be ensured (including the possibility to take them home).

Information boards should contain all visa-related information, useful to those planning a trip to Poland (the completeness condition). Other types of information should also be made available, including:

- consulate opening hours,
- addresses and telephone numbers of all consulates in a given country,
- visa requirements,
- required documents,
- consulate’s website,
- visa fees,
- waiting period,
- possible grounds for refusals,
- addresses of border crossings and other important data useful for those crossing the border – at least in two languages.

Information boards should also demonstrate how to fill out the application form correctly, together with the transliteration table. It might also be advisable to include a list of tourist agencies dealing with the visa procedure.

As the Internet is yet not widely used in those countries, the more important is the role of telephone information services. In Russia such a service is already working, while Belarus and Ukraine still do not have it.

The telephone number of the information service should be made generally available, e.g. by being publicized through the local media or by local tourist agencies. One of the most important pieces of information is an example of a filled out visa application form, which, just as an application form, ought to be readily available.

Transliteration

Most consulates in the East require that the applications be filled out in a transliterated form in the Latin alphabet, which is very inconvenient for the applicants, and might result in a rejection, due to the discrepancy in the spelling of personal data. The respondents admit: *It is difficult to fill*

out the application form in the Latin alphabet. Some consulates do not require transliteration or give out transliteration tables (Odessa and St. Petersburg). The *Act on Aliens* provides for the option of filling out applications referred to in this act in Polish, but the consul can permit filling out the application form in a language specified by him⁷. It is important to note that none of the provisions of the *Act on Aliens*, or any other legal acts, introduces an obligation to use a specific type of alphabet while filling out a visa application form in a foreign language.

It should be borne in mind that transliteration in Russian, Ukrainian and Belarusian consists in writing a foreign word in the Cyrillic alphabet to make it legible in one of these languages. On the other hand, transliteration as understood here (i.e. from the Cyrillic into Latin script), and required by some consulates, is a way of facilitating comprehension of Russian, Ukrainian and Belarusian words and phrases by consular officers, who use the Latin alphabet in their everyday work. A uniform practice of transliteration being carried out by consular officers should be introduced for the following reasons: it would make the system more efficient and reduce the number of errors in computer systems due to transliteration mistakes. A discrepancy between the spelling in the passport and on the visa sticker may result in problems during border crossings or passport controls. The introduction of such a practice by consulates would eliminate the paid transliteration services outside some of the consulates. Transliteration fees for one application range from \$1 (Belarus) to \$5 (Ukraine), which raises the total cost of a visa. Such services are used very rarely in Russia, sporadically in Belarus and fairly often (27%) in Ukraine.

Visas

Although the survey shows that nearly all applicants receive a visa, the respondents postulated the issuing of more long-term visas: *More long-term*

⁷ Article 11, para. 2 of the *Act on Aliens*.

visas! The visas are for too short a period (only 30 days); 5–6 months would be minimum (Ukraine).

Given that a big number of those crossing the border live in the frontier areas, the option of applying for a visa at the border should also be considered. This would, however, involve substantial changes in the current visa system and necessary investments in the technical infrastructure. Such a solution was postulated by our respondents: *Visa procedure to be moved to the border* (Ukraine and Belarus). The introduction of a special category of visas only for frontier traffic would be conducive to the development of economic and social contacts. The idea is also looked into by a working group of the European Commission⁸. Were Poland to introduce visas for frontier traffic, it would be a kind of preliminary test for the entire Union and would prove that the Polish authorities are determined to maintain a friendly and open frontier policy.

Infrastructure

The consulates' modest infrastructure might explain why the respondents' needs are met only to a minimal degree. The efforts of the Polish Ministry of Foreign Affairs and the consulates, in part depend on the chances offered by the authorities of a given host state. Even the consuls themselves admitted that, although ready and willing, given the local conditions, they were unable to improve the situation. One of the greatest ills in nearly all consulates is a lack of any sort of amenities for those waiting outside. Except for Grodno, there is no roofing to give shelter from the rain or snow, let alone a waiting room with seats. Only a few consulates managed to save up a little space for filling out the visa applications. Foreigners waiting for their visas pointed out: *Part of the visa procedure is done outside, not under the roof, which is sometimes inconvenient and difficult, e.g. in the winter*

⁸ Commission Staff Working Paper on Developing the Acquis on Local Border Traffic, November 2002; Commission proposals for Regulation on Local Border Traffic, September 2003.

(Ukraine). We need a waiting room or else we get soaked in the rain (Belarus). Applications are filled out in a rush (Russia). Filling out questionnaires in the street is very inconvenient, especially for the elderly (Ukraine).

As lines outside consulates are still a daily occurrence, the conditions for those waiting should be improved. A necessary minimum would be to assign a sheltered area outside a consulate and ensure access to restrooms, which are very rare.

Attachments



Selected regulations

(as of 1 June 2004)

International agreements

- Convention for the Protection of Human Rights and Fundamental Freedoms done in Rome on 14 November 1950, subsequently amended by Protocols No 3, 5 and 8 and supplemented by Protocol No 2 (Journal of Laws [Dz. U.] of 1993, No 61, item 284),
- Convention relating to the Status of Refugees done in Geneva on 28 July 1951 (Journal of Laws [Dz. U.] of 1991, No 119, item 515),
- Protocol relating to the Status of Refugees done in New York on 31 January 1967, (Journal of Laws [Dz. U.] of 1991, No 119, item 517),
- Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on principles of personal traffic, signed in Kyiv on 30 July 2003, (Polish Monitor [M.P.] of 2003, No 58, item 878),
- Agreement between the Government of the Republic of Poland and the Government of the Republic of Belarus on personal traffic, signed in Minsk on 26 August 2003, (Polish Monitor [M.P.] of 2003, No 49, item 754),
- Agreement between the Government of the Republic of Poland and the Government of the Russian Federation on the conditions of travel of citizens of the Republic of Poland and of the Russian Federation, signed in Warsaw on 18 September 2003, (Polish Monitor [M.P.] of 2003, No 51, item 800).

Laws, ordinances, and notices

- Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws [Dz. U.] of 2001, No 78, item 483),
- Act on Aliens of 13 June 2003 (Journal of Laws [Dz. U.] of 2003, No 128, item 1175),
- Act of 13 June 2003 on granting protection to aliens within the territory of the Republic of Poland (Journal of Laws [Dz. U.] of 2003, No 128, item 1176),
- Act of 27 July 2002 on the principles and conditions of entry and residence of nationals of the Member States of the European Union and members of their families within the territory of the Republic of Poland (Journal of Laws [Dz. U.] of 2003, No 141, item 1180),
- Act of 13 February 1984 on the functions of consuls of the Republic of Poland (unified text Journal of Laws [Dz. U.] of 2002, No 215, item 1823),
- Act of 14 June 1960 The Code of Administrative Procedure (unified text Journal of Laws [Dz. U.] of 2000, No 98, item 1071, as amended),
- Act of 15 February 1962 on Polish citizenship (Journal of Laws [Dz. U.] of 2000, No 28, item 353, as amended),
- The Repatriation Act of 9 November 2000 (Journal of Laws [Dz. U.] of 2004, No 53, item 532),
- Act of 12 October 1990 on the protection of the state border (Journal of Laws [Dz. U.] of 1990, No 78, item 461, as amended),
- Act on the Border Guard of 12 October 1990 (Journal of Laws [Dz. U.] of 1990, No 78, item 462, as amended),
- Act of 30 August 2002 on proceedings before administrative courts (Journal of Laws [Dz. U.] of 2002, No 153, item 1270),
- Ordinance of the Minister of Foreign Affairs of 15 March 2001 on the detailed procedure of issuing repatriation visas, the model application form for a repatriation visa and the documents required to receive such a visa (Journal of Laws [Dz. U.] of 2001, No 26, item 294, as amended),
- Ordinance of the Minister of Interior and Administration of 18 August 2003 on visas for foreigners (Journal of Laws [Dz. U.] of 2003, No 150, item 1462),

- Ordinance of the Minister of Foreign Affairs of 14 August 2003 on visa fees (Journal of Laws [Dz. U.] of 2003, No 156, item 1530),
- Ordinance of the Minister of Interior and Administration of 12 August 2003 on the model invitation and model application form to register it in the register of invitations (Journal of Laws [Dz. U.] of 2003, No 150, item 1459),
- Ordinance of the Council of Ministers of 23 September 2003 on the exemption of nationals of certain states from the obligation to possess a transit visa while traveling across the territory of the Republic of Poland (Journal of Laws [Dz. U.] of 2003, No 170, item 1654),
- Ordinance of the Minister of Interior and Administration of 29 September 2003 on the amount of funds required for foreigners to enter the territory of the Republic of Poland and the documents that can confirm the amount of funds as well as the purpose of entry (Journal of Laws [Dz. U.] of 2003, No 178, item 1748, as amended),
- Ordinance of the Minister of Foreign Affairs of 15 September 2003 on the specification of states whose nationals are required to possess the airport visa (Journal of Laws [Dz. U.] of 2003, No 166, item 1619),
- Ordinance of the Minister of Foreign Affairs of 16 November 2003 on the documents and visas for heads and members of diplomatic missions, heads of consular agencies and consular staff of foreign states and other persons (Journal of Laws [Dz. U.] of 2003, No 225, item 2234),
- Ordinance of the Minister of Interior and Administration of 25 June 2002 on border control by Border Guard functionaries (Journal of Laws [Dz. U.] of 2002, No 96, item 862),
- Notice of the Minister of Foreign Affairs of 15 September 2003 on the publication of a list of states with which the Republic of Poland signed agreements on complete or partial abolition of the visa obligation or for citizens of which the visa obligation was unilaterally abolished (Polish Monitor [M.P.] of 2003, No 45, item 691).

Organizations

Poland

Collegium Civitas

Collegium Civitas is a private academic school in Warsaw, operating as an international school, affiliated with five institutes of the Polish Academy of Sciences. The Economic Sociology Department of Collegium Civitas is involved in the project *Monitoring of the Openness of the EU Eastern Border*.

Address: Patac Kultury i Nauki, Plac Defilad 1, 12th floor

00-901 Warsaw, Poland

Tel.: |+48 22| 656 71 87–89

chajewski@collegium.edu.pl; www.collegium.edu.pl

Project coordinator: Leszek Chajewski

Stefan Batory Foundation

The Foundation supports the development of a democratic and open society both in Poland and in other countries of the region; it strives for uninterrupted communication and cooperation between Poles and Polish institutions and those European partners which in the nearest future will remain outside the European Union. The Foundation coordinates the international project *Monitoring of the Openness of the EU Eastern Border*.

Address: ul. Sapieżyńska 10a, 00-215 Warsaw, Poland

Tel.: |+48 22| 536 02 00; Fax: |+48 22| 536 02 20

batory@batory.org.pl; www.batory.org.pl

Project coordinator: Karolina Stawicka

The Helsinki Foundation for Human Rights

The Foundation strives to support the conformity of the Polish legal regulations with international human rights standards and the legal systems of states with a long-standing democratic tradition. The Foundation is en-

gaged in the monitoring of state institutions, legal advice and education in the sphere of human rights in Poland, Russia, Ukraine and Belarus.

Address: ul. Zgoda 11, 00-018 Warsaw, Poland

Tel./fax: |+48 22| 556 44 40, 828 10 08, 828 69 96

b.tokarz@hfhrpol.waw.pl, s.cybulski@hfhrpol.waw.pl;

www.hfhrpol.waw.pl

Project coordinator: Bartłomiej Tokarz

Belarus

Branch of the Brest regional association Center for the Protection of Rights 'Vesna' (Spring)

Established in 1999. The association offers civil and legal advice, and is involved in monitoring of human rights violations in the Brest region.

The association is engaged in the popularization of and education concerning human rights. So far, aid has been provided to four thousand people.

Publisher of the information bulletin '*Medza*' (boundary strip).

Address: bulvar Shevchenko, 7-24, 224030, Brest, Belarus

Tel.: |+37 529| 722 35 41; Fax: |+37 5162| 20 13 95

uladzimir@poczta.fm

Project coordinator: Władymyr Weliczkin

Group of experts from the Grodno District Social Association 'Ratusza'

Until its dissolution by the Belarusian authorities, the Association was engaged in the supporting of the development of civil society in Belarus by stimulating the setting up of new associations, supporting the existing ones, and by promoting cooperation between democratic parties, non-governmental organizations and trade unions in the Grodno region.

'Center for Social Innovations' Association

The Center was established in 1996 to serve the following aims: the creation of an effective welfare and environmental protection mechanism in Minsk, the creation of conditions for intellectual and creative develop-

ment of Belarusian citizens, and assessment of the implementation of international projects in Belarus. The Center fulfills its mission through welfare and educational programs, aiding the unemployed and refugees, supporting non-governmental organizations and international contacts. The Center is also a publishing house.

Address: 220012, prospekt Skoriny, 76, office 2, Minsk, Belarus
Tel./fax: |+375 17| 284 05 44, |+375 17| 284 07 09; csi@csi.by.com

Project coordinator: Leonid Kalitenja

Ukraine

Kharkiv Group for Human Rights Protection

The group is involved in the monitoring of the observance of the freedom of speech, the right to information and religious and personal freedoms in Ukraine. It carries out education programs on human rights and offers aid in this sphere. It also coordinates the operations of the network of organizations engaged in the protection of human rights in Ukraine.

Address: P.O. Box 10430, 61002 Kharkiv 2, Ukraine

Tel./fax: |+38 044| 417 41 18

secretariat@rupor.org; www.khpg.org; www.rupor.org

Project coordinator: Wołodymyr Jaworski

Center for Peace, Conversion and Foreign Policy of Ukraine

Since its establishment in 1992 the center has been engaged in research of foreign policy, international situation, security issues, political and social development of Ukraine and the process of integration with the European and world society. It publishes studies mainly on migration, visa systems, border security, European integration and NATO. It publishes the '*Ukrainian Monitor*' (www.foreignpolicy.org.ua).

Address: ul. Vladymirskaya 42, office 21, Kyiv, Ukraine

Tel.: |+38 044| 459 51 56; |+38 044| 238 68 43

sushko@cpcfpu.org.ua; www.cpcfpu.org.ua

Project coordinator: Irina Suszko

European Dialogue

The organization supports initiatives for rapprochement of European societies and countries. It cooperates with partners from Ukraine and foreign institutions. It is primarily involved in training projects for activists of non-governmental organizations, young people and representatives of local authorities.

Address: P.O. Box 2833, 79019 Lviv, Ukraine

Tel.: |+38 032| 297 18 57; Fax: |+38 032| 297 18 57

yaryna@dialog.lviv.ua; www.dialog.lviv.ua

Project coordinator: Jaryna Boreńko

Association for the Defense of Young People's Rights in Volhynia

The association is involved in the protection of the rights and interests of young people, and supports the development of civil society, democracy, traditional values by offering technical and information aid for organizations active in the Volhynia region. It is also engaged in training and aid programs. Publisher of '*Initiative*' – a youth newspaper.

Address: P.O. Box 221, 43 025 Lutsk, Ukraine

Tel./fax: |+38 03322| 52 421

aspmv@yahoo.com; www.iniciativa.com.ua

Project coordinator: Oksana Pankowycz

'Kowczeg' – Civil Initiatives Support Association

The association supports initiatives of individual citizens and local communities aimed at the development of civil society in Ukraine. It draws up and promulgates new instruments of social life, by promoting, among others, the cooperation between self-government and non-governmental organizations. It works as an 'incubator' for non-governmental organizations, offering them organizational and technical aid. It publishes the '*Social Investment*' newspaper.

Address: P.O. Box 25, 65011 Odessa, Ukraine

Tel./fax: |+38 048| 711 73 18

kovcheg@nonprofit.org.ua; www.nonprofit.org.ua/center/od/
partner.html

Project coordinator: Irina Sujetina

Russia

The Kaliningrad Regional Social Organization Regiomonti

An association of scholars of the L. Kirkland Program of the Kaliningrad District. It promulgates and co-organizes international academic, scientific and cultural cooperation between institutions, academic communities and artistic circles from the Kaliningrad District and from abroad. It is also engaged in actions aimed at communication and inter-cultural cooperation.

Address: ul. Gromovoy 105-34, 236001 Kaliningrad, Russia

Tel./fax: |+79 022| 184 718

samax2000@hotmail.com

Project coordinator: Maksim Sawinow

The Moscow Helsinki Group

It is engaged in human rights protection and supporting the development of democracy in Russia, revealing cases of human rights violations and putting pressure on the authorities in order to persuade them to fulfill their international obligations in the sphere of human rights. The group is also involved in supporting the development of civil society in Russia.

Address: Monetchikovskij pereulok house 18/7, strojenije 2-2B
107045 Moscow, Russia

Tel.: |7 095| 951 17 29, 951 24 86, 951 17 31, 788 52 20–22

fax: |7 095| 951 17 29, 788 52 20

gabidulina-work@mail.ru; www.mhg.ru

Project coordinator: Julia Gabidulina

The St. Petersburg Center for Humanities and Political Studies ‘Strategy’

The center supports the development of civil society and a democratic rule of law in Russia; it carries out projects and programs aimed at strengthening

social activity, social partnership and accountability of authorities before the citizens. It focuses on human rights, political development, corruption prevention, transparency of structures and accountability, as well as regional security and civil education.

Address: Prospekt Izmailowski 14/7, 198005 Sankt-Petersburg, Russia

Tel.: |+7 812| 112 66 12, |+7 812| 316 48 22

Fax: |+7/812| 112 66 12, |+7 812| 316 48 22

strateg@strateg.spb.su; www.strategy-spb.ru

Project coordinator: Denis Torhow



www.openborders.ngo.pl

Welcome to the website created under the project *Monitoring of the Openness of the EU Eastern Border* of the Stefan Batory Foundation and the Helsinki Foundation for Human Rights, in cooperation with Collegium Civitas and non-governmental organizations and academic centers from Poland, Belarus Russia and Ukraine.

The website features:

- documents, information and opinions on Polish and EU visa and border policy,
- information on the current edition of the project,
- an archive of the previous editions, containing, among others, the publication: *Monitoring Poland's Eastern Borders. Report.*

We warmly invite you to share your experiences applying for a Polish visa or crossing the border, and to send us your questions or complaints.

Our patron is www.ngo.pl a portal of non-governmental organizations, which is financially supported by the Open Society Institute, the East-East Program and the Stefan Batory Foundation.

