



## **Visa policy and practice of Consulates of the Czech Republic in Ukraine**

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### **Abstract:**

The paper aims to present the visa practice of Consulates of the Czech Republic in Ukraine. The analysis includes results from systematic monitoring conducted by CPCFPU and “Europe without Barriers” from 2004 to 2009. Research outlines the main constituents of visas issuance on behalf of the EU Member States and the Czech Republic in particular. The paper contains recommendations for better use of existing visa practices.

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### **Introduction**

Czech consulates in Ukraine rank second in the number of visas issued by Czech consulates abroad. In the year 2009 all three of them issued 93,273 visas<sup>1</sup> of all types (both Schengen and national), which is about 20% of the total<sup>2</sup> of Czech visas issued in the world (in particular in Kyiv 47,892 visas, in Donetsk 30,474 visas, in Lviv 14,634 visas).<sup>3</sup>

The nature of migration between the Czech Republic and Ukraine and the corresponding visa policy has been determined by the several factors since 1991.

First, Ukraine and the Czech Republic have deep and long historic ties, inherited from the Austrian Empire, interwar Czechoslovakia and times of the Soviet bloc, which provide ground for interconnections, communication and mobility of people. Second, since the mid-1990's Ukraine has become a source country of labour migration to the Czech Republic, where currently tens of thousands of Ukrainian citizens work, mostly in construction industry and services. Third, the Czech Republic, due to the EU accession, was obliged to introduce visas for citizens of states listed in the related EU regulations,<sup>4</sup> which included Ukraine.

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<sup>1</sup> Council of the European Union, Brussels, 9 June 2010 10002/1/10, Rev 1  
<http://register.consilium.europa.eu/pdf/en/10/st10/st10002-re01.en10.pdf>

<sup>2</sup> The total number of Czech visas issued in the world was 467,967. A number of visas issued in Russia (3 consulates) in 2009 was 216,960.

<sup>3</sup> Relatively small number of visas issued in Lviv is determined by the fact that Czech Republic Consulate General in Lviv was closed during the most of the year.

<sup>4</sup> As listed in Annex I of the Council Regulation 539/2001 (“Schengen Black List”).

A symmetric non-visa regime, which existed between the two countries in the 1990's, came to an end by the year 2000. The major trend of visa issuing by Czech consulates was determined by the expansion of the Schengen Zone in 2007, which made visa requirements stricter, although the conditions and requirements for those applying for a Czech visa were stricter even before Schengen Zone accession (2000-2007) when compared to other countries of the region. The Czech Republic was the first Central Eastern European country (CEE) to introduce a visa for Ukrainian citizens in 2000. Most CEE countries introduced visas only in 2003 (Poland, Hungary), and 2004-2005 (Bulgaria and Romania) immediately prior to their EU accession. So, the earlier introduction of visa by the Czech Republic was motivated not only by the EU accession but also by the domestic security concerns.

The following analysis of the policy and practice of Czech consulates in Ukraine (Kyiv, Donetsk, Lviv) is based on the data of public monitoring of visa policies and practices conducted by the civic initiative Europe without Barriers and on the official data on the exchange of statistical information on the issuing of uniform visas for the year 2009, published by European Council on June 9, 2010.<sup>5</sup>

The monitoring uses data from recent studies by “Centre for Peace, Conversion and Foreign Policy of Ukraine” (CPCFPU)<sup>6</sup> and “Europe without Barriers” (EWB)<sup>7</sup> in cooperation with other analytical think tanks.<sup>8</sup> The monitoring took place from 2004 to 2009<sup>9</sup>, the last phase was conducted during the Summer 2009<sup>10</sup>.

The main aim of the research was to assess the visa procedure compared to the practice of other EU Member States. The monitoring focused on the most frequented Consulates, and their requirements for applicants. Because of the high and continuous interest in obtaining Czech visas from Ukrainian citizens, experts chose the Czech visa practice as an ideal candidate for regular monitoring.

The research was focused on monitoring visa issuance and policy conducted by EU Consular establishments of the Schengen states. Structurally, the research included the most important stages of the visa issuance procedure of the EU Member States and the Czech Republic, in particular. Since 2008 the research has also included studies on the level and quality of implementation of the Visa Facilitation Agreement<sup>11</sup> (VFA) between Ukraine and the EU. The

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<sup>5</sup> Council of the European Union, Brussels, 9 June 2010 10002/1/10, Rev 1  
<http://register.consilium.europa.eu/pdf/en/10/st10/st10002-re01.en10.pdf>

<sup>6</sup> <http://cpcfpu.org.ua/en/>

<sup>7</sup> <http://novisa.com.ua/en/>

<sup>8</sup> The research of visa practice of EU Member States was launched in 2004 within the Stephan Batory Foundation (Warsaw) Program “Friendly EU Border” and was carried out in Russia, Moldova, Belarus and Ukraine in 2006 and 2008. Data for Ukrainian was collected by “Center for Peace, Conversion and Foreign Policy of Ukraine”, an NGO, with the support of the International Renaissances Foundation (Kyiv).

<sup>9</sup> Last research dated Summer 2009 can be found here: [http://novisa.com.ua/en/publics/?publics\\_id=7](http://novisa.com.ua/en/publics/?publics_id=7)

<sup>10</sup> Full description and outcomes of the project are available at [www.novisa.org.ua](http://www.novisa.org.ua)

<sup>11</sup> This agreement established conditions for certain categories of applicants to obtain free of charge, multiple entry.

number of respondents differs every year because of tasks and methodology differences, moving between 40 and 100 at each consulate<sup>12</sup>.

Research parameters were the following:

1. System of disseminating information
2. Queues in front of the Consulate
3. Consular Approach to applicants
4. Waiting period for the decision
5. The number of denied visa and the reasons stated
6. Availability of multiple entry and long term visas
7. The cost of the visa
8. Documents required, complexity of the procedure
9. Changes in visa issuance procedure compared to previous years

The following chapter present data from researches carried out in 2006, 2008 and 2009. It focuses on all the abovementioned research parameters and adds brief recommendations. The recommendations were addressed to policy makers of the EU and Ukraine, as EWB is a member in the joint committee on visa facilitation established by the provision of Article 12 of VFA. Wider conclusions and recommendations from EWB policy papers are available online<sup>13</sup>.

## **Results of the monitoring**

### **1. System of disseminating information**

Awareness levels of applications determine the outcome of visa applications. Each Consulate has its own views on informing methods. The most common methods of informing applicants supplied by the Consulates of EU Member States include notice boards in the vicinity of the Consulate, telephone information hotlines and Internet websites. Evaluation criteria included the availability of information and approach to individuals.

Czech Consulates provide individual consultations to those who managed to reach the Consulate via phone. Such practice is better than that of the majority of monitored Consulates which provide only general information in the form of previously recorded information over the telephone. Visa applications are available in each Czech Consulate. They can be obtained at the Consulate or downloaded from the website of each particular Consulate.

According to a 2006 survey, 48% of applicants evaluated the practice of disseminating information as “very good”, regardless of the fact that it was impossible for them to download the application online. The latest survey (2009) stated that the number of applicants satisfied

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<sup>12</sup> For example, within the 2006 monitoring 100 respondents were interviewed at each EU Member States consulate, 840 respondents (40 applicants each consulate) were surveyed in 2008, 100 respondents at the each Schengen consulate in 2009.

<sup>13</sup> Public Monitoring of the EU Member States' Visa Issuance Policies and Practices in Ukraine. Analytical Report. [http://novisa.com.ua/en/publics/?publics\\_id=7](http://novisa.com.ua/en/publics/?publics_id=7) Designing a roadmap towards visa free regime between the EU and Ukraine [http://novisa.com.ua/en/publics/?publics\\_id=11](http://novisa.com.ua/en/publics/?publics_id=11).

with methods of providing information did not increase significantly. On the contrary, after the Czech consulate in Lviv temporarily stopped its operation from April till August 2009, a large number of applicants had to make long distance trips to Kyiv even after the Consulate's reopening, as they were not informed about the renewal of Consulate work in Lviv.

Another indirect criterion for evaluating the quality of information is the presence of commercial firms that provide informational services for an additional fee near the Consulate buildings. There are many of such firms near the Czech Consulates and they help the applicants fill in applications or translate documents.

***Recommendation:***

*Ways of informing applicants about the provisions of national legislation of the Czech Republic should be improved, and the information concerning visa issuance should be regularly updated on the web site or via other means.*

## **2. Queues in front of the Consulate**

Existence of queues in front of the Consulate is the indicator of procedure's weak organization.

Czech and Polish consulates faced the biggest problems with actual queues in front of the Consulates which were detected by the all stages of monitoring. In 2009 Czech Consulates used the practice of registration beforehand only for applicants who apply for national visas.<sup>14</sup> Consequently, the majority of applicants form so-called "live lines"<sup>15</sup> in front of the Consulates, especially in the morning, when most applicants arrive in the cities where consulates are situated. On the other hand, such practice allows the applicants to apply at the day they want, not waiting for the consulate's appointment.

Results of 2006 survey<sup>16</sup> showed that the largest share of applicants, more than 81%, was queuing at the Czech Consulate. According to the results of 2008 and 2009 monitoring the situation remained problematic, in particular, for the Consulate in Lviv, where in August 2008 97,5% applicants waited in lines. In 2009 this indicator corresponded to the level of 2006 again, showing a certain improvement of the situation.

Another important question is how much time an applicant spends in the queue. According to the 2006 data the average time spent in line in front of the Czech Consulates was 1,9 hours. The situation slightly improved in 2008 and 2009, when the surveys show a significant drop in waiting time – more than 50% of applicants had to wait less than 40 minutes. The worst situation is in the Consulate in Lviv, as according to the 2009 results, 44,8% of applicants had to wait for more than 3 hours.

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<sup>14</sup> This practice does eliminate queues as such, as only the physical queue turns into a "virtual" one, which can be sometimes one or even more weeks long.

<sup>15</sup> Live lines are formed by the applicants in front of consulates, without preliminary registration via internet or phone.

<sup>16</sup> In 2006 monitoring included visa practice of Consular establishments of the Czech Republic, Lithuania, Germany, Belgium, France, Great Britain, Poland, and Finland.

The applicants also complain about poor conditions, such as absence of shelter during rain, snow or hot weather.

***Recommendation:***

*The capacity of Consulates should be enhanced by increasing the number of desks for document collection and visa issuance.*

*To improve waiting conditions around the consulates buildings more cooperation between the diplomatic mission and local administration in Kyiv, Donetsk and Lviv is necessary. This problem lies in the joint responsibility of the consulates and the local authorities.*

### **3. Consular Approach to applicants**

This point does not only include the conduct of consulate employees but also the readiness to provide detailed information using a language comprehensible for the applicant.

According to the results in 2006 the behaviour of the staff at Czech Consulates was evaluated as “very good” by 45% of the respondents. However, this was one of the lowest results in comparison with other monitored Consulates, esp. the Polish, Finnish, British and Belgium Consulate’s staff. According to the monitoring results in 2008 slightly more than 40% of applicants of Czech Consulates evaluated its staff as “very good”. This puts the Consulates in the middle of the rating, between the highest position of British Consulates and the lowest of French Consulates. The question was not included in the 2009 monitoring.

When comparing the work of the Czech Consulate with the work of other institutions<sup>17</sup>, the majority of applicants concluded that Czech Consular staff treats their clients better than the staff at Ukrainian state offices.

***Recommendation:***

*There are no recommendations.*

### **4. Waiting period for the decision**

The duration of the visa procedure is calculated from the first to the last visit of an applicant to the Consulate. The length of the waiting period for the decision is another indicator of the complexity of a particular procedure. It also includes the number of visits necessary to complete the visa procedure. In addition, the 2008 and 2009 surveys show the principles of adhering to provisions of VFA, in particular provisions concerning 10 day period for the processing of visa applications

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<sup>17</sup> During the latest survey (the summer 2009) the interviewers asked the applicants to compare the work of the Consulates with Ukrainian state offices

The 2006 survey shows that out of all ten surveyed diplomatic missions the waiting period for decisions was the longest at the Czech Consulates (more than two weeks. More than 58% of applicants to Czech Consulates in 2008 and 2009 mentioned that they waited for a Consulate decision for 6-10 days which met VFA requirements. On the other hand 21 % had to wait for the decision for more than 10 days. ). In most cases 2 visits to the Consulate were sufficient to get a visa, but a small group of respondents indicated a need to visit Consulate 4 and even 6 times to bring additional documents.<sup>18</sup>

### **Recommendations:**

*Decision of the consulate should be issued within 10 days. Only a small portion of applications may stay longer under consideration (as exceptions, but not as a rule)*

## **5. The number of denied visa and the reasons stated**

Denied visas constitute one of the most sensitive aspects of the visa procedure in general. Providing information about the reasons for visa refusal is a rather sensitive and burning issue, as lack of explanation entails the image of non-transparent activities of the Consular establishment. Concerning the criteria for visa issuance and contributes to the formation of a negative image of the country represented by such a Consulate.

Regardless of the declared unified Schengen regulations, the practice of applying these rules leads to significant differences between the Schengen countries in the number of visa refusals. Applicants to the Consulates of the Czech Republic note the biggest visa refusal share compared to all countries of the Schengen zone, the lowest (1%) was noted in the Lithuanian Consulate (data from 2009).

Obviously after the Czech Republic joined the Schengen zone in December 2007, the number of denied visa increased significantly due to stricter requirements. According to the results of monitoring in 2008 refusal rates in issuing Czech visas were more than 10%. Such a negative tendency remained in 2009 when refusal rate reached 17%.

In most cases applicants who were denied visas received formal explanations<sup>19</sup>, while 9.1% of applicants were not informed about the reasons at all. Since April 2010 the EU Visa Code introduced the norm that obliges the consulate to provide the applicant with a written explanation in case of refusal.

It is important to note that according to official data from the year 2009 refusal rates were different in the different consulates. In Kyiv and Donetsk refusal rate is about 3-4%, which is not high, however in Lviv the Czech Consulate refused 1,333 applications out of 12,239 which is about 11%.

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<sup>18</sup> [http://novisa.com.ua/file/publics/novisa\\_publics1270238200.pdf](http://novisa.com.ua/file/publics/novisa_publics1270238200.pdf)

<sup>19</sup> A standard refusal form with general reasons of rejection

So, official and public monitoring data from the year 2009 does not coincide here, which may be determined by the seasonal trends, higher refusal rate in the summertime (during the research period) 2009, when the economic crisis achieved its culmination and provoked further migration concerns.

***Recommendation:***

*The visa refusal rate is one of the main indicators showing the level of transparency of procedure rules and decisions made by Consulate officers. The Czech Republic consulate service, specifically in Lviv, should check the reasons for large refusal rates. The practice demonstrates that the refusal rate is rather dependent on the policies of consulates themselves, than on the specifics of an average application. The applicants should be given the right to appeal the negative decision<sup>20</sup> and should be provided with all necessary, relevant information and recommendations to decrease the cases of non-complete applications.*

## **6. Availability of multiple entry<sup>21</sup> and long term visas**

According to the Visa Code, the multiple entry visas can be valid from six month to 5 years.

The main problem in all monitored Schengen Consulates is their inclination to issue multiple entry visas with a limited validity period. For example, in 2008 Consulates of the new Schengen states (which joined the zone in 2007), including Consulates of the Czech Republic, issued more than half of their “multiple entry”<sup>22</sup> visas valid for 1 month or less.

According to the monitoring results from 2009 the share of multiple entry visas valid for more than 5 months increased in general to 20% (from 13-14% in 2007-2008), showing a positive tendency. About every tenth Schengen visa is valid for one year. Hungary scored highest in the number of multiple entry visas, with more than half of all visas valid for more than 5 months. The numbers for Greece, Spain and the Czech Republic were the lowest.

According to the data of a 2009 survey, Czech Republic does not issue Schengen visas valid for more than a year (no cases were noted). Only 6% of visas issued by Consulates of the Czech Republic are valid from 6 month to 1 year.

***Recommendation:***

*The provisions of the VFA and EU Visa Code regarding the multiple entry visas' duration (not less than six months) should be applied to their maximum extent by the Consulates of Czech*

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<sup>20</sup> The Visa Code effective 5 April 2010, in particular its Article 32 obliges Consulates to inform applicants about the reasons why they were denied visa. However, in practice such regulation may be ignored by Consular officers and that is why it is important to make such norm an absolute principle in the work of each Consulate. ([http://novisa.com.ua/file/publics/novisa\\_publics1270388178.pdf](http://novisa.com.ua/file/publics/novisa_publics1270388178.pdf), page 34)

<sup>21</sup> Multiple entry visa entitle the applicant to multiple stays during the period stipulated in the visa, while the sum of the lengths of stay may not exceed 3 months within a half-year. According to Visa Code the multiple entry visa can be valid from six month to 5 years. (note of editor)

<sup>22</sup> They were formally multiple but it was a “fake” multiple as the period of validity was very short (note of the author).

*Republic. These documents open the opportunities for much broader application than the current practices of Consulates of Czech Republic.*

## **7. The cost of the visa**

According to the VFA, Schengen visa fees for citizens of Ukraine should not exceed 35 euro, and for 14 categories of applicants for visa up to 90 days, the visa fee is waived.

According to the results of the survey in 2009, 44% applicants for a Czech visa did not pay for visa, 7% noted the visa expenditures amounting to more than 70 euro which is the price of the fast procedure.<sup>23</sup>

### ***Recommendation:***

*In 2009 certain EU Member States applied their right to set the visa fee for national visas, decreasing or waiving it. For example, intergovernmental agreement on waiving consular fees, including fees for national visas for the citizens of Ukraine was reached between Ukraine and Lithuania. Also Poland is preparing to issue a national visa for free.*

*A Similar Agreement is being developed with the government of the Slovak Republic. The step towards waiving visa fees for national visas could become a sign of friendliness and openness of the Czech Republic.*

## **8. Documents required, complexity of visa procedure**

Documents required for applying for visas are defined formally by the EU Visa Code and VFA, however, their list is dependent on the policies of the EU MS consular missions. Requirements concerning the set of documents are posted on notice boards and are available at the website. There are different requirements for different types of visas (transit, short term, long term, etc.). Apart from general documents<sup>24</sup>, Consulates are entitled to require a number of supplementary documents, specified individually. Therefore, different applicants have to prepare different sets of documents, and in this way sometimes the procedure becomes more complicated.

No significant changes concerning the number and nature of the documents are listed in Article 4 of the VFA<sup>25</sup>. The 2008 monitoring results<sup>26</sup> revealed a stable tendency characteristic for all Schengen States – Article 4 of the Agreement is breached, as the list of necessary documents to justify the purpose of the trip contains requirements to show proof of financial stability and intent to return to the native country.<sup>27</sup> In this case the policy of Czech consulates in Ukraine does not differ much from the EU average; problems indicated are rather typical, when Schengen (not national) visas are concerned.

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<sup>23</sup> [http://novisa.com.ua/ua/publics/?publics\\_id=8](http://novisa.com.ua/ua/publics/?publics_id=8), slide 12

<sup>24</sup> The list official documents can be expanded if the consulate officers have doubts about the applicants motivations.

<sup>25</sup> Article 4 sets a limit to the list of documents to justify the purpose of visit.

<sup>26</sup> The monitoring July-November 2008 ( [http://novisa.com.ua/file/publics/novisa\\_publics1270388178.pdf](http://novisa.com.ua/file/publics/novisa_publics1270388178.pdf)

<sup>27</sup> For all Schengen states



***Recommendation:***

*The requirement to submit documents that usually make applicants feel inferior (documents concerning marital status, personal relations, place of work, position and salary, commercial status of entrepreneurship, possession of real estate and other “strong connection with the native country”) should be prohibited, apart from exceptional cases. Exceptional cases can only concern previously deported persons or people who were proven to have breached the law.*

*The regulation entitling the applicants to apply for a visa via fax or with the help of scanned documents should be approved, for example in the cases when documents are sent from abroad.*

## **9. Changes in the visa issuance procedure compared to previous years**

The monitoring included a question concerning the changes in the visa procedure having in mind two main factors: the Agreement on the Facilitation of Visa Regime entering into force on January 1<sup>st</sup> 2008 and the enlargement of the Schengen zone since January 21<sup>st</sup> 2007.

The response of applicants with previous travelling experience revealed the obvious tendency: most applicants to the “new Schengen” states, including the Czech Republic, noted “significant worsening” or “worsening” in the sphere of document requirements, number of visas denied and availability of multiple entry visas.

In 2009 evaluations of visa policies and practices were made significantly more complicated by several measures introduced by the Czech government, for example the requirement to provide medical certification proving the applicant for a long term national visa has not been infected by TBC, HIV/AIDS and syphilis (from June to August 2009) and TBC and syphilis (from August 2009) Though the decision was made back in March 2010 (only for Ukraine), a period of almost 1 year of such a requirement provoked high levels of criticism from Ukrainian applicants. Also the temporary (April - October 2009) suspension of national (work) visa issuance by Czech Consulates has increased the number of negative evaluations of Czech visa practices in Ukraine in 2009.

***Recommendation:***

*The overall logic of the visa-related issues between Ukraine and the EU member states is determined by the process of gradual visa liberalisation with the ultimate objective of visa regime removal for the Eastern Partnership countries. Therefore, any measure aimed to make visa procedure stricter and more complicated is not in line with the general logic of the process. The EU member states should avoid the introduction of additional requirements and conditions for obtaining a visa.*

## Conclusion

Czech Republic is one of the top EU Member States by the quantity of visas issued to Ukrainian citizens. Among all Schengen Agreement countries Czech Republic's consulates in Ukraine issued in the year 2009 about 8% of visas (93,273 out of 1,125,659 visas of all categories issued in Ukraine). Only Poland (439,348) and Germany (101,438) issued larger number of visas in Ukraine. About 20% of all Czech visas in the world were issued in Ukraine, which is after Russia the second largest proportion of Czech visa issued abroad. The Czech Republic is also a traditional destination for Ukrainian tourists and it remains highly popular among other European destinations.

Czech Republic shares the second position with Hungary (after Poland, five consulates) for the number of consulates in Ukraine (three consulates) which gives Ukrainian citizens better conditions to reach consulate establishments, not only in the capital city, but also in the East (Donetsk) and in the West (Lviv) of the country.

On the other hand, Ukrainian applicants at the Czech consulates spent the more time waiting in lines in comparison to other consulates. The number of visa refusals and overall complexity of visa procedure prove that visa issuing practices of the Czech Republic are less friendly in comparison to relevant practices of the other CEE countries.

Migration concerns (real or – likely - exaggerated) are considered the main reason for stricter visa requirements posed by Czech consulates in Ukraine. Czech Republic was the only EU Member State which posed additional requirements for Ukrainian citizens in the year 2009 by introducing obligatory submission of certificates to prove an absence of specific diseases for those who apply for national visas for long-term stay. While the Czech Republic Consulate General in Lviv was closed during the most of the year 2009, the reasons were not clear enough.

These facts contribute to the general image of the Czech Republic in Ukraine as a less friendly country than other CEE states.



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