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Visa policy of the Czech Republic and the European Union towards the Eastern Partnership Countries and the Ways of its Improvement

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Executive Summary

- Communitarization of visa policy of the European Union (EU) results from the clash of two paradigms, that of providing security in the EU and promoting it as an attractive Area of Freedom, Security and Justice. Visa policy thus presents an important political tool in the relations between EU and the Eastern Partnership (EaP) countries. After the Eastern wave of enlargement (2004-2007), the communitarization of visa policy has accelerated as the new member states were obliged to introduce visa for citizens of countries and thus restricted their mobility.
- Replying to these new challenges, the EU introduced a number of mechanisms to ease the situation, including the establishment of regime specifically applicable to local border traffic or the visa facilitation schemes that may lead to visa liberalization. They do to some extent ameliorate the situation of EU neighbouring countries but their introduction very often hinges on political will rather than technical and legal preparedness of the EU neighbours. At the same time, more and more aspects of visa policy are decided or facilitated on the EU level, e.g. common visa application centre or the co-location of member states' consular sections.
- Visa policy is also an important tool for the regulation of migration flows to EU. Migration is thus an eminent factor which influences the visa policy to a great extent, especially on the national level. Based on this idea, the presented analysis of the perception of the Czech and EU visa policy and of the work of the Czech consulates focuses on the issue in the context of the development migration situation in different EaP countries.
- The visa policy of the Czech Republic (and other EU states) has two overlapping aspects – issuance of the “Schengen” and of the “national” visas. The EU common visa policy is applied through the system of so called Schengen visas, which is to great extent harmonised by common EU regulations. Thus, the rules for the submission of applications and visa issuance should be similar at the EU consulates in each of the countries. The issuance of Schengen visa is not only an important political tool on the intergovernmental level, as has been mentioned-above, but the EU visa policy and the work of EU consulates also shape the perception of EU in the third countries. In 2010, the present 25 Schengen states issued around 11 million Schengen visas, out of which over 1.8 million in the EaP countries. The issuance of “national” visa and residence permits (as some of the EU state do not issue the national visas) is regulated by each EU member on its own, though there are some aspects that partly subdue to common EU law (family reunion, study, long-term residence, etc.). Although the number of national visas is lower than the number of issued Schengen visas, they are an important part of migration policies in each of the EU countries.



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- The Czech migration policy and consequently the Czech visa policy had undergone important changes over the years. Since the late 1990s the Czech Republic has become an important destination for migrants from third countries. This migration was mostly economically motivated. For the migrant from post-soviet countries the Czech Republic was attractive thanks to its geographical position, language proximity, existing contacts and relatively open labour market. In the context of the economic growth before 2008/2009, we could observe increasing demand for the foreign workers to fill in the low-qualified positions. In these sectors, the state migration policies were mostly responding to the demand of the employer in the Czech Republic and the state control over the recruitment process and protection of migrant's right was relatively limited. Before the economic crisis the Czech consulates in the countries of origin (including Ukraine and Moldova) were overloaded by the number of applications for the Czech visa. Especially in Ukraine, problematic situation resulted in several scandalous and mediatised affaires. At the same time, the Czech Republic was introducing programs to attire highly qualified migrants.
- As a result of the global economic crisis, the economic situation in the Czech Republic considerably changed on the verge of 2008 and 2009. Aside of the significant drop in the demand for foreign workers, these changes brought more restrictive migration policies. One of the measures was the introduction of quota on the number of applications for national visas in 2009 in the main countries of origin, including Moldova and Ukraine.
- Simultaneously a new system for the application registration for national visas/residence permits (Visapoint) was introduced in summer 2009. This system did visibly reduce the queues in front of the consulates. Nevertheless, the number of applications that is accepted through the Visapoint is limited and the real queues have transformed into virtual ones. This is especially true in the case of the work visa applications, where it has become in many cases nearly impossible to apply for the visa even though the applicant has obtained a work permit that should itself ensure the protection of national labour market. The system introduced and inadequately generalising measure do not distinguish between the position and qualification of the migrants (unless they apply for the EU blue cards). The limits in the Visapoint system are particularly problematic in the case of limitation of application for the residence for family reunification and study purposes, as the right to apply for these permits is provided by the EU legislation.
- In the EaP countries the above described development led to several changes. Above all we can observe a general decrease in the number of applications and issued national visas. While before the crisis the national visa constituted one quarter of the applications (number was lower in Tbilisi, Kyiv and especially in Minsk, while in Lviv and Chisinau the share was around 40 %), their share dropped to 2-3 % (7-9 % in Lviv and Chisinau). This decrease led also to a change in the composition of the purposes of stay for the issued visa: we can observe a shift from economic reasons mainly to family reunifications and study.



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- The impact of these changes is different in each of the countries due to different migration flows. The developments in every state are significantly influenced by the global aspect of the recent economic crisis. The countries of origin were often hit by the economic crisis more than the destination countries. Meanwhile there is still certain demand for migrant workers in destination countries (in certain sectors and areas). This contributes to the continuation of the migration flows; as many migrants see fewer opportunities in their countries of origin. The restrictive visa and migration policies may sometimes only lead to creation of new (often semi-legal or illegal) migration mechanism and change the “circular” migration into permanent. At the same time, compared, for example, to the countries on the Southern border of EU, the EeP countries are facing severe demographic decline and many migrant expert mentioned the migration from these countries is unlikely to increase.
- The most visible changes can be observed in Ukraine, where the number of application dropped between years 2007 and 2010 from over 26 000 to 6 000. Ukraine is a traditional source country of the migration to the Czech Republic, and the migration flow between these countries is relatively established. Even though it seems that a part of migrants previously working in the Czech Republic have changed their country of destination or returned, according to some information many continue to migrate using their existing network. The functioning of the Visapoint system in Ukraine is especially problematic. Apart from official limits that make the registration for work visa very difficult, the system has been hacked and applicants had to pay certain amount of money to the intermediates to apply for the visa. Over the recent years (since 2009) inability to legally apply for the Czech work visa led to the creation of a new mechanism: Polish visas are used to enter the EU and then work in the Czech Republic. In a long term perspective this may cause serious problems and contribute to an increase in a number of irregular immigrants.
- Compared to Ukraine Georgia does not have an established migration flow to the Czech Republic, the number of application for long-term visas is lowest among all the researched countries. The Georgian immigrants go primarily to the Southern European countries, this migration is to great extend semi-legal or illegal, based on the personal networks (also due to a lack of legal mechanisms for migration). The Czech Republic (as well as other Schengen countries) may serve as a transit country in this process but is not an important destination.
- The labour migration from Belarus is oriented primarily on Russia, due to an open border and common labour market. Belarus is the only country where the share of national visas remains similar (2 – 3 %), although the number of student visas has increased. The Belarusian consulate was evaluated positively for its attitude and communication with visa applicants. Due to the recent economic development in Belarus, several experts have mentioned increased interest in migration to the EU countries among young and educated people.
- Moldova is a country with similar to Georgia’s negative migration rate. It has one of the world’s highest levels of remittances and longest cooperation with EU to whose



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countries migrants are mainly heading in the Mobility partnership framework. Labour migration from Moldova to the Czech Republic had increased in a couple of years prior to the crisis, but according to the available data, the Czech Republic did not become an important destination country. There has been an increased interest in the Project of qualified migration, but most of the applicants decided not to take part in this project because of the requirements.

- While the issuance of the national visas in the researched countries is mostly connected to the economic migration (though study and family reunion are becoming more important now), the main purpose of travel between is tourism (around 80 % of applications, with the exception of Tbilisi, where the tourism shares the first position with invitation). This leads to the unequal distribution of applications over the year – the largest number of application is submitted before the end of the year and especially before and during summer. During this time the applicants repeatedly complain about the long queues, where they have to wait from an early morning, and long waiting time between the registration and submission of documents in the consulates which have introduced a registration via phone. The registration by phone was also criticised because of the difficulties the applicants faced when they were trying to reach the phone line (in the time of the research – autumn 2011 – no consulate used the registration for short-term visa through Visapoint).
- In 2009/2010 we could observe a decrease in a number of applications for Schengen visa, which is presumably due to the economic situation in the countries of origin, which forced people to save money. As was mentioned earlier, the issuance of Schengen visa, as they constitute the majority of visas issued in the (Czech) consulates, is one of the factors that influence the perception of the Czech Republic and EU as whole. The impact differs in every country.
- Thanks to its geographical position and size, historical ties with EU, Ukraine is the country with greatest number of issued Schengen visas (over 1 million). As the work of the EU consulates as well as the EU visa policy concern significant number of citizens, it is an important issue in the public debate and problematic aspect of visa issuance attire considerable media attention. The EU consulates are often criticised for the requirements for the application, attitude of consular officers and uneven condition in different consulates. Compared to the situation we observed several years ago, when the Czech consulates were highly criticised (queue, corruption, etc), the perception of the Czech consulates does not differ from other EU consulates. In Lviv we can observe a positive shift in the perception of the consulate thanks to its cultural activities. The work of the EU consulates in Ukraine is annually assessed by the independent organisation Open Ukraine, which also focuses more generally on Ukraine-EU visa policy and cooperates and to certain extent serves as an example to similar organisations in Eastern Partnership countries.



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- Compared to Ukraine the EU visa policy in Georgia attracts less public attention. Georgia has the lowest number of issued Schengen visas (over 50 000, which is nearly one quarter of visas issued in Moldova, a country which has about a million less of population). This is partly due to the geographical position of the country, which increases the travel costs. Although criticised, the strict requirements of the EU consulates are understood in the context of migration situation in the country. Georgia has recently (2010) signed the Visa Facilitation Agreement (VFA). Similarly to other EeP countries, the VFA is perceived as a deception that - apart of a smaller visa fee – does not make the visa procedure easier. Interestingly, in Georgia the criticism is connected more to the national than the EU politics.
- Belarus is the only country that did not conclude the VFA, but has highest number of issued Schengen visas. Belarus has highest number of visas issued per capita (total number reaches nearly 0,5 million), but the visa issue does not attracts much attention in the public debate. The government interest is to great extend to maintain the recent situation, which contributes to the isolation of the country from EU. As for the civic sector, although they often have critical attitude towards EU visa policy (and work of the consulates) and consider facilitation of travel to EU an important tool for the democratisation of the country, their public criticism is limited. The main concern is that critical attitude would be used by government for anti-European propaganda. Although generally positively evaluated, the Czech consulate in Minsk has one of the highest refusal rates and issues the lowest number of multiple-entry visas (9 % compared to average over 40 %).
- Both Belarus and Ukraine have close ties to Poland. The Polish consulate issues the greatest number of visas in these countries, it is considered to be easier to obtain a Polish visa (even though sometimes through semi-legal mechanism). The recent changes in Polish visa policy are also perceived positively (lowering visa fee for national visa in Ukraine and waving the fee for national visa for Belarusians in 2011). Apart from the political aspects, these changes can be also perceived in the context of preparation for the Euro 2012 football championship.
- The situation in Moldova is influenced by traditionally close ties to Romania. The entrance of Romania to EU and introduction of visa regime between these countries has significantly complicated the travel possibilities. In 2007 the VFA between EU and Moldova was signed and Common Application Centre under Hungarian embassy that issues visas for several EU countries was opened. The opening of the Common Application Centre has facilitated the application process for many Romanians and softened the impact of the EU enlargement. Many Moldavians also have (or applied for) Romanian citizenship, which would allow them to travel free within EU.



Recommendations on the improvement of the Czech visa policy in the EaP countries

Communication and dissemination of information

- It is at the consulates where people get their first impression of the Czech Republic, its institutions as well as the EU as a whole. The main factor that negatively affects people's opinion about the Czech Republic is the Czech consulates' staff attitude towards the visa applicants. The latter ones are often (obviously not always) treated with contempt and face the unwilling to help consulate's employees.
- Since most of the applicants ask for a tourist visa one needs to keep in mind the main aim of the Czech tourism strategy – a tourist should come back. Thus, visa applicants should be treated as clients that pay for the service they inquire (visa fee).
- In the future before going on a mission abroad a consulate official should go through an extensive training in so called *soft skills*.
- Despite some significant improvements over the recent years, the consulates still do not offer enough information about the visa application procedures, which the applicants say to be very complicated. Further improvements in this area would both help eliminate the so-called „intermediary“, who, often illegally, make a lot of money off the applicants, and save the time consulates workers' spend on the incorrectly filled-in applications.
- Although there were some certain improvements (compared to some other European countries) in the quality of the consulates' webpages over the recent years, there are still a lot of problematic points.
- It is very important to improve the structure of the webpages which are extremely „user-unfriendly“. The website of the consulate in Baku could be taken as an example. Compared to the other websites, it is much more logically organized and does not contain unnecessary information (everything is displayed in HTML, more tables and less of a plain text and legislature).



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- There are also problems with the languages the websites are available in. Thus, the webpages of the consulates in the South Caucasus lack versions in their native languages. The website of the consulate in Belarus contains only a little text in Belarusian, whereas most of it is in Russian. Some parts of the Ukrainian website are also written in Russian. Sometimes a user is automatically redirected to the Czech MFA website, which is only available in Czech and English.
- The websites should also contain information on the long-term stay and permanent residence at the Czech Republic (e.g. info on the need to register with the immigration police once in the country is usually lacking, etc.) or there should be a link to the relevant webpage (not only in English).
- It should be borne in mind that most of the visa applicants do not have internet access and get the info from some other sources. Thus, it would be useful, for example, to put some information bulletin boards in front of the consulates' buildings.
- Following an example of the Czech Ministry of Interior, consulates should also launch hotlines (providing information on long-term visas and residence permits), where the applicants could obtain further information. In a long-term perspective such hotlines would increase the efficiency of the visa application procedure, making it easier for both the consulate workers and the applicants.
- The consulates are the only place the applicants have to visit before a journey to the Czech Republic. To increase their awareness and following a suggestion stated in the new system of economic migration, the consulates should provide successful applicants (especially those who are travelling to the Czech Republic for the first time) with some basic information (e.g. emergency numbers and the most important services contact information) useful for their stay.
- Long-term visa and residence permit holders that come to the Czech Republic to work and do business should be provided with information on particular residence permits (especially the blue and green cards).
- Following an example of Lviv consulate, the consulates could launch some cultural activities. Thus, they would no longer be only associated with visa issuing procedures and their image among locals would improve.
- It would also be useful to improve consulate's external communication with the foreign country's general public, and lead better promotion and information campaigns. This would help inform the public on any amendments in the European legislation as soon as possible (as of the moment, not all the applicants know about Visapoint, their ability to travel within the Schengen zone and many are not aware of their rights under the Visa Code).



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- In a long-term the consulates should commit to providing clear and coherent information, explaining and justifying all the demands they have and decisions they make. Additionally, the consulates should comply with the rules they are bound by (max application processing time, etc.) for these are the factors that contribute into a consulate's image (and thus image of the Czech Republic and the EU) as a credible institution.

Issuing visas

- Complicated registration, tiresome application procedures and a long processing of a request all contribute into a negative image of the Czech embassies. In summer, when the number of applicants is the highest, the consulates' capacity should be strengthened to enable them to cope with all the extra workload.
- Based on the seasonal increase in number of visa applications, consulates should prolong their working hours.
- There is also possibility to run visa centres in cooperation with VSF Global whose services are used in Ukraine by Poland and Sweden and with whom Czech Republic cooperates in Russia. The fee should not prevent applicants as their application will be managed faster.
- The system should also provide an option of an express application, with its rules and fees clearly defined. Visa Code also includes a provision on emergency cases.
- Often to submit a visa application an applicant has to take a day off at work. Thus, it would be useful to consider providing every applicant with a specific time slot.
- The future of visa procedure lies in computerization of whole system. Connection of information systems and databases on both national and European level either simplifies daily work of officials or save time of applicants. Czech Republic should deeply consider the option of submitting a visa application online and arranging a meeting at consulate via internet registration too. The possibility of paying a visa fee online with debit card strengthens transparency of whole application process.
- Apart from the electronic Visapoint appointment booking system, it should be possible to hand in an application in person. This would eliminate problems connected to long-term full dates in the system (especially in case of an emergency or an unexpected situation).
- Functioning of Visapoint and limited number of possible requests through this system should be addressed separately. It is necessary to allow eligible according to the European directives applicants to submit their requests. Because of the quota system it is impossible to apply for a specific kind of visa (primarily work visas,



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which additionally require obtaining a work permit). Such restrictive measures cause emergence of semi-legal structures, which help immigrants to get into the Czech Republic, and ignore the specific needs of certain sectors which could benefit from foreign specialists despite the growing unemployment. The Czech Republic should create a visa granting system that would clearly and transparently reflect existing employment and consider the situation in the destination country as well as the country of origin.

- Furthermore, Visapoint often faces technical problems (inability to fill in the code, select the location, etc.). Even in case the system is under reconstruction, potential applicants are not aware of such a fact.
- To back tourism and to be helpful to EaP citizens who enjoy travelling to the Czech Republic, it would be appropriate to establish some sort of certificate confirming tourist purpose of the visit similar to Polish e-Voucher thus simplifying the application process.
- Czech consulates in the EaP countries like other EU member states should issue multiple entry visas more often. If an applicant has substantial and justified reasons for a frequent visit to the Schengen states, issuing them a multiple entry visa is the most logical solution which would ease the workload.
- Although the number of refused visas issued by Czech consulates is steadily decreasing, it is still one of the highest among the EU member states. Every refusal should be clearly justified, especially if a couple of applications were submitted together and one or only a few of them were declined. Otherwise, the applicants might be suspicious about the nature of final decision.
- The decisions to decline a long-term visa application are made by the Czech Ministry of Interior. However, such decisions are very often based on the consulate's recommendations. The number of declined long-term visa applications has increased significantly, sometimes reaching 50% of a total number of requests. Ukrainian applicants are very often not able to get their green cards applications granted. This contributes to the fact that this type of residence and work permit is hardly ever used. The Ukrainian consulates should be much less reluctant to issue business visas. This not only prevents investments into the Czech Republic, but also hampers cooperation between Ukrainian and Czech companies.
- Czech MFA should ensure a unified set of documents the consulates require for a visa application. The current situation, when the MFA website states one list of documents and the consulates require a different one asking for some supporting documents not stated on their websites during the application procedure, should be addressed. A list of required documents together with filled forms samples should be available on the consulates websites.



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- Since the visa application form can be in English or Russian, it should be possible for an applicant to provide documents in one of those languages as well. Official certified translations significantly increase the price of the application and prolong the whole procedure.
- A great number of required documents creates a situation where it is easier for applicants to obtain documents through an „intermediary“. The consulates should also be aware of the fact that sometimes an applicant might feel uncomfortable to provide documents of a highly personal nature (proof of payments, personal e-mails, etc.).
- The fact that usually Schengen visa applications are processed on time or even faster should be regarded as a very positive trend. The situation is quite different with long-term visas and residence permits applications, which usually come along with a lot of practical complications for the applicant, their employer, responsible Czech institution and family members. Such an approach is a clear sign of a disrespectful treatment of the applicant. It also hampers the level of trust towards the Czech institutions. This issue is brought to attention because of the scale of this problem, even though the time needed for processing of such applications is primarily a competency of the Ministry of Interior.
- A new Law on migrant's residence proposes to introduce a fee for visa appeals. The number of appeals is rather low due to a complicated legal procedure and time consuming processing of a request. For those applicants who ask for a single entry visa it is usually easier to simply apply again. Appeals should be a tool to ensure transparency and increase currently very low confidence in the system. Appeal fee would go against the basic objectives this tool was created with and could hamper an image of the Czech embassies.
- Student visa applications should be processed in a timely manner, once the applicant provides all the necessary documents. This will prevent the students from starting a school year late and help avoid further usually financial problems. Mobility of young people should be among Czech consulates“ priorities. Most of the countries make it difficult for young people to get the first visa, especially if they are not married, financially insecure and female. Obviously, young people represent the highest risk group for illegal immigration. Nevertheless, reducing systemic migration of young people may have long-term negative results.



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