



Visa formalities and beyond: monitoring the situation at the Czech Consulate in Lviv

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Abstract:

This report describes the state of affairs at the Czech Consulate in Lviv in January 2011. Based on interviews with visa applicants, the qualitative research focuses on different aspects of the visa process, such as the preparation of required documents, access to visa information, consulting services, expenses, refusals, and other aspects. The results of the report reveal the current difficulties that applicants face and indicate some of the problems with the visa system at the Czech Consulates.

Introduction

In the last few years there have been various changes in the processing of visa applications which are intended to fix the deficiencies of the process¹. Ukrainians are the biggest migrant group in the Czech Republic. In 2007 and 2008, the Czech consulates in Ukraine were dealing with a large number of applications for work and business visas. Following the “economic crisis” the Czech government stopped issuing national visas for work and business purposes (April – November 2009) and since the renewal, the number of applications for long-term work and business visas that the consulate will accept is still strictly limited.

From 1 June 2009 the Czech Ministry of Foreign Affairs introduced a health certificate (HIV/AIDS, syphilis, tuberculosis) to the list of obligatory documents for national visa applications. First the HIV/AIDS certificates were cancelled after similar measures from the Ukrainian Ministry of Foreign Affairs and, starting from March 2010, no medical certificate was requested.

In 2009 the Czech government introduced a new internet-based system called Visapoint (www.visapoint.eu) for long-term national visas. In Ukraine this system was introduced on 22

¹ For more information see for example Lucie Trlifajová. Calm in front of the Lviv Consulate. Accesible online <http://www.migrationonline.cz/e-library/?x=2233290>

June 2009 as the third trial; the first two trials were started on 1st and 15th of June. However, there was information from unofficial sources on the internet, such as livejournal posts and forum discussions, where applicants described their experiences and stated that Visapoint was blocked by computer hackers and one could only apply with the help of “consultants”². At the beginning of August 2010 the system was shut down due to technical reasons and it reopened in September.

Contrary to national visas, the issuance of Schengen (short-term) visas is regulated by EU legislation. In April 2008 the Visa Facilitation Agreement (VFA) was signed between the European Community and Ukraine, according to which the visa fee was reduced and certain groups of applicants (such as students, pensioners, artists, scientists) were exempt from the fee for processing the visa application. On 5 April 2010 the Visa Code³ was implemented that introduced changes to the Schengen visa regulations, including the obligation to provide written explanations in case of rejection. Some parts (such as the right to review the rejection) will be enforced from 5 April 2011. On 1 January a new amendment of Czech foreign law was enforced, introducing the right to review the rejection or obligation to provide written explanation for long-term visa permission.

Methodology

The research was conducted in Lviv between 14 and 31 January 2011.⁴ It is important to note that the interviews took place in winter in the second half of January; this is not usually a peak season for visa applications⁵.

The respondents were approached in the street outside the consulate. The main selection criterion was the fact that the person had recent experience of making a visa application and came to the Consulate to collect the passport (with or without a visa). We also tried to maintain a balance in the number of national and Schengen visa applicants. The total number of completed interviews was 22, however nearly every person who was leaving the consulate or who was applying for a second time after recent rejection received an interview request, totalling almost 100 respondents. Thus, only every fourth person agreed to speak about the visa application.

People who refused to be interviewed can be subdivided into the following groups: (1) those that had been rejected, (2) employed Lviv inhabitants who came in their working hours, (3) those who used a “consultant” to help with the visa process. The majority of the people in the first group stayed near the Consulate but were constantly busy talking on mobile phones and explaining the situation. People from the second group hastened to return to work and those from

² Employees of consulting agencies or self-employed people who provide various visa related aid

³http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0028_en.htm

http://www.mzv.cz/jnp/cz/informace_pro_cizince/kratkodobe_vizum/vizovy_kodex/index.html

⁴ According to the information provided on the web page, the applications are accepted in the morning, while the passports can be collected in the afternoon. But in reality one can also collect a visa in the morning, and for some reason there are more people in the morning than in the afternoon. Thus, the interviews were conducted on workdays from 9am till 1pm and from 2pm to 3.30pm.

⁵ In general the largest number of applications are received before Christmas and Easter, at the end of August (before the school year) and for seasonal work in spring-autumn.

the third were met by consultants near the entrance or in the vicinity of the Consulate. Moreover, the weather conditions during the monitoring were not the most favourable for interviewing people outdoors. This may also explain the reluctance of people to speak or to elaborate on their responses.

During the work the interviewer did not face any major obstacles; however, the most challenging task was to encourage people to speak, especially the ones that were rejected. In order to solve this problem, a number of respondents were questioned while waiting in the line to collect the passport, in such a way the interviewer could collect most of the information while the decision regarding their visa application was clarified after the applicant had received his/her passport.⁶ The “consultants” who came with their clients would also intervene in the work of the researcher by answering the questions on behalf of the applicant or by prohibiting him/her to speak at all.

The research may be considered to be reliable as it is believed that most of the applicants were giving honest answers, in case of uncomfortable questions people kept silent or refused to comment.

Research results

The interviews focused on the most important aspects of the application procedure at the Czech Consulate. The questionnaire covered the following issues:

1. Profile of the applicants
2. Visa types and application results
 - a. Schengen visa
 - b. National visa
 - c. Refusal
3. Complexity of the application procedure (documents)
4. Consulting assistance
5. Information, its availability and applicant’s level of knowledge
6. Expenses
7. Work of the Consulate

1. Profile of the applicants

As was mentioned earlier, 22 respondents were interviewed in the course of two weeks. Most of them were men, aged between 30 and 50 years. In general the visitors at the Consulate (interviewed or not) were middle-aged; younger and older people were rather an exception than a rule. However, this may be explained by the time of year and the fact that the consulate does not issue many work and business visas.

More than the half of the people questioned reside in the urban area; however, only three came from Lviv. Most of the applicants lived 200-300 kilometres from the Consulate and, it may be

⁶ As a rule an applicant visits the consulate twice: to hand in the documents and to collect the passport with or without a visa.

deduced from the dialects and proximity to the Consulate, they come from the South-West of the country, i.e. from the Trans-Carpathian, Ivano-Frankivsk and Chernivtsi regions.

Most applicants understand and/or speak Czech, which is due to the proximity of the aforementioned regions to the Slovak border. Moreover, they speak Russian which is typical of people of their generation.

The majority of respondents have been to the Czech Republic before and had had previous experience with the Consulate and the visa application procedure.

2. Visa types and application results

The respondents who were applying for Schengen visas were the most numerous. As can be seen from the table, the interviewer did not manage to interview an equal number of applicants for national and Schengen visas due to a couple of objective reasons. This is above all due to the fact that the number of people applying for long-term visas is several times lower.

Type	Schengen	National	Residence	Total
Purpose Family visit or reunification	9	5	1	15
Employment	1	2	0	3
Business	4	0	0	4
Tourism	0	N/A	0	0
Total	14	7	1	22
Rejected (out of total)	4	2	0	6

Table 1. Visa applications according to type and purpose

a. Schengen visas

Among the applicants for Schengen visas, the most common purpose of stay was a family visit, with business taking second place. It may be concluded that these people apply for a visa on a regular basis, therefore they are familiar with the procedure and the process goes smoothly.

Those applying for business visas were respectable men who were either conducting their own business in the Czech Republic or were partners of a Czech-Ukrainian joint venture. The behaviour of some of the applicants as well as the shorter waiting periods that they experienced in comparison with other similar cases may lead us to assume that some businessmen have close contacts with the workers of the diplomatic mission or other Czech governmental institution and that this acquaintance may simplify or speed up the procedure. (It was noticed that the driver of one businessman brought two packets of some goods to the Consulate).

Out of all of people that were interviewed, only one person stated employment as a reason in the application. The man works as a bus driver for a Ukrainian tourist company and arrived at the Consulate to collect his passport. He was not familiar with the other steps of the application procedure as everything is organised by the company.

However, some of those who applied for a Schengen visa to visit family might also use it to work in the Czech Republic. This is supposed to be the case for those respondents who stated that they had recently worked in the Czech Republic and who had asked for a Schengen visitor visa with a three-month duration period. Thus, people might be returning to work for another three months.

Short-term visa applicants were usually not granted a visa for three months, as the duration of stay is reduced by the Consulate. A substantial number of applicants complained that Consulate workers shortened the period of authorized stay in the country (usually to 14 or 21 day)⁷ by explaining that the Czech Republic is a small country and two or three weeks is enough time to get acquainted with it.

Concerning the number of entries, the multiple-entry visas were granted for those who presented business or work as their purpose of stay. Thus, the majority of the Schengen visa applicants received a single-entry visa to visit family or friends, despite the fact that they have been to the Czech Republic in the past and returned to Ukraine within the authorised period. An analysis of the interviews shows that most applicants received their passports in 10-15 days, yet in a couple of situations 20-30 days were needed.

b. National visas

Nowadays most people apply for national visas for family reunification. This tendency was mockingly explained by a Ukrainian police officer: “Those who wanted to work are in the Czech Republic already, now they bring their family.” However, the amount of family reunification requests does not necessarily mean that there is no demand for long-term work visas. During unofficial talk some people applying for a visa mentioned, that the Visapoint system registers only a small amount of long-term visa applications with the stated purpose of work. It is also believed that these applicants receive more rejections; our findings have not proved this, though.

The waiting period for a national visa is not regulated by EU laws but by each member country separately. For the Czech Republic, the decision should be taken within 90 days or in a maximum of 120 days in exceptionally complicated cases⁸. Nevertheless, two of the applicants had been waiting for a decision for between six and ten months.

⁷ See: Visa Code, Article 24: The period of authorised stay should correspond to the intended purpose of stay or transit, while respecting the general rules in relation to the length of stay. This very article states that family ties with citizens of the Union, and members of third-country nationals legally residing in Member States is one of the circumstances under which the multiple-entry visa may be issued. See also:

http://www.mzv.cz/lvov/uk/x2004_02_03/x2004_08_31_2/x2009_07_29/x2010_09_06.html

⁸General information http://www.mzv.cz/jnp/en/information_for_alien/long_stay_visa/general_information.html.

c. Refusal

Refusal is one of the most painful stages during the whole procedure as it is connected not only with the very fact of denial but with the amount of time and money that have been invested in the application.

The monitoring illustrated that, in general among the people leaving the consulate, quite a substantial amount received rejection; nevertheless, not many of them were eager to participate in the interview or to discuss the reasons. From peoples' answers it appeared that they do not believe they can influence the results, or that they can change the situation.

As was mentioned previously, every denial must be explained in written form. Among the cases researched the most popular explanations were: "It is known that the visa will be used with another purpose" and "The information provided by the applicant is false". All of the applicants whose applications had been rejected did not find the explanations sufficient and they were going to ask for further clarification.

In addition, most of these applicants planned to apply again or were queuing to submit another application. The only person who "gave up" due to financial reasons was a man asking for a Schengen visa to visit his brother who is currently working in the Czech Republic. Earlier the man had received three rejections in a row for work visa applications.

It must be admitted that the two long-term visa denials were justified as, during the interview at the Consulate, the respondents could not answer the questions about the purpose of their trip and they were not acquainted with the process of visa application perhaps due to their reliance on the consultants' help.

Complexity of the application procedure (documents)

The list of supporting documents that is submitted with the Schengen visa application is regulated by the Visa Code⁹. However, in individual cases, additional documents may be required by the member-states of the Schengen zone. With regard to national visas, the list of supporting documents is decided by each member-state. For Schengen visas no translations or legalizations were needed, whereas some documents must be officially translated for national visas.

On the basis of the research it may be concluded that the applicants did not have major problems with the documents. In most cases the required papers were prepared by the applicants, sometimes with the help of relatives, friends or business partners in the Czech Republic (e.g., invitation). In general, there were no remarks concerning extra documents which were not mentioned in the list. Usually respondents started to collect the documents after they had registered for an appointment at the consulate, some of those applying for Schengen visas said that it took nearly ten days to prepare the papers. The consulting agents helped some people to fill in the application form.

⁹ See: Visa Code, Article 14.

Taking into account the fact that most applicants were already acquainted with the visa application procedure, it can be assumed that this stage had a character of routine for them, i.e. the applicants knew where to ask for documents, what they should look like and how long it takes to collect the whole list. However, it seemed that more people made use of the consulting service than actually admitted to doing so. This could be concluded from their uncertainty about the exact list of documents that was handed in, poor understanding of the visa system or weak knowledge of the Ukrainian necessary to fill in the documents. However, in general, visa consulting is not approved of, which may explain why respondents might be too ashamed to admit to having used the service.

The vast majority of the respondents had all the required documents in order. Only in three cases were people asked to provide a copy of the passport of the person inviting and one man from Kyiv who was applying for the Trans-Carpathian residence was not informed about the requirement to have proof of health insurance, which must be done in typing not in handwriting. All of the respondents who were rejected paid a non-refundable fee while applying.

3. Consulting assistance

After visiting the Consulate for several days in a row, one begins to notice the same people, usually men, sitting in cars or walking near the Consulate building. There are more of them in the morning when the applications are accepted. Usually they are just there, sometimes talking to applicants but without bothering with questions or offers. They may ask privately if a person needs help with documents or health insurance. These people are self-employed visa consultants who help with visa problems.

Yet, it is important to distinguish between them and those who work for a company that offers visa assistance services. Some people prefer their application forms to be filled in by the consultants, however, the consultant is then under no obligation to attain a particular outcome for the applicant.

It is interesting to note that most people stated that they were not using a consultant's help and added that they had a negative attitude to all sorts of consultants in visa application procedure. No cases of consultants helping with Visapoint online registration were recorded. Most people admit that they see agents near the Consulate but that these consultants either offer their help politely or wait for people to address them.

Having observed the situation near the consulate for two weeks, the researcher may agree with the applicants' experiences. It is worth noting that consultants at the Czech Consulate in Lviv do not bother the applicants, as may be the case at the diplomatic missions of other countries. Nevertheless, as it was stated already, most of the respondents have had previous experience of making a visa application and they either do everything themselves, or have reliable consultants who do it for them for money, or applicants' relatives help them (the latter is often the case with older people or people from rural areas whose children study in the city and have better access to the internet).

For more information see the interview with a consultant¹⁰.

4. Information, its availability and applicant's level of knowledge

For this reason, during the interview people were asked about the official and unofficial sources they were using to search for visa information.

The two most frequently used official sources are the web pages of the Czech Consulate in Ukraine and the web page of the Czech Ministry of Foreign Affairs (MZV). It should be added that the Consulate's web page contains many links referencing the MZV's web page. Some people rely on several sources; however, in the long run, the information boards are considered the least popular. Most respondents stated that they managed to find all the necessary information in the official sources; nevertheless, some applicants complained that the information was missing or was outdated. For example, people could collect their passports in the morning though the Consulate's web page stresses that it can only be done after 2pm. One respondent was using Embassy's web page for information but applying in Lviv and complained that due to discrepancies in the information he had to buy more insurance. It was also noted that it is difficult to find information about Visapoint registration and that the system is programmed for certain answers and does not allow applicants to choose an alternative.

Nearly half of the respondents expected the Consulate to provide them with updates on the visa process. Those applying for the first time and not acquainted with the procedure mentioned that they did not have an explanation from the consulate employees about the next stage, once they had submitted their documents.

As for unofficial information sources, only one third of people had asked their relatives and friends, who had experience with the visa application process, for information. As a rule, unofficial sources are used to clarify details about how to fill in the application or supplementary documents.

The respondents were asked general questions on their overall knowledge of the visa procedure - different visa types, the VFA and the Visa Code. The majority of the respondents knew the difference between Schengen and national visas, however, less than half had heard about the VFA and the groups that are exempted from the visa fee; even fewer people knew about the Visa Code.

5. Expenses

According to the Visa Facilitation Agreement, Ukrainian citizens who apply for a Schengen visa are asked to pay a 35 Euro fee instead of the regular 60 Euros. The fee for the national visa depends on the purpose: 20 Euros for family reunification, 100 Euros for a long-term national visa and 41 Euros for the "green card".

¹⁰ <http://www.migrationonline.cz/e-library/?x=2281263>

During the monitoring there were no cases of improper fee payment. Moreover, the people who were exempted from the visa fee according to the VFA (e.g., students, pensioners, close family members) received Schengen visas for free.

Whilst respondents were eager to speak about the visa fees, they were not so open about other visa expenses. The answers to the question about the commuting costs ranged from 5 hryvnia (0,50 Euro cents) to 1200 hryvnia (120 Euro) both ways. It is quite clear that travel expenses depend on the remoteness from the Consulate as well as on the means of transport. In general people spend between 100 and 400 hryvnia both ways; thus, the sum is doubled for the standard procedure (two visits to the Consulate) and tripled or quadrupled if there are some complications. Some respondents admitted that they had paid 40-70 hryvnia (4-7 Euro) to have the application form filled out by a consultant. There is no information about payments for Visapoint registration. Other expenses differ in each individual case and may include the price of insurance (from 10 to 100 Euros), the cost of obtaining a bank statement (5 Euros), translation and legalization of the documents (between 50 and 150 Euros).

It is worth mentioning that most long-term visa applicants consider it expensive to apply for a visa, whereas most Schengen visa applicants do not view the financial side as an obstacle.

6. Work of the Consulate

Concerning the Consulate's work, one must not forget to mention the situation outside the consulate. Foreign diplomatic missions usually explain that everything happening outside the Embassy's walls is the responsibility of the local authority, but that is not always the case.

Two main problems mentioned in the interviews were the lines and the infrastructure near the Consulate. The people register in advance for the document submission day by telephone (Schengen visa) or via the Visapoint system (long-term visa). Upon their arrival at the Consulate, people join the queue in three lines on different sides of the Consulate building. In the first line visa applicants wait to receive a ticket with a number, which allows them to proceed to another line and wait for the number to appear on a screen in front of the consulate. If the applicant misses his number, he has to wait in the first line to get another number which will later appear on the screen. The third line is for those who come to collect their passports. In addition, people queue again inside the Consulate to pay the fee. It follows from the respondents' answers that the average waiting time in the first two lines lasts from 30 minutes to 2 hours. The first and third external lines are "live", meaning that places in the line cannot be booked in advance, there is no exact list of people queuing and, after leaving a line, the person has to stand at the end. The second one may also be called "live" since if a person misses his/her number, he/she has to go back to the first line.

Another problem is the lack of shelter from rain/snow/sun, as well as access to toilets, and some shops to buy water or a coffee vending machine.

Most applicants did not have an interview in the Consulate but were asked a couple of questions. Apart from some remarks from those applicants that were rejected, there were no negative comments about the behaviour of the Consulate workers. Most respondents mentioned that they

were strict and official. Some of the respondents who were rejected noted that the workers were shouting, and had behaved in a hostile manner, and did not provide a proper explanation of the rejection. In general, respondents expressed dissatisfaction with the high number of detailed questions they were asked and the fact that some Consulate officials do not speak Ukrainian.¹¹

Conclusion

The paper shows current changes in the work of the Consulate but there is still need for further improvement.

One of the flaws in the Consulates work is connected with the accessibility of information. The structure of the web pages, ways of presenting the information and of updating it are not always user-friendly. The research revealed that many applicants did not find all the necessary information in official sources and some were using unofficial sources to compensate. The applicants without internet access cannot find all the relevant answers by telephone and the information boards serve rather as “leisure reading” for those waiting in the line.

The services offered by the visa consultants are relatively popular among visa applicants in general. There are several reasons for this: lack of time to deal with the paperwork, lack of confidence in the information one acquires, the fact that the process of collecting the necessary documents is time-consuming (or it is believed to be due to the Soviet legacy). Influenced by a natural desire to save time and energy, people prefer to pay more but to benefit from faster and better results. The monitoring showed that people tend to address consultants for help, even though most respondents have a negative attitude to this service. We think that legal consulting agencies have the right to exist, on condition that they provide proper help to those who require it (e.g., answering questions, filling in application forms, etc.).

As a rule the document procedure was not perceived as complicated as long as the applicants know about the requirements for each document and when the whole list is required.

According to Article 23 of the Visa Code the decision about the Schengen visa should be taken as soon as possible and the waiting time should not exceed 15 calendar days, except in individual cases when further scrutiny is required. The decision about national visas is to be taken within 90 days or a maximum of 120 days in exceptionally complicated cases. The results show that in most cases the legally determined time frames were observed.

With regard to the financial side of the process, it is estimated that the application procedure costs nearly 75 Euros for a Schengen applicant and 225 Euros for a national visa applicant. To put this into context, the average monthly salary in Ukraine in 2010 was 224 Euros; however it is generally lower in Western regions, for example, Ternopil – 166 Euros, Ivano-Frankivsk, Trans-Carpathian, and Lviv – nearly 190 Euros.¹² The first group did not find it expensive to apply for a visa, whereas the second category would have preferred to pay less. Yet many people

¹¹ Mentioned by an 18-year old boy from the Carpathian region who does not speak Russian

¹² Derzhkomstat Ukrayiny. Dynamika seredniomisiachnoyi zarobitnoyi platy po rehionakh u 1995-2010 rr. http://www.ukrstat.gov.ua/operativ/operativ2006/gdn/prc_rik/prc_rik_u/dszpR_u2005.html

expressed the idea that visa policies should be mutually binding and preferred to have the visa fee waived.

Generally, the work of the consulate was satisfactory, except a couple of remarks on the behaviour of the workers and the infrastructure near the consulate. Applicants may wait for up to two hours in a line without leaving the place as they must wait for their number. It is recommended that the consulate install benches, shelters against rain/snow/sun as well as toilets and vending machines. As for the workers, it is desirable that they speak Ukrainian and were more patient with the applicants. In order to reduce the number of lines and simplify the procedure, it is advised that applicants be given an exact time to arrive at the consulate during the telephone pre-registration.

Due to the limited time period of the research and the lack of national visa applicants, the topic of Visapoint registration is not fully considered. In addition the issue of corruption is not covered in the report as it was neither observed by the researcher nor mentioned by the respondents.

To summarize the outcomes of the research we must acknowledge that the work of the Czech Consulate in Lviv has improved in comparison with previous years. The consulate works at a normal pace, there are no problems with lines in front of the building and the atmosphere is peaceful. Yet, this is reached by restrictive means, i.e., a strictly limited number of applications per day and a very low number of national visas are issued. In the course of the research it was observed that on average the Consulate in Lviv accepts 40 applications per day, most of which are for different types of Schengen visas. It is understandable that these measures are connected with the unemployment rate in the Czech Republic as well as with migration legislation. Nevertheless, the approach to Schengen visas is not quite comprehensible, especially regarding the period of stay and multiple-entry visas.

The Czech Republic is one of the most popular destinations for tourists, businessmen and labour migrants from Ukraine. In order to implement proper visa policy and develop peaceful and friendly connections between the two countries, the consulates should ensure high standards of visa processing and regularly address any problematic aspects.

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