

Public Initiative «Europe without Barriers»

Schengen Consulates in Assessments and Ratings

**Visa Practices of the EU Member States in Ukraine
2010**

Kyiv-2010

Outcomes of independent monitoring of the EU Member States visa issuance to the citizens of Ukraine conducted by the public initiative *Europe without Barriers* (EWB) in the summer 2010 are summarized in this paper. For the first time all 20 Schengen consular services in Ukraine have been monitored and assessed, and consulates' ratings have been generated. This publication contains a variety of data regarding all substantial elements of visa procedures which allow providing complex analysis of the consular services quality. Data obtained gives ground for the quality-based assessment of the Schengen visa obtaining procedure as well as implementation of Visa Facilitation Agreement and the EU Visa Code.

Schengen Consulates in Assessments and Ratings. Visa Practices of the EU Member States in Ukraine. 2010

Monitoring paper

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FOREWORD

With this publication *Europe without Barriers* (EWB) summarizes comprehensive data of the large scale field research conducted in the summer 2010 with the support of International Renaissance Foundation.

Visa issuance procedures applied by the EU and Schengen Member States was the main research target, as it still remains one of the most sensitive issues for Ukrainian citizens regarding all the EU agenda, mainly due to the complications during obtaining visas.

Nevertheless, the problems rising within visa application procedure are important not only for Ukrainian citizens who spend their time and money in order to obtain the right to enter the territory of the Schengen zone; the consulates are also affected, as complaints by the clients may indicate administrative deficiencies and detect a quality level of the services provided.

Long “real” and “virtual” queues, visitors’ complaints on the unfriendly treatment by the staff, ambiguous application of existing regulations cause wide spread disappointment on visa regime with the EU and negative perception of European visa policies and practices in the eyes of Ukrainians.

At the beginning of 2010 Edward Lucas, famous British analyst and journalist, reflected in Ukrainian mass media upon the discrepancies regarding high EU requirements in the sphere of public administration taking as an example the visa practice of particular EU consulates functioning on the territory of Ukraine.

Mr. Lucas mentioned that accountability and transparency as the main principles of European administration system should be symmetrically applied by all parties of the process. The expert advised to fight for adherence to all the principles mentioned above by compiling ratings of consular services on the basis of multilevel monitoring, which will detect

the discrepancies among the Consulates and will serve as an important argument for promoting necessary elimination of existing drawbacks.

EWB experts not only made that idea real, providing unbiased expertise of visa issuance by the EU and Schengen zone members; they also continued comprehensive evaluations of implementation of existing regulatory framework, including the Agreement between Ukraine and EU on the Facilitation of the Issuance of Visas (Visa Facilitation Agreement - VFA) and the EU Visa Code that entered into force on April 5th 2010.

The data and assessments provided here were presented at the roundtable held by EWB in Kyiv on October 27th 2010. Among others, 14 top officials out of 20 consular services surveyed participated in the event.

We hope that increased publicity and openness demonstrated by many consulates of the EU Member States is only the first step towards productive atmosphere of transparency, openness and trustworthy dialogue between the consulate officials and Ukrainian society which will contribute to the solution of the problems restricting the freedom of people to people contacts.

On behalf of the Public Initiative "Europe without Barriers",
Iryna Sushko

VISA POLICY AND PRACTICE OF THE EU MEMBER STATES IN UKRAINE PUBLIC MONITORING (FOURTH WAVE):

What was investigated?

The visa issuance procedure by the consular services of twenty EU and Schengen zone Member States in Ukraine namely: Austria, Belgium, Greece (3 consulates in Kyiv, Odesa and Mariupol), Denmark, Estonia, Spain, Italy, Latvia, Lithuania, Netherlands, Germany¹, Poland (5 consulates² in Kyiv, Lviv, Odesa, Lutsk and Kharkiv), Portugal, Slovakia (2 consulates in Kyiv and Uzhgorod), Slovenia, Hungary (3 consulates in Kyiv, Uzhgorod and Beregove), Finland, France, Czech Republic (3 consulates in Kyiv, Donetsk and Lviv), Sweden, were investigated. *Total: 31 consular offices in nine cities of Ukraine, including 20 of them in Kyiv.*

Not investigated: countries not belonging to the Schengen zone (UK, Ireland, Romania, Bulgaria, Cyprus), non-EU Member States (Norway, Switzerland, Iceland) countries which do not have consular offices in Ukraine (Malta, Luxembourg) and small European countries that have delegated their consular functions to other states (Monaco, Liechtenstein, Andorra, San Marino, Holy See).

How this wave differs from previous ones?

Firstly, the research covers visa policy and consular practice of all twenty MS of the EU and the Schengen zone, which have consular offices in Ukraine. Previous stages (2006, 2008, 2009) covered only 10-12 most important countries.

1 The Consulate of Germany in Kyiv only. The Consulate General in Donetsk, opened in 2009, as of August 2010 hasn't the visa issuance yet.

2 The sixth Polish Consulate in Vinnytsya, which started operating only in 2010, isn't covered by the research. .

Secondly, ratings were provided along with qualitative and quantitative indications, which were traditionally analyzed. The method of data synthesizing was applied to summarize significant elements of visa procedure and create “profiles” of consular services reflected in the “certificates on consular services” with the relevant rating (rating positions respectively from 1 to 20, where 1 has the best result, 20 - the worst one).

How the research was conducted?

In July-August 2010 EWB conducted a two-stage interview with 1860 individuals who applied to the consulates to obtain Schengen visa. For this purpose two specific questionnaires were developed and more than 30 interviewers were recruited in the nine cities of Ukraine.

Only those individuals were polled who passed through the entire visa procedure by themselves.

The first component of the interview was aimed to clarify certain objective parameters: *the duration of the visa procedure, its effectiveness, the queues at consulates, a list of documents required, the amount of money spent, the availability of multiple entry visas with long-term period of validity.*

The second component of the interview was aimed to determine applicants’ perceptions of some more subjective (but important) components of the visa procedure, such as *attitude of consular staff, its willingness to assist, availability and sufficiency of information, and if the questions asked and documents required were reasonable.*

How were the ratings generated?

Ratings of consular services are based on the comparison of quantitative data on each parameter of the research. Twenty national consular services were studied, and there are 20 positions in each rating where *1 is the best rating, 20 is the worst one.*

The calculating of the first interviews' component data has resulted in rating 1. In this rating higher scores mean more multiple, long-term and free of charge visas, faster visa issuance and shorter queues near the consulates. (Table 2)

Rating 2 was formed on the basis of the second component of the interview: Those consulates, which staff is friendlier, which requirements are more facilitated and more understandable, which information or consultations are easier to get, take the higher place of consular office work in such rating (Table 3).

Apart of this EWB researched the statistical report for 2009, published by the European Commission in June 2010, where the entire data regarding all the EU consulates in the world visa issuance was collected. The number of rejected application was indicated there. Due to this fact it became possible to compare different consulates by this indicator (rejection rate). This was a way how **the rating 3** was formed (Table 4).

Final rating (Table 1) was calculated by summarizing the scores, received by the EU consulate services via ratings 1, 2, and 3. If two or more countries' sum of scores summarized was the same, **additional point** (either positive or negative) was generated on the basis of specific features of those consulates.

Table 1.

Final rating of Schengen consular services
 (The position of each studied country where
 the 1 — is the best result in rating, 20 — is the worst one)

Final rating	Country	Rating 1 (data, received by survey)	Rating 2 (applicants' opinion)	Rating 3 (refusal rate according the EU official data) ³	Additional point
1	Hungary	1	4	2	
2	Lithuania	4	6	3	
3	Estonia	2	8	7	
4	Slovakia	3	13	1	-0,5 ⁴
5	Slovenia	10	1	9	
6	Poland	6	15	6	+0,5 ⁵
7	Sweden	12	10	5	
8	Germany	5	3	20	
9	The Netherlands	8	7	14	-0,5 ⁶
10	Austria	7	18	4	
11	Latvia	11	2	19	
12	Denmark	9	12	11	
13	Finland	19	5	8	
14	France	13	14	13	
15	Belgium	16	9	17	
16	Czech Republic	14	19	10	
17	Portugal	15	16	15	
18	Italy	20	11	16	
19	Spain	18	17	12 ⁷	
20	Greece	17	20	18	
19	Spain	18	17	12	
20	Greece	17	20	18	

3 With the exception of Spain, see footnote 7.

4 Most of the additional documents which were required from the applicants

5 The largest number of visas, issued in Ukraine (about 40% of visas of all Schengen member states)

6 All respondents paid additional payments to external services' providers

7 Data of the Embassy of Spain, that claims on the wrong data placed on the official website of the EU. The percentage of refusals was 14,7% in 2009 according to that source. Embassy explains the differences by technical error in the calculations that had been made by Spanish Foreign Ministry.

So, the **Consular Service of Hungary** was recognized the best on the set of all indicators, represented by three consulates in Ukraine - in Kyiv, Uzhgorod and Beregove. **The worst one was the Consular Service of Greece**, which is also represented by three offices - in Kyiv, Odessa and Mariupol.

The essential elements of ratings are the following:

Table 2

Rating 1

according to monitoring of queues, waiting time for decision, the share of free, long-term (6 months or more) and multiple-entry visas: (The position of each studied country where the 1 is the best rating, 20 is the worst one.

Countries share the ranking if equal score obtained)

Rating 1	Country	Queues	Waiting time for decision	Free of charge visas	Multiple-entry	Long-term
1	Hungary	6	3	11	1	1
2	Estonia	7	12	5	2	3
3	Slovakia	10	7	6	4	6
4	Lithuania	18	4-6	7	5	4
5	Germany	5	9	1	12	13
6	Poland	14	13	13	3	2
7	Austria	11	16	10	6	5
8	The Netherlands	3	10-11	16-20	7	11
9	Denmark	1-2	19	16-20	8	9
10	Slovenia	9	1-2	8	19	19-20
11	Latvia	17	4-6	2	16	17-18
12	Sweden	20	4-6	14	9	10
13	France	19	10-11	12	10	7
14	Czech republic	16	17	4	14	8
15	Portugal	12	18	3	17	12
16	Belgium	1-2	14	16-20	15	16
17	Greece	15	8	9	18	15
18	Spain	8	15	16-20	11	17-18
19	Finland	13	1-2	15	20	19-20
20	Italy	4	20	16-20	13	14

Table 3

Rating 2

The applicants' assessments of individual components of the procedure namely: conditions for submitting and obtaining documents, the reasonability of the list of documents required, access to information and its sufficiency, the behavior of the consulates' staff, readiness to assist, the reasonability of questions during the interview

Rating 2	Country	Submission conditions	List of documents	Availability of information	Staff behaviour	Readiness to assist	Reasonability of questions
1	Slovenia	5	4	1	2	2	4
2	Latvia	14	10	3	1	1	9
3	Germany	8	6	6	3	3	10
4	Hungary	4	19	7	5	4	16
5	Finland	13	3	2	16	11	1
6	Lithuania	11	1	5	6	13	6
20	Greece	18	15	15	20	20	14
7	The Netherlands	1	8	12	12	10	3
8	Estonia	12	5	11	8	7	5
9	Belgium	2	7	19	11	8	12
10	Sweden	20	2	8	4	5	2
11	Italy	7	14	10	14	9	17
12	Denmark	3	17	16	7	6	немає
13	Slovakia	10	12	13	9	12	18
14	France	16	9	4	10	18	7
15	Poland	19	11	9	15	14	11
16	Portugal	9	18	20	18	17	8
17	Spain	6	13	14	17	15	19
18	Austria	17	16	18	13	16	13
19	Czech Republic	15	20	17	19	19	15

Table 4

Rating 3
Visa refusal rate according to the official statistics (2009)
 (Source: the Official site of the European Union⁸)

Rating 3	Country	The percentage of refusals to the number of applications (B and C visa categories)
1	Slovakia	2,05
2	Hungary	2,2
3	Lithuania	2,3
4	Austria	2,6
5	Sweden	2,8
6	Poland	3,31
7	Estonia	3,6
8	Finland	3,8
9	Slovenia	4,2
10	Czech Republic	4,2
11	Denmark	4,3
12	Spain	5,0 ⁹
13	France	5,7
14	The Netherlands	5,9
15	Portugal	6,1
16	Italy	7,1
17	Belgium	9,0
18	Greece	9,0
19	Latvia	10,2 ¹⁰
20	Germany	10,9

8 With the exception of Spain, see next footnote .

9 Data of the Embassy of Spain, that claims on the wrong data placed on the official website of the EU.

10 Latvian Consul publicly claimed at EWB conference in October 2010 that the data provided by the EU website was wrong, insisting (and demonstrating with the chart) that overall refusal rate in Latvian Consulate in Kyiv in 2009 did not exceed 4%.

Reasons and outcomes of ranking:

- Ranking of Consular services can be viewed as one of the means to encourage the friendliest visa policies applied by the leading countries as well as motivating others (especially the worst ones) to improve their policies regarding Ukrainian visa applicants.
- The compiled ratings can become an effective instrument for reinforcement of independent expertise and public impact, on the one hand, and promotion of positive practices on the other hand.
- The survey main findings should also serve as a certain benchmark for applicants who need to be better prepared before submitting the documents; it will also be a signal for the authorities in Ukraine and EU concerning the peculiarities of the policy implemented by particular countries.

MAIN FINDINGS AND CONCLUSIONS

- VFA functions better than in 2008, but compared to the year 2009 further significant progress is not achieved. The potential of positive impact of the Agreement is close to exhaustion. Conditions of long-term and multiple visa issuing, mentioned in the VFA, do not allow satisfying the needs of persons requiring regular trips, sometimes without the artificial construction (sometime through manipulations) of a set of accompanying documents.
- Introduction of the EU Visa Code by April 5, 2010 has led to adjustments, generally positive, but not very significant, to the visa practice of consular offices. Full unification of application forms on issuing visa, increase the number of multiple entry visas with validity for 6 months or more, and therefore some reduction in the number of multiple entry visas for short-term validity are among the positive impacts.
- The reduction of time spent in queues is fixed - mostly thanks to the external service providers (visa centres) — but simultaneously increases the cost of visa procedure. A quarter of applicants didn't stay in queues during the visa procedure (24,9%), another 30% spent in queues less than half an hour (in total). At the same time almost 10% of respondents were waiting in queues more than 3 hours.
- There is an obvious lack of visa centres' offices outside of Kyiv — in big regional cities of Ukraine.
- The share of free visas stabilized at about 30%. The procedure, which involves the payment for the external service providers (15% of respondents pointed out such conditions) isn't not perceived by the applicants as free of charge.
- The share of visa refusals, in average, stabilized at a relatively low level (4,6% according to official data, and 7% according to data of research), but with preservation of a substantial (five or more times) the

difference between individual consular posts that can't be explained by objective circumstances. This practice indicates the presence of "political component" in working process of consular offices. Highest refusal rate was detected in the consulate of Germany in Kyiv (10,9%), the lowest one — in the Consulates of Slovakia< Hungary, Lithuania (between 2 and 3%)

- About 12% of all visas, issued to citizens of Ukraine have about one year term of validity. Another 9% of visas are valid for six months or (rarely) 4-5 months. But visas valid for 2, 3, 5 years, are still rare (less than 1%). The largest proportion of the visas with long term of validity (more than one year) was issued by Hungarian consulates, first of all, its consulates in Uzhgorod and Beregovo. The share of multiple entry visas also prevails in the consulates of Poland and Estonia. More than 1/3 of multiple-entry visas were issued in the consulates of Slovak republic, Lithuania and Austria. The lowest proportion of them was detected in the consulates of Greece, Slovenia and Finland.
- The applicants note the absence of significant changes regarding the number of requested documents. Complicated list of the document required remains a main problem at the visa application. VFA (Article 4) set the limit only for the documents to prove the purpose of the visit, while the list to prove financial means and linkage to the home country (prove of return) remains unlimited which creates problems for the applicants.
- Absolute majority of the visas issued (81,9%) were C type (Schengen, short-stay) visas, 7,4% - D type national visas, most of them were issued by Polish consulates
- In 82% of cases the decision making process does not exceed 10 days from the submission (the deadline set by VFA), which indicates a definite improvement over previous years. But in the case of Italy, Denmark, France, this term is often much greater, reaching 20-30 days.

- Social profile of the applicant: almost half of all applicants are residents of the capital city Kyiv (47%). 21% - residents of the regional (oblast) centres, only 4% represent countryside. 2/3 of respondents are up to 40 years old. 62% declare university-level education. Gender balance is almost equal (54 to 46% in favour of women). 67% are employed; students and pensioners prevail among those who are not employed (31%).

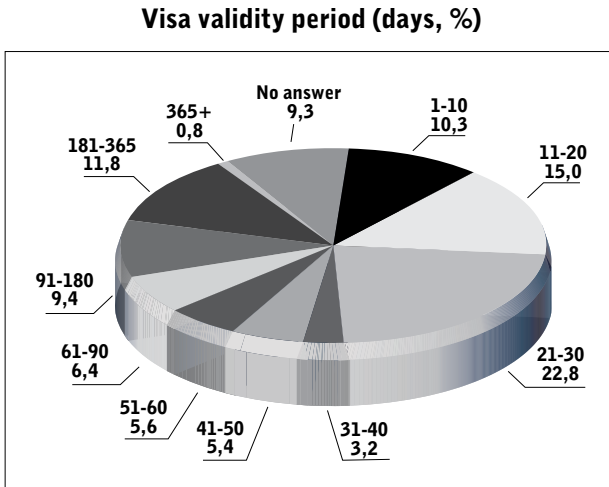
COMPONENTS OF VISA PROCEDURE AND ITS EFFECTIVENESS

Analysis of data provided below demonstrates availability of multiple entry and long term visas, time needed in queues, and waiting period for the decision on application. Rating 1 was compiled on the basis of this data.

Period of visa validity, number of entries

About 12% of all visas issued to the citizens of Ukraine are valid for (about) one year (visas valid for 7-11 months are issued rarely, in most cases visa validity period is “rounded up” to one year). Another 9% of visas are valid for half a year or (rarely) for 4-5 months.

Diagram 1.



Thus we can state that every fifth issued visa is a relatively long term visa. Such share is slightly bigger than it was last year, when only the sixth or seventh visa was a long term visa. At the same time, the number of holders of visas valid for 2, 3, 5 years is still extremely small (VFA stipulates the option to issue such visas to rather small number of categories of applicants).

Out of all Consular services covered by the monitoring Consulates of Poland issue a large number of visas valid for *six months* and *one year* (taken together); Consulates of Lithuania and France deliver high results as well, and the Consulate of Estonia issues the biggest number (10%) of visas valid for *more than one year*. However, **Hungary remains the leader** in terms of its readiness to issue long term visas, *more than half of which* are valid for (about) one year (Table 5).

At the same time it should be mentioned that Hungary earned the most of its “bonuses” due to the liberal policy of its Consulates located in Transcarpathian region, namely in Uzhgorod and Beregovo. The largest share of multiple entry long term visas was issued there. At the same time Hungarian Consulate in Kyiv demonstrates results which are closer to the average Schengen statistics.

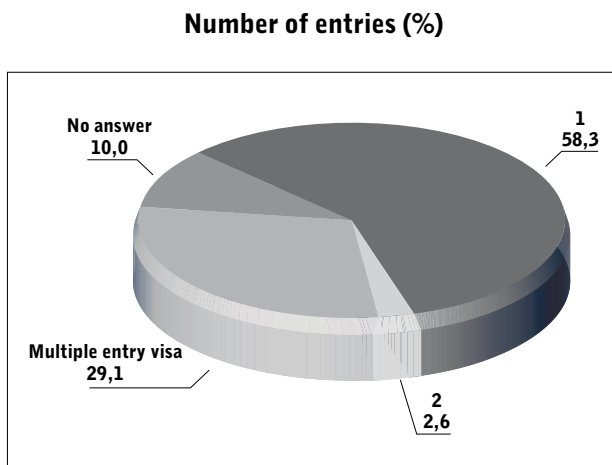
Table 5.

Visa validity period (days, %)

Country	1-10	11-20	21-30	31-40	41-50	51-60	61-90	91-180	181-365	365+
Austria	25,9	18,5	16,7	0,0	0,0	5,6	3,7	18,5	11,1	0,0
Belgium	3,3	30,0	40,0	5,0	0,0	18,3	0,0	1,7	1,7	0,0
Greece	0,0	7,2	45,9	14,4	24,3	1,8	0,0	3,6	2,7	0,0
Denmark	5,3	15,8	31,6	0,0	5,3	15,8	10,5	10,5	0,0	5,3
Estonia	8,6	17,2	12,1	1,7	0,0	8,6	17,2	13,8	10,3	10,3
Czech Republic	4,5	17,4	24,5	4,5	4,5	12,3	12,9	10,3	9,0	0,0
Spain	0,0	18,3	48,3	3,3	0,0	18,3	10,0	0,0	1,7	0,0
Italy	2,1	10,6	51,1	6,4	2,1	12,8	6,4	2,1	6,4	0,0
Latvia	13,6	42,4	28,8	0,0	1,7	0,0	11,9	0,0	1,7	0,0
Lithuania	19,3	10,5	21,1	1,8	3,5	5,3	7,0	3,5	22,8	5,3
France	3,6	17,9	37,5	7,1	3,6	5,4	3,6	0,0	17,9	3,6
The Netherlands	5,2	19,0	37,9	3,4	3,4	15,5	1,7	0,0	12,1	1,7
Germany	17,5	29,8	24,6	0,0	0,0	3,5	15,8	0,0	8,8	0,0
Sweden	0,0	8,5	36,2	23,4	17,0	0,0	0,0	6,4	4,3	4,3
Poland	4,2	7,4	20,0	0,0	13,3	4,6	8,4	27,7	14,4	0,0
Portugal	3,8	30,2	24,5	1,9	5,7	9,4	15,1	5,7	3,8	0,0
Slovakia	12,2	17,4	21,7	2,6	4,3	6,1	7,0	19,1	9,6	0,0
Slovenia	63,3	23,3	11,7	0,0	0,0	0,0	1,7	0,0	0,0	0,0
Hungary	13,4	9,5	9,5	1,1	1,1	0,0	5,0	11,2	49,2	0,0
Finland	55,0	33,3	6,7	5,0	0,0	0,0	0,0	0,0	0,0	0,0

In total the number of multiple entry visas (29%) is bigger than the number of long terms visas, as shown in the Diagram below (Diagram 2). The difference in the number of long term visas (valid for 6 months or more) and multiple entry visas shows that the practice of issuing big number of multiple entry visas valid for short period of time (up to 3 months) is still preserved. Such visas constitute about one third out of general number. It breaches the provision of the EU Visa Code (Article 24) which prescribes that long term visas should be valid for 6 months or more.

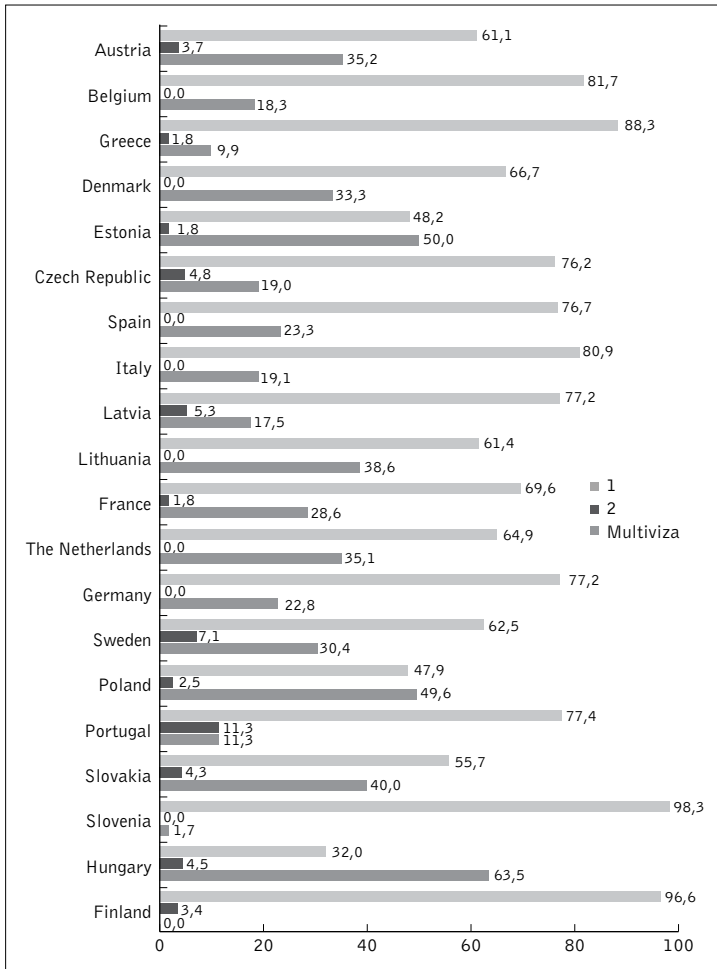
Diagram 2.



In the case of Hungary, Poland and Estonia the number of issued multiple entry visas is bigger than the number of single entry visas which proves that the real option exists for the Consulates to regard the issuance of such visas as a rule and not as an exception.

Diagram 3.

Number of entries (%)

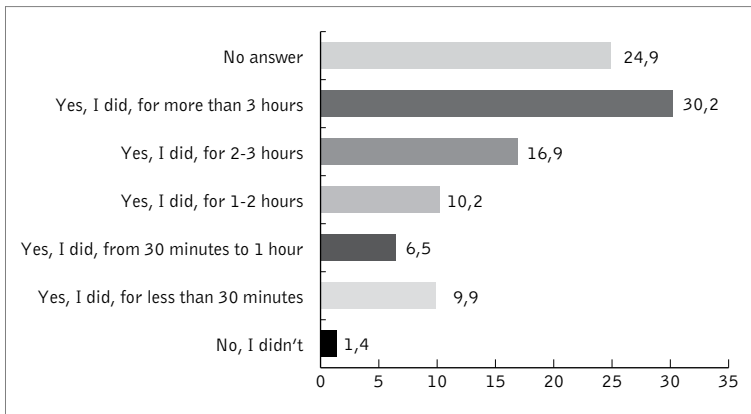


Queues

One fourth of the applicants did not wait in queues during the visa procedure at all (24,9%), another 30% spent up to half an hour waiting in lines in total (Diagram 4). These data indicate certain improvement in the queue issue, as in the past more than half of the applicants referred to the long queues (more than 30 minutes).

Diagram 4.

Did you wait in queues during the visa procedure? (%)



The queue issue was solved largely due to introduction of external services providers - visa centres. As we can see, Belgium, the Netherlands and Italy are the leaders in this aspect. The absolute majority of visas in these Consulates were issued through visa centres. Such advantage costs for the applicants additional 30 Euro of service fee for the chance not to wait in queues.

At the same time the positive practice of Consular services of Hungary and Slovenia shows that there is a way to solve the queue issue without intermediaries and their obligatory extra charges (Table 6).

The worst situation with queues has been detected at the Consular establishments of Sweden, Czech Republic, Greece and Poland. In the case of Poland there are significant discrepancies comparing different Consulates: the biggest problems with queues are still seen at the Consulate General in Lviv with its enormous demand for visas (this consulate alone issues almost 30% of all the EU/Schengen visas in Ukraine). At the same time the situation is quite satisfactory in the Consulates of Poland in Odesa and Kharkiv (with their small number of applicants).

Table 6.

Did you wait in queues during the visa procedure? (%)

Country	No, I didn't.	Yes, I did, up to 30 minutes.	Yes, I did, from 30 minutes to one hour.	Yes, I did, for 1-2 hours.	Yes, I did, for 2-3 hours.	Yes, I did, for more than 3 hours
Belgium	51,7	38,3	8,3	1,7	0,0	0,0
Hungary	49,2	29,1	15,6	5,0	1,1	0,0
The Netherlands	49,2	40,7	10,2	0,0	0,0	0,0
Italy	45,8	39,0	10,2	1,7	1,7	1,7
Slovenia	41,7	30,0	26,7	1,7	0,0	0,0
Denmark	40,0	50,0	10,0	0,0	0,0	0,0
Spain	33,3	43,3	11,7	6,7	3,3	1,7
Czech Republic	33,1	8,4	7,3	11,8	12,9	26,4
Germany	25,9	56,9	13,8	1,7	1,7	0,0
Estonia	22,4	55,2	15,5	1,7	5,2	0,0
Greece	20,0	13,9	13,3	18,3	18,9	15,6
Portugal	18,6	35,6	20,3	8,5	6,8	10,2
Poland	16,2	29,4	19,3	11,1	3,4	20,6
France	11,9	10,2	22,0	22,0	16,9	16,9
Sweden	11,9	8,5	20,3	18,6	8,5	32,2
Slovakia	10,8	56,7	18,3	8,3	5,0	0,8
Austria	10,3	48,3	25,9	12,1	1,7	1,7
Latvia	8,9	25,0	30,4	21,4	7,1	7,1
Lithuania	8,5	23,7	33,9	20,3	13,6	0,0
Finland	1,8	45,6	24,6	17,5	8,8	1,8

Waiting period for the Consulate's decision

In most cases the waiting period from the first contact with the Consulate to obtaining the decision on application does not exceed 10 days (Diagram 5). However in the cases of Italy, Denmark, and France this period is often much longer, extending to 20-30 days (Table 7).

Diagram 5

How much time (days) has passed since your first contact with the Consulate (%)?

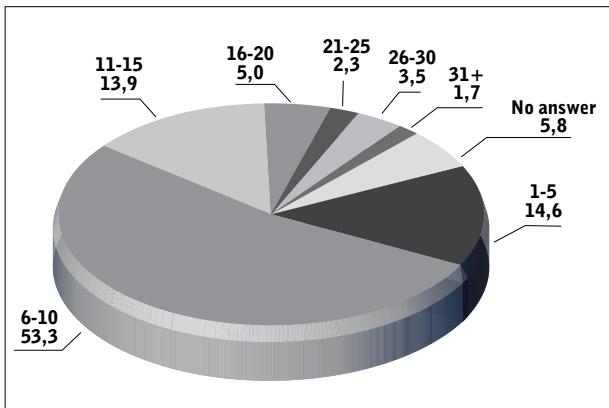


Table 7.

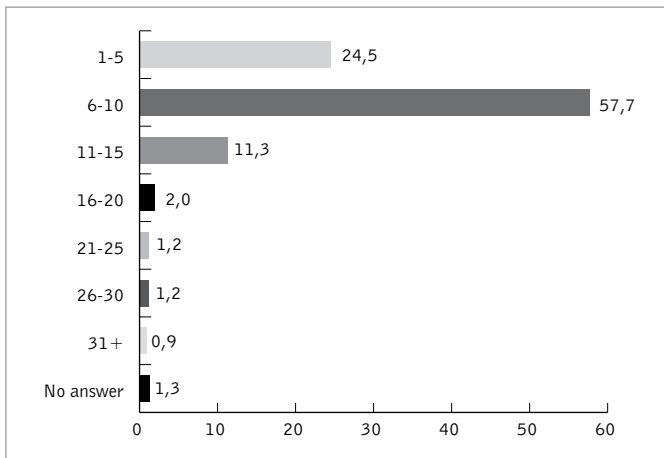
**How much time (days) has passed since your first contact
 with the Consulate (%)?**

Country	1-5	6-10	11-15	16-20	21-25	26-30	31+
Austria	10,2	44,1	23,7	5,1	5,1	8,5	3,4
Belgium	38,3	43,3	15,0	3,3	0,0	0,0	0,0
Greece	29,9	62,8	5,5	1,8	0,0	0,0	0,0
Denmark	20,0	25,0	20,0	5,0	10,0	5,0	15,0
Estonia	15,0	68,3	11,7	3,3	0,0	1,7	0,0
Czech Republic	4,2	44,0	28,9	6,0	6,6	6,6	3,6
Spain	25,0	51,7	10,0	8,3	1,7	3,3	0,0
Italy	3,4	40,7	13,6	6,8	11,9	13,6	10,2
Latvia	10,2	62,7	22,0	5,1	0,0	0,0	0,0
Lithuania	10,9	18,2	27,3	23,6	7,3	9,1	3,6
France	17,5	24,6	19,3	15,8	5,3	12,3	5,3
The Netherlands	46,7	43,3	3,3	5,0	1,7	0,0	0,0
Germany	26,7	35,0	20,0	13,3	1,7	1,7	1,7
Sweden	0,0	91,7	5,0	0,0	0,0	3,3	0,0
Poland	30,1	46,9	17,6	2,5	0,8	1,7	0,4
Portugal	1,7	44,1	25,4	13,6	1,7	10,2	3,4
Slovakia	3,4	73,7	5,1	6,8	2,5	5,1	3,4
Slovenia	0,0	100,0	0,0	0,0	0,0	0,0	0,0
Hungary	3,9	73,9	16,1	1,7	1,1	2,8	0,6
Finland	0,0	100,0	0,0	0,0	0,0	0,0	0,0

VFA stipulates that the period for decision making on visa application should be up to 10 days, in more than 80% of cases this provision is adhere to (Diagram 6). This shows that there has been certain improvement comparing to previous years, when this indicator did not exceed 60-70%.

Diagram 6.

How much time (days) has passed since you submitted the documents to the Consulate (%)?



France delivers the best results among other countries as it issues the most of visas on the day when the visa application was lodged (as a rule the applicant pays a single visit during which he or she lodges the application and obtains the visa decision). However, the case of France is an example of “virtual queue” — in order to submit the documents phone registration is needed and the closest date for document submission is often 2 and even 3-4 weeks after the day of the first contact. We can see this by comparing the data in the Tables 7 and 8.

Table 8.

How much time (days) has passed since you submitted the documents to the Consulate (%)?

Country	1-5	6-10	11-15	16-20	21-25	26-30	31+
Austria	10,2	54,2	20,3	6,8	3,4	1,7	3,4
Belgium	38,3	43,3	15,0	3,3	0,0	0,0	0,0
Greece	34,1	62,0	2,8	1,1	0,0	0,0	0,0
Denmark	20,0	25,0	20,0	5,0	10,0	5,0	15,0
Estonia	18,6	67,8	10,2	1,7	0,0	1,7	0,0
Czech Republic	4,0	45,8	40,7	4,5	1,7	1,1	2,3
Spain	25,4	50,8	10,2	8,5	1,7	3,4	0,0
Italy	3,4	40,7	15,3	6,8	13,6	10,2	10,2
Latvia	58,3	40,0	1,7	0,0	0,0	0,0	0,0
Lithuania	60,0	38,3	1,7	0,0	0,0	0,0	0,0
France	85,4	4,2	2,1	0,0	0,0	8,3	0,0
The Netherlands	46,7	43,3	3,3	5,0	1,7	0,0	0,0
Germany	80,0	15,0	3,3	0,0	0,0	1,7	0,0
Sweden	0,0	98,3	0,0	0,0	0,0	1,7	0,0
Poland	36,1	47,5	15,4	1,0	0,0	0,0	0,0
Portugal	3,4	45,8	37,3	5,1	5,1	1,7	1,7
Slovakia	3,3	93,3	1,7	0,0	0,8	0,8	0,0
Slovenia	0,0	100,0	0,0	0,0	0,0	0,0	0,0
Hungary	8,9	87,2	2,8	0,0	0,0	0,6	0,6
Finland	0,0	100,0	0,0	0,0	0,0	0,0	0,0

Visa fees and availability of free of charge visas

Issuance of visas free of charge has turned into a widespread practice — in general the relevant share of visas is almost one third (Diagram 7) which in principle corresponds to the share of categories of citizens entitled to obtain visas free of charge.

This year (2010) Consulates of Latvia and Germany became the “champions” in terms of visas issued free of charge (Diagram 8).

This indicator could have been higher if the practice of involving external services providers - visa centres imposing extra fees, wasn't widespread. The respondents do not consider visas to be “free of charge” if they paid service fee, even if they didn't pay the visa fees. Besides, visa centres do not always inform the applicants that they are entitled to obtain visas free of charge.

According to the data obtained 15,5% of all Schengen visas in Ukraine are issued with the help of visa centres; the fee for their services in most cases is 30 Euro excluding the visa fee. The most of visas to Italy, Spain, Belgium, the Netherlands and Denmark were obtained through visa centres.

Only a small number of the respondents (up to 1 %) turned to additional intermediary services, thus increasing their extra expenses up to 60-90 Euro.

The survey did not cover directly the phenomenon of *shadow (black or grey) visa market* of which is attested by a great number of commercial advertisements and postings concerning “visa support” and option to obtain Schengen visas without the presence of the client at the Consulate. Clients of such services obviously can't be detected in this kind of survey as in most cases they do not visit the Consulate themselves. At least none of the respondents polled within our survey paid the amounts mentioned in the commercial advertisements (300-400 Euro and more).

Diagram 7.

Did you pay the visa fee? (%)

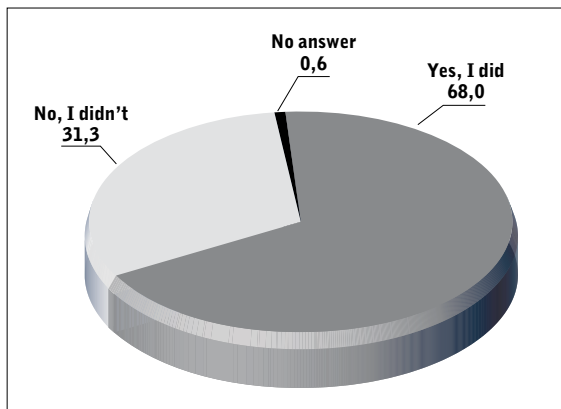
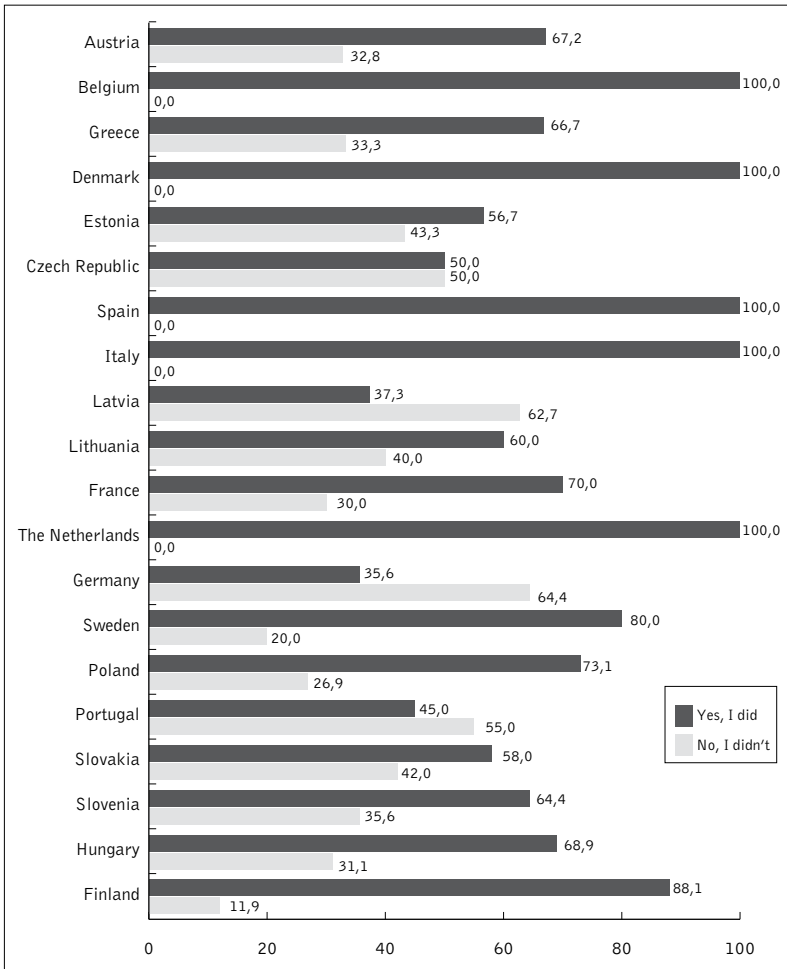


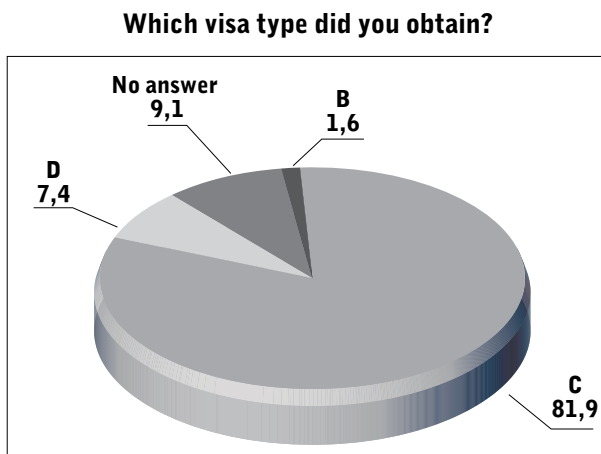
Diagram 8.

Did you pay the visa fee?
 (sorted by countries)



The majority of issued visas (81,9%) are C type Schengen visas valid for short stays in the entire Schengen zone; 7,4% of visas are D type national visas valid for long term stay in certain country, the most of D type visas were issued by the Consulates of Poland — Diagram 10.

Diagram 9.



VISA ISSUANCE PROCEDURE AS SEEN BY THE APPLICANTS

Parameters surveyed: availability and completeness of information, conditions for documents submission and visa issuance, grounds for the questions asked during the interview, attitude of the consular staff and their readiness to provide assistance.

Availability and completeness of information

Any planned process starts with information collection, especially if the person never applied for visa before. According to the EU Visa Code provisions, Member States provide the information on visa issuance in different ways.

Informational stands, phones, Internet pages are traditional instruments most frequently used by the consulates. Complete and available information is a convenient prerequisite to obtain visas; while untimely and superficial information policy is a path towards visa refusal.

Which country's consular informational policy is considered to be the best and the most efficient by Ukrainian applicants? Is there direct interrelation between the quality of information and the number of refusals? This question was among the priority ones to be tackled in this survey.

Respondents polled considered Slovenia, Finland and Latvia the best cases of information policy as they assessed each of these consulate services with more than 4 evaluation points. The highest positions in the rating are occupied by the countries that run websites containing relevant consular information and certainly well functioning phone connection.

However, even though diplomatic missions of Austria, Belgium and Portugal make use of the same informational means as the rating leaders do, they took the lowest positions (table 1).

Outcomes demonstrate that technical innovations and high-tech means of information policy are not always sufficient; the Consulates should demonstrate transparency not only providing the list of standard requirements but also give explanations and advise when problems occur during visa application procedure.

Table 9.

Availability and completeness of information

(Average evaluation from 1 to 5 points,
where 1 is the lowest and 5 — the highest)

Country	Average
Slovenia	4,52
Finland	4,39
Latvia	4,23
France	3,77
Lithuania	3,74
Germany	3,63
Hungary	3,58
Sweden	3,46
Poland	3,41
Italy	3,18
Estonia	3,14
The Netherlands	3,04
Slovakia	3,03
Spain	3,02
Greece	2,99
Denmark	2,92
Czech Republic	2,88
Austria	2,8
Belgium	2,78
Portugal	2,76

Conditions for documents submission and visa issuance

After the applicant prepares the necessary list of documents, he or she immediately has to queue up: in the «real» or «virtual» lines.

The number of consulates applying preliminary registration is increasing. The advantages of registration applied by the consulate are obvious: it is a way to limit the number of daily submissions taking into account technical and human capacities on the one hand, and clear confidence of the applicant that his visa application will be reviewed at the appointed time.

However, if there are no crowds near the consulates, it does not mean that the problems don't exist, as the queues do not disappear, they turn into "virtual" ones. The citizens spend not only hours, but weeks and sometimes even months queuing up in such a way.

Ukrainian applicants prefer the practice of preliminary registration, giving highest evaluation points to three consulates presenting the Netherlands, Belgium and Denmark. These consulates delegated their powers in terms of document processing to the visa centre (table 2).

Table 10.

**Assessing the conditions for documents' submission
and visa issuance**

(Average evaluation from 1 to 5 points,
where 1 is the lowest and 5 — the highest)

Countires	Score
The Netherlands	4,59
Belgium	4,52
Denmark	4,46
Hungary	4,45
Slovenia	4,4
Spain	4,36
Italy	4,28
Germany	4,24
Portugal	4,15
Slovak Republic	4,08
Latvia	4,07
Estonia	4,05
Finland	4,02
Latvia	3,75
Czech Republic	3,72
France	3,58
Austria	3,56
Greece	3,54
Poland	3,44
Sweden	3,06

Interestingly enough, the Consulates of Spain and Italy closely cooperating with the visa centres, occupy only the sixth and seventh positions in the rating. Austria has been applying the practice of preliminary registration since last year, and it is in the worse position — only on the 17th rating spot (table 10).

Only two years ago visa centres' practice was sharply criticized for the lack of direct contact between applicants and the Consulates and increased expenditures on visa procedure. Such option is guaranteed now in the Visa Code and the fees for the services of external service providers should not exceed 50% of visa cost itself.

Hungarian Consulates occupy the fourth position (there are three of them in Ukraine — in Berehove, Uzhgorod and Kyiv); it is an illustrative example of effective organization without visa centres but via the practice of preliminary registration (table 10).

The Consulates of Poland here are among the bad cases occupying the 19th position in the rating (table 10). Till September 2010 they did not use the system of e-registration and thus the applicants had to wait in “live” queues. Quite often cases were detected when the applicants purchased queue spots from non-identified persons (the most of these cases were observed at the Polish Consulate General in Lviv) in order to shorten the waiting period. At the same time such spontaneous queues have their own advantages: the applicants can choose their own time for document submission and trip dates.

We expect queues near Polish Consulates to be shortened in the nearest future: recent introduction (since September 2010) of electronic application and choosing the date and time for interview should solve the queue issue that has already become the inseparable part of Polish visa policy. At the same time such a change provides complications for people who are not computer and Internet users.

Reasonability of the list of supporting documents required

Setting more or less definite list of documents on the basis of the Visa Code and the VFA remains just an optional recommendation. Regrettably, this year survey only attests the situation — the number of documents potentially required remains endless. At the same time Ukrainian applicants

mostly consider the requirement concerning the list of documents and an unpleasant yet common situation and they tolerantly give the firm “four points” to the majority of the Consulates on that particular parameter (table 11).

Table 11

How reasonable was the list of documents required to apply for visa?

(Average evaluation from 1 to 5 points)

Country	Evaluation
Lithuania	4,86
Sweden	4,86
Finland	4,77
Slovenia	4,51
Estonia	4,43
Germany	4,43
Belgium	4,42
The Netherlands	4,41
France	4,39
Latvia	4,37
Poland	4,35
Slovakia	4,33
Spain	4,32
Italy	4,3
Greece	4,26
Austria	4,23
Denmark	4,2
Portugal	4,2
Hungary	4,17
Czech Republic	3,81

Behaviour of the consular staff, readiness to assist

Attitude and behaviour is one of the most vulnerable issues in terms of visa application. As Ukrainians are used to the attitude on behalf of national officials which is not always friendly, they tend to express exaggerated expectations concerning the service level in European diplomatic missions, as they believe it should reflect higher standards of communication culture in different institutions. That is why when Ukrainian face indifferent and sometimes even rude attitude in Consulates, they are outraged and even more negatively impressed than by visa refusal.

Thus, according to the results of the survey Portugal, Czech Republic and Greece are the three outsiders. (See Table 12)

The same positions in the rating are occupied by the same countries (excluding Portugal which is ousted by France) in terms of the readiness of Consular staff to help (support) the applicants.

Latvia, Slovenia and Germany belong to the group of “friendly” and “polite” Consular services, followed by Sweden, Hungary and Lithuania.

It is interesting to mention that unfriendly attitude towards Ukrainian applicants in the Consulate of Czech Republic in Kyiv is a certain tendency which has been preserved for several years already.

Table 12.

Behaviour of consular staff during the visa procedure
(Average evaluation from 1 to 5 points)

Country	Average
Latvia	4,65
Slovenia	4,4
Germany	4,32
Sweden	4,26
Hungary	4,17
Lithuania	4,13
Denmark	4,01
Estonia	3,98
Slovakia	3,97
France	3,88
Belgium	3,85
The Netherlands	3,85
Austria	3,82
Italy	3,82
Poland	3,74
Finland	3,7
Spain	3,66
Portugal	3,52
Czech Republic	3,22
Greece	2,93

According to the provisions of Visa Code Consular posts of EU Member States must ensure polite attitude to applicants during visa application procedure. While performing their duties the staff should express respect towards human dignity. At the same time the persons should not be discriminated on the grounds of sex, ethnic origin, age, etc.

Conclusions

Consulates of Hungary obtained the maximum positive points and consequently Hungarian Consular service confidently occupies the first position in the general rating, elements of which we explained in the beginning of this article (Table 1). At the same time it should be mentioned that absolute majority of rating “bonuses” was earned by Hungary due to the liberal policy implemented by its two Consulates located in Transcarpathia region, namely in Uzhgorod and Beregove. The record number of multi entry long term visas valid for half a year and more is issued there (the share of such visas exceeds half out of the general number) while the requirement towards the documents and interviews are rather liberal. At the same time Hungarian Consulate in Kyiv demonstrates results and receives evaluations, which are closer to average statistics.

Lithuania occupies the second position among “applicants friendly” consulates (rating 2 in Table 1) and forth position in rating 1 showing one of the best indicators in terms of multi entry and long term visa issuance. The refusal rate is also positive — only 2,3% of applicants to the Consulate of Lithuania were refused (table 4, rating 3).

Estonia is among the top three in “visa race” rating. The country received highest evaluations in rating 1 (Table 1) as it issues big number of multi-entry and long term visas. However, the applicants gave more moderate evaluations in terms of visa practice of this country, bringing it to the 8th position (rating 2 in Table 1).

Slovakia is the “champion” in terms of lowest number of visa refusals (2%), it received the same number of points as Estonia in final evaluation, but the latter is one position ahead due to more extended list of documents required by Slovakia (see “additional point” in Table 1).

The opposite end of rating table looks the following: the biggest number of negative evaluations and negative feedback was given to the Consular service of Greece which has three Consular establishments located in Kyiv,

Mariupol and Odesa. Greece was one of the countries to receive the lowest points from the applicants according to all surveyed parameters. In terms of availability of free of charge, multi-entry and long term visas the country takes the 17th place out of 20. Official statistics according to which Greece refused 9% of visa applications in Ukraine which is an evidence of rigid and unfriendly visa practice, putting Greece on the poorest rating position (rating 3 in Table 1). The biggest volume of evidence proving impolite and sometimes rude attitude towards the applicants was detected in the consulates of Greece.

The 19th (the last but one) position in the general rating is occupied by Spain. The country and its Consulate in Kyiv are listed on the 17th position in the rating of applicants' "sympathy" (rating 2 in Table 1), having received low evaluations for consular (visa centre) staff attitude and their readiness to assist the applicants. According to objective data Spain occupies 18th position primarily due to the low share of free of charge multi entry and long term visas. Spain was the worst in terms of visa refusals (14,7%), however recently the Embassy of this country claimed for the corrections into official EU statistics, referring to the errors of its Ministry of Foreign Affairs and renewing the data for 2009 at the level of 5% of refusals (12th position in rating 3, Table 1).

Italy occupies the 18th position. It was put on the 11th place in terms of applicants' positive perceptions (rating 2 in Table 1) and 16th position in terms of visa refusals (rating 3 in Table 1), but on the last 20th position in terms of multi entry long term and free of charge visa issuance (rating 1 in Table 1).

Slovenia, Poland, Sweden, Germany are the countries that received about 4 points and mostly positive or neutral feedback more often than other countries. Their scores are correlated with low number of visa refusals (rating 3 in Table 1), excluding Germany (10,9%): Slovenia — 4,2%, Poland — 3,31% ra Sweden — 2,8% out of total number of visa applications.

Thus the survey provides ground to understand how differently the same Schengen regulations can be applied in practice by consular services depending on political considerations, directives for consular staff and physical capacity of consulates.

It would be premature to conclude now that the EU Visa Code entered into force on April 5th 2010 has proved to be an efficient means for unification of all Schengen visa requirements.

THE EU VISA PRACTICES OUTSIDE THE CAPITAL CITY: REGIONAL SPECIFICS

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Monitoring of visa policy and practice of the EU consulates in Ukraine: experience of Transcarpathia

In July-August 2010 NGO “Centre of Strategic Partnership” conducted **the forth stage** of monitoring the visa policy and practice of the EU Member States’ Consular establishments located on the territory of Transcarpathian region (previous stages took place in July-August and November 2008 and July 2009). The monitoring is a component of the all-Ukrainian monitoring of visa policy and practice implemented by the Consular establishments of EU Member States. The project is carried out by the International public initiative “**Europe without Barriers**”.

Taking into account the **specific location** of **Transcarpathian region** (its neighbors are 4 EU Member States, 3 of them belong to the Schengen zone), three Consular establishments of 2 EU Member States function on the territory of the region: Consulate General of the Republic of Hungary in Uzhgorod, Consulate of the Republic of Hungary in Beregovo and Consulate General of the Slovak Republic in Uzhgorod. These Consulates issue Schengen visas as well as permits on local border traffic.

Consequently, the **subjects** for monitoring included the **practice of Schengen visas and local border traffic permits issuance** by these Consular establishments as well as the **Ukrainian-Slovak border crossing procedure** at the international border crossing point “Uzhgorod-Vyšné Nemecké”. Introduction of the monitoring of the local border traffic permit issuance practice and the Ukrainian-Slovak border crossing procedure are

new monitoring components comparing to the previous monitoring stages. The last element was introduced due to the numerous complains filed by the travelers (waiting period, operational efficiency of border guards and custom officers at the border crossing points, corruption evidence, treatment of the citizens, awareness about the border crossing rules).

Key findings, peculiarities and problems detected during the monitoring are stated below.

Monitoring of the Schengen visa issuance by the EU Member States' Consular establishments located on the territory of Transcarpathian region

The results of this monitoring stage enable the statements that:

- **quality of implementation of the Agreement on the Facilitation of the Issuance of Visas between Ukraine and EU** (p. 4-7) by the Consulate General of the Republic of Hungary in Uzhgorod, Consulate of the Republic of Hungary in Beregovo and Consulate General of the Slovak Republic in Uzhgorod **steadily remains on the high level;**
- **awareness** of the respondents concerning the basic provisions of the Agreement on the Facilitation of the Issuance of Visas (VFA) **has significantly increased**, in particular among the categories of the citizens of Ukraine entitled to preferences of obtaining free of charge and multiple entry visas;
- large share of visas issued by the Consulates mentioned above includes **multiple entry visas valid for one year;**
- visa application approval (by the above-mentioned Consulates) concerning **the visa validity and period of stay** steadily remains on the high level;
- visa **refusal rate** is **not high**; if in the Consulates of Hungary it remains on the same level, there has been a **significant decrease** of this indicator in the **Consulate General of the Slovak Republic** comparing to the previous stages;

- **preliminary consultations** concerning the right way to file the documents in order to apply for the Schengen visa are **positive innovations** introduced into the work with applicants in the Consulate General of the Slovak Republic in Uzhgorod.

Monitoring of the local border traffic permit issuance by the EU Member States' Consular establishments on the territory of Transcarpathian region

It should be mentioned that **local border traffic** is a special regime of systematic border crossings and stay of border zone residents on the specific border territories of the neighboring countries on the basis of the special document with the purpose of family, social and cultural, tourist and recreation, economic and scientific communication. Border zone within local border traffic includes **244 Hungarian and 384 Ukrainian localities as well as 299 Slovak and 280 Ukrainian localities**.

Monitoring results allow us to state that local border traffic pattern developed in terms of **Ukrainian-Hungarian** relations as the instrument for visa regime liberalization currently remains **more liberal, progressive, efficient and necessary** comparing to the pattern applied within **Ukrainian-Slovak relations**. It is attested by the following:

- Majority of the respondents (**81,2%**) applying for local border traffic permit in the Consulate General of the Slovak Republic in Uzhgorod believe that the permit issuance procedure should be facilitated, while the relevant indicator for the Consulate General of Hungary in Uzhgorod is only **20%**. At the same time more than half of respondents in the **Slovak Consulate** stated the necessity to facilitate the application procedure by reducing the document requirements and shortening permit decision waiting period. The respondents had to wait for **up to 60 days** for the decision concerning the local border traffic permit applications in the Consulate General of the Slovak Republic (only half of the respondents waited for about a month), while in the Consulate

General of the Republic of Hungary the respondents waited **for 5-15 days**, (65% of them did not wait for more than 7 days).

- during the monitoring (which lasted for a month) smaller number of the applicants were interviewed in the Consulate General of the Slovak Republic in Uzhgorod than it was initially planned. According to the official data provided by the Consulate General of the Slovak Republic in Uzhgorod during the second quarter total of **153** local border traffic permits were issued, while the Consulate General of the Republic of Hungary in Uzhgorod issued **2178 permits** over the same period of time and the Consulate of Hungary in Beregovo issued **2219 permits**. As of August 1st, 2010 since the Agreements mentioned above entered into force Consular establishments of Hungary issued **62029** permits for LBT in general, while the Consulate General of the Slovak Republic in Uzhgorod issued only **1132** of them.

In order to maintain the efficiency of the local border traffic instrument in terms of the Slovak-Ukrainian relations a **consolidated position** should be developed by the EU neighbors of Ukraine concerning the introduction of a **single form of the local border traffic** in Carpathian Euro region. The pattern of local border traffic developed in terms of Hungarian-Ukrainian relations should become a basic one. It will enable creation of the **common local border traffic zone** — “small Schengen” within border territories of Carpathian Euro region (Ukraine, Hungary, Slovakia, Poland and Romania in future perspective). **Single permit document issued in one of the countries mentioned above will be valid on the territory of all four countries**. One of the first steps in this direction should be the **modification of the Agreement on the local border traffic between Ukraine and the Slovak Republic**, in particular in terms of shortening the list of the required documents necessary to prove the grounds for the permit application, validity of the permit and prolongation of uninterrupted stay from 30 to 90 days.

Monitoring of the Ukrainian-Slovak border crossing procedure

The monitoring attested **that the Ukrainian-Slovak border crossing procedure** currently remains one of the most problematic issues in good neighbourly cross-border relations between the countries, mainly due to:

- intolerant treatment to the travellers, humiliation of the dignity of Ukrainian citizens by representatives of the border and custom services of the Slovak Republic;
- corruption evidence;
- insufficient capacity of the border crossing point;
- unsatisfactory level of social infrastructure at the border crossing point (mainly on the Ukrainian side);
- eliminated possibility for pedestrian border crossing;
- complicated and limited possibilities to cross the border for the citizens of Ukraine who are in possession of valid Schengen visas issued by the Consular establishments of other states.

The respondents (mainly the citizens of Ukraine) believe that one of the main reasons for such a situation is **inefficient work of the Ministry of Foreign Affairs of Ukraine on protecting the rights and freedoms of Ukrainian citizens and creating positive image of Ukraine in Europe and rest of the world.**

The majority of the respondents believe that the following changes should be introduced at this border crossing point:

- improvement of social infrastructure of the border crossing point on both sides;
- improvement of travellers' treatment on behalf of custom and border officers from both countries;
- renewal of the possibility for pedestrian border crossing;
- increasing the operational efficiency of all services on both sides of the border;
- increasing the number of regular buses;

- allowing the travellers in possession of Schengen visas cross the border through this crossing point regardless the country of visa issuance.

Recommendations

For effective implementation of the Action Plan Ukraine-EU concerning the establishment of visa free regime we recommend to:

- **continue the practice of public monitoring** of the visa policy of the EU Member States' Consular establishments functioning on the territory of Ukraine (including issuance of the local border traffic permits);
- continue the monitoring of the **border crossing procedure** between Ukraine and Slovak Republic;
- introduce regular monitoring of the border crossing procedure at the border crossing points in Transcarpathian region between Ukraine and Hungary and between Ukraine and Romania;
- conduct trainings and internships on the issues of integrated border management for representatives of State Border and Custom Services of Ukraine in the Slovak Republic;
- create consultation point at the border crossing point "Uzhgorod-Vyšné Nemecké" on the basis of experience of Poland and Ukraine;
- study and exchange the experience accumulated by European countries while struggling for the freedom of movement across Europe so that state and local authorities, diplomatic missions and public institutions of Ukraine will start similar campaign.

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Peculiarities of visa practices applied by the consulates of the Czech Republic and Greece in the Eastern Ukraine

Monitoring of the Consular activities of the Czech Republic and Greece was conducted as a part of all-Ukrainian project realized by the public initiative “Europe without Barriers”. The monitoring reveals a number of issues and they should be pointed to the European Consular services in order to protect the interests of our citizens.

Operational specifics of these Consulates are to a certain extent determined by the characteristics of applicants from Eastern regions of Ukraine. Generalized image of Ukrainian citizens wishing to visit Greece and the Czech Republic is rather peculiar.

Two thirds of our respondents in both Consulates are people of young and middle age (up to 50 years old). Women visit Consulates a bit more often than men — in 6 to 4 relation.

The lion's share of applicants is comprised of university or college level graduates. According to profession diversity most people are qualified employees with higher education and managers of different levels. About 90% of the respondents belong to the urban population; half of them reside in regional centres. The applicants are mostly employed (three fifths) or studying (every fifth), however at the same time every eighth applicant is unemployed.

Ethnic and professional specifics are noted in both Consulates. The majority of applicants to the Greek Consulate are represented by Azov Greek community, as there is a 100 thousand Greek Diaspora residing mostly in and near Mariupol. Applicants to the Czech Consulate represent all ethnic groups of Ukraine and the share of entrepreneurs is much higher there. In general the applicants are active people and experienced in visiting members of the Schengen zone and the EU.

The results of the visa applications are the key subject of the monitoring.

There are two issues here and both of them are negative. The two monitored consulates show the increase in refusals and this indicator is higher than the average statistics for all missions representing these two countries³.

During 2009 4,2% of applicants were refused visas in the Czech consular establishments in total, while in 2010 13% were refused in Donetsk consulate. Greek consulates didn't issue visas for 9% of Ukrainian applicants in 2009, while in 2010 only the Greek Consulate in Mariupol refused 55% of the respondents interviewed during the survey. Consequently the second negative issue rises — sharp difference in the number of refusals in consulates of different countries.

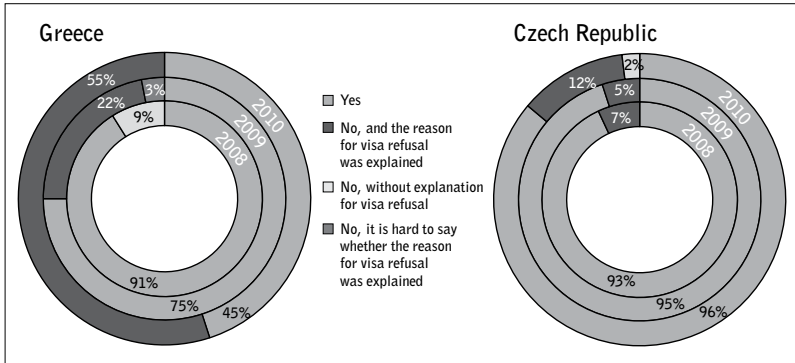
Comparing the results of the surveys in 2008, 2009 and 2010 we can observe a clear tendency towards an increase in the number of visa refusals and such tendency is characteristic for both consulates monitored.

Changes in the answers concerning the visa issuance and explanations for refusals over three years are depicted in the diagram.

³ Editor's remark: there are three Consular establishments representing Greece in Ukraine: in Mariupol, Odesa and Kyiv and three Consulates of the Czech Republic to Ukraine: in Lviv, Donetsk and Kyiv

Diagram 1.

Dynamics of visa refusals over three years



Differences between EU countries in the number of visa refusals issued to Ukrainian applicants is confirmed by the EU statistics (from 1,5% to 14,7%). It proves that political factor plays a significant role when the level of visa availability does not depend on the objective criteria of the Schengen aquis but rather on the political instructions given to the consular staff in order to promote or not the travels of Ukrainian citizens to the EU.

Thus single standardized approach has not turned into the practice of the Schengen Consulates. Significant differences in approaches towards visa issuance for Ukrainians applied by particular Consulates are still a reality.

Traditionally the Consulates define the following reasons for visa refusals: incomplete document set, uncertainty concerning the stated purpose of the trip and possibility of not returning to Ukraine.

The results of the survey show that in general the applicants believe that such explanations do not reveal real reasons for refusals and in some cases the explanations do not correspond to objective data and documents submitted.

Inefficient mechanisms for Consular decision appeals and unwillingness of Ukrainian citizens to file complaints about the decisions taken by the diplomatic establishments often make the applicants unprotected and they only feel frustrated as a result.

Analyzing the validity of visas we can say that the national visas (D type) are issued twice as often in the Czech Consulate than in the Greek one. The same situation is observed with multi entry visa issuance.

The applicants at the Greek Consulate most often apply for visas valid from one month to a month and a half (every second application) as well as from three months to one year (every fifth application). Every third respondent asked for relatively short travel period (10-29 days).

There is a clear tendency in the Czech Consulate — the applicants increased the expected period of stay in the country. The number of applicants for short term visas (up to 20 days) decreased, while the share of applicants applying for visas valid from 20 days to 3 months has significantly increased.

The queues remain as a specific experience for the majority of Ukrainian citizens who would like to visit Greece. The Czech Consulate has significantly improved the situation with document submission and visa issuance and now the queues are an exception.

No breaches of the Agreement provisions concerning the terms for document processing were noted. Average waiting period for visa decision equalled to 6-7 days in the Czech Consulate and 7-8 days in Greek Consulate.

The issue of the required document list remains rather problematic. The Consulates have the right to require a number of additional documents apart from the general list depending on the considerations of the staff working in a diplomatic mission. That is why applicants need to prepare different sets of documents and consequently the process of document collection becomes rather complicated.

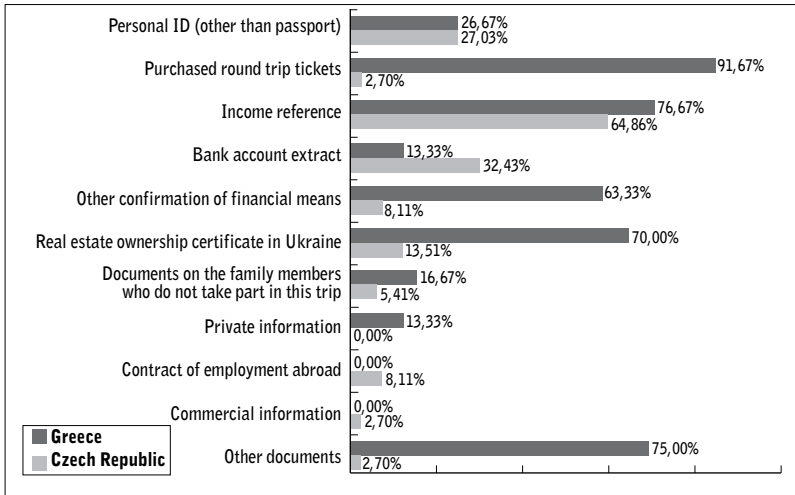
The requirements concerning the financial means of the applicants have increased over the last year, in particular the additional requirements of

the Consulates mainly relate to the sufficient level of financial support, and Greece introduces such requirements even much more intensively.

Greek consulate is very demanding concerning the applicant's level of financial support and that is why taking into account the great number of refusals the applicants submit all possible documents in order to reach a positive result. In general for different required items the applicants to Greece provide greater number of various certificates. Nevertheless, such level of preparation does not save the applicants from visa refusals. The number of necessary additional documents is another sensitive issue and even though it can't be considered an actual breach of the Agreement, de facto it is contrary to its spirit which is facilitation of visa procedure for Ukrainian citizens.

Diagram 2.

Documents submitted by the applicants to both Consulates
 (% out of total)



Setting clear list of categories of Ukrainian citizens entitled to preferences in obtaining visas to Schengen states is an important aspect of the Agreement on the Facilitation of the Issuance of Visas between Ukraine and the EU. The Agreement with Ukraine lists 14 categories of persons entitled to preferences. In general, we can rightfully state that applicants to Greek and Czech Consulates make extensive use of the right for preferences in visa issuance according to the Agreement between Ukraine and EU. In general the Consulates fulfil relevant obligations; however, the evidence shows that even when a person is included into the preferential category visa issuance is not guaranteed.

The differences in the preferential categories share among the applicants to the Czech and Greek Consulates have increased over the three years of monitoring — the share of family members wishing to visit Greece is increasing and the share of family members travelling to the Czech Republic is decreasing.

Thus the structure of preferential categories among applicants can reveal the purpose of the trips to these countries. In the case of Greece we mostly speak about family visits and recreation. In the case of the Czech Republic the travelling purposes are much more diversified: business interests, studies, recreation and only then family visits.

The applicants to both Consulates widely apply the Agreement provision about the possibility to obtain the visa free of charge. From one half (Czech Republic) to two thirds (Greece) of the interviewed applicants did not pay for the visa they obtained. The rest of the applicants paid the regular visa fee of 35 euro.

The comparative work assessments of the Consulates General of Greece and the Czech Republic enabled correlation of Consulate ratings.

In the rating the Consulate General of the Czech Republic in Donetsk received much higher evaluations given by the interviewed respondents comparing to the Consulate General of Greece in Mariupol. The difference is not in the quantity but rather in quality. The assessment of the Czech

Consulate is higher according to all five criteria comparing to the assessment given to the Consulate of Greece.

People wishing to visit Greece are very critical about the work of the Consulate visa service due to the high number of refusals and other complications during visa procedure, while applicants for Czech visas rather positively assess the work and attitude of the Consulate. The general higher tolerance of the Czech Consulate is obvious. Thus, both EU Consulates have the room for perfection; however the staff of the Greek diplomatic mission in Mariupol needs to work much harder on improvement.

Schengen members still apply different strategies in their migration and visa policy towards Ukraine. Some of them create barriers, while others stimulate better connections. That is why there is room for improvement both for diplomatic missions of the Schengen states whose mission in Ukraine is to intensify human contacts between Europe and its neighbor for mutual beneficial cooperation and for Ukrainian authorities, in particular in terms of the visa procedure facilitation on the way to visa free regime between Ukraine and EU.

Andriy Lepak

Lviv Legal Community

The largest consulate, the highest demand, the biggest problems?

Consulate General of the Republic of Poland in Lviv is the largest consulate in Ukraine by its capacity. Comparing to other consulates, those of the Republic of Poland issue the biggest number of Schengen visas to Ukrainian citizens. However, the Consulate in Lviv is the target for numerous public complaints and critical publications in mass media.

Schengen visas in Lviv are issued in the Consulate General of the Republic of Poland and the Consulate of the Czech Republic. The applicants can also apply for Schengen visas at the visa centre of the Kingdom of Belgium.

Polish Consulate is the most popular consular establishment for Ukrainian citizens. That is why the longest queues for document submission can be seen near its building. Long queues are also caused by greater chances to obtain visas comparing to other Consular establishments. Official statistics and the results of public monitoring attest such situation.

Common borders, human contacts with the citizens of Poland, better opportunities to receive official invitations serve as additional arguments to apply for visa here.

In order to improve the level of service the consular staff makes efforts to improve the service quality for Ukrainian citizens. For example, new service has been introduced recently, the E-Consulate. This service is aimed at improvement of the conditions of access to information and documents of the Consulate as well as partial time management for public visits to the Consular establishment.

According to official data provided by Polish Consulate in Lviv it issues from 2 to 2,5 thousand visas per day. Last year the Consulate issued more than 300 thousand visas in total. As of June 2010 the Consulate has issued

130 thousand visas within a month. Among them the Consulate issued 48 thousand working (national) visas and 12 thousand tourist visas.

60 thousand of visas issued this year (45%) are long term visas. The majority of visas issued by the Polish Consulate were issued free of charge. The visa refusal rate according to the information provided by the consulate is about 3%. The results of the public monitoring show almost the same indicator.

After the introduction of the Agreement on the local border traffic between Ukraine and the Republic of Poland from July 1st 2009 till June 15th 2010 the Consulate General issued 35 permits for the local border traffic. The Consulate General issued also 20 thousand of “Cards of Pole” (Karta Polaka).

Ukrainian citizens applying to the Polish Consulate in Lviv spent the longest time waiting in queues. The queues are shorter (up to one hour) at the stage of obtaining visa decision. The results of the public monitoring show that 89,8% of the respondents had to wait in queues when they were submitting the documents and obtaining visas in July 2010. In order to submit the documents to the Consulate people had to register in line in the morning or even at night. 84,7% of visa applicants spent more than 3 hours waiting in queues. Such tendency remains unchanged for the entire period of monitoring.

Long queues still create considerable complications in the procedure of obtaining visas by the citizens of Ukraine; they also entail potential and actual corrupt practices. Incidents of getting payments for faster queue move or for entry to the consulate’s territory skipping the queue were noticed.

Unfortunately over the long term monitoring the experts didn’t notice any dynamics in eliminating the queues or effective tackling the issue of queue management.

By lack of preliminary registration practice, consulate officers contribute to the creation of artificial queues and demand, when the first persons in line are non-existent. Later such first spots are “sold” by the intermediaries

for a certain fee, which is different on different days of the week (however, it does not exceed 500 UAH). The intermediaries let the persons who paid for such service and who were standing at the end of the queue, into the Consulate skipping the queue. Consulate officers do not interfere in any way into the process of queues organization or prevent potential corrupt practices taking place around the Consulate.

That is why the intermediaries work directly near the Consulate. For an extra fee they offer the possibility to enter the territory of the Consulate, fill in the application form, make copies of the documents, purchase insurance. There are intermediaries guaranteeing the full support of the applicant — starting from obtaining fake invitations to settling the entire visa matter.

Analyzing the issue of obtaining visas, we can say that in most cases in July 2010, as well as in the same period in 2009 the respondents obtained the same visa type they applied for. For example, 83,3% applied for and 80,0% received the C type visa (in 2009 89,0% and 86,0% relevantly), 11,7% applied for and obtained the D type visa (in 2009 — 6%). However, in some cases the expectation of the respondents weren't met as they obtained visas of different category than they applied for.

**Type of visa and number of entries applied for and obtained
 by the respondents in July 2008-2009-2010.**

VISA INFORMATION						
July 2008			July 2009		July 2010	
Applied	Obtained		Applied	Obtained	Applied	Obtained
Number of respondents (%)			Number of respondents (%)		Number of respondents (%)	
Visa type						
B	2,5	2,5	0,0	0,0	0,0	0,0
C	40,0	35,0	89,0	86,0	83,3	80,0
D	57,5	57,5	6,0	6,0	11,7	11,7
No answer	0,0	5,0	5,0	8,0	5,0	8,3
Number of entries						
One	2,5	2,5	19,0	31,0	11,7	11,7
Two	0,0	0,0	0,0	0,0	0,0	0,0
Multi	97,5	92,5	76,0	61,0	86,6	83,3
No answer	0,0	5,0	5,0	8,0	1,7	5,0

Comparing to the previous surveys the following tendency is observed: the longer the visa validity period is, the bigger is the possibility to obtain a visa with shorter validity period.

While the survey was being conducted in July 2010 3,3% of respondents were refused visas, which is by 3,7% less comparing to the same period of last year.

It should be mentioned that the Consular establishment does not provide written explanations for visa refusals issued to Ukrainian citizens. Naturally

such precedents directly breach the relevant provisions of the Visa Code and do not give Ukrainian citizens a chance for visa refusal appeals.

Representatives of the Polish Consulate explain such situation by the presence of Consuls being on duty in the Consulate building who can orally explain to the applicant the reason for visa refusal.

Thus in order to improve the work of the Consular establishment attention should be paid to the issue of alternative options for queue registration in order to obtain a visa (including online registration); intensify the activities of the Consulate in internal investigations concerning possible malpractices on behalf of the Consular staff as well as introduce practice of written explanations of visa refusals indicating the procedure of refusal appeal.

The Consulate should harmonize cooperation with local authorities in order to improve maintenance of the territories nearby the Consulates.

