

**APROBAT**  
In sesiunea Biroului permanent al  
Camerei Deputaţilor  
din data de 4.03.2007  
Nr. 253

Parlamentul României  
**Camera Deputaţilor**  
B.P. Nr. 253 din 6.03.2007

## INFORMARE

**privind participarea la reuniunile  
Comisiei pentru migraţii, refugiaţi şi demografie  
din cadrul Adunării Parlamentare a Consiliului Europei  
(Bruxelles, 28 februarie - 2 martie 2007)**

La 28 februarie a.c., a avut loc reuniunea comună a Subcomisiei ad-hoc a Comisiei pentru migraţii, refugiaţi şi demografie din A.P.C.E. cu Comisia pentru libertăţi civile, justiţie şi afaceri interne din Parlamentul European, în cadrul căreia a fost organizată audierea „Noul Cod Comunitar privind Regimul Vizelor”. Cu această ocazie au fost lansate spre dezbatere teme precum: oportunitatea introducerii măsurătorilor biometrice, înfiinţarea unor centre comune de aplicare a vizelor şi introducerea unui sistem informaţional al vizelor. Prezent la deschiderea dezbaterilor, domnul René van der Linden, preşedintele A.P.C.E., a făcut apel la asumarea unui obiectiv pe termen lung, respectiv la renunţarea vizelor pe continentul european.

În zilele de 1 şi 2 martie a.c. s-au desfăşurat lucrările Comisiei pentru migraţii, refugiaţi şi demografie a A.P.C.E. În prima zi a reuniunii Comisiei au avut loc mai multe schimburi de vederi pe teme precum: „dimensiunea externă a spaţiului de securitate, justiţie şi libertate”, „iniţiativele recente în domeniul migraţiei şi integrării”, „răspunsul european la dezastrele umane”, „situaţia migranţilor ilegali”, „reglementarea programelor pentru migranţii ilegali”, la care au participat mai mulţi experţi în domeniu: dl. Stefano Bertozzi, membru al cabinetului vicepreşedintelui Comisiei Europene, dl. Franco Frattini, Comisar pentru Justiţie, Libertate şi Securitate; dl. Sergio Piazzi, Directorul Departamentului de Relaţii Externe al Biroului Naţiunilor Unite pentru Coordonarea Activităţilor Umanitare, etc.

În cadrul reuniunii membrii Comisiei au adoptat Raportul de opinie și amendamentele doamnei deputate Minodora Cliveti referitoare la Raportul parlamentarului francez Jean-Marie Bockel, cu tema „Situația persoanelor vârstnice în Europa”. Parlamentarul român Cezar Florin Preda a fost desemnat raportor pe tema „Migrația în Europa: o provocare constantă”. Raportul va fi elaborat urmare a moțiunii prezentate de parlamentarul turc Osman Coşkunoğlu, președintele Comisiei.

În cea de a doua zi a lucrărilor, în contextul preocupărilor intense pe plan european privind problematica și amploarea fenomenului migrației ilegale, Comisia pentru migrații, refugiați și demografie a A.P.C.E. a organizat, la invitația autorităților belgiene, o vizită de studiu la portul Ostende. Cu această ocazie au fost prezentate tehnicile și echipamentele de control pentru camioanele ce tranzitează Portul Ostende spre Marea Britanie. În cursul vizitei au avut loc discuții cu autoritățile portuare și cu reprezentanții poliției care au prezentat preocupările pentru modernizarea continuă a echipamentelor și pentru îmbunătățirea tratamentului aplicat migranților ilegali care, pe perioada reținerii, nu sunt tratați, din principiu, drept infractori, aceștia beneficiind de un regim de reținere și nu de unul de detenție.

La acțiuni au participat doamna deputată Minodora Cliveti, președinta Subcomisiei pentru refugiați a Comisiei pentru migrații, refugiați și demografie a A.P.C.E., membră a Delegației Parlamentului României la A.P.C.E. și doamna Nadia Ionescu, secretara Delegației Parlamentului României la A.P.C.E.

**Minodora CLIVETI**, deputată P.S.D.



AS/Mig (2007) OJ 02 Rev. 2  
19 February 2007  
am02\_2007\_REV

Committee on Migration, Refugees and Population

**REVISED DRAFT AGENDA<sup>1</sup>**

of the meeting which will take place in BRUSSELS,  
on **Thursday, 1 March and Friday 2 March 2007** (9.00 am - 6.00 pm)  
Belgium Senate, 8 rue de la Loi, (Room M), Brussels  
Tel +32 2 501 7262 / fax +32 2 501 7216

**THURSDAY 1 MARCH 2007, 9.00 am – 6.00 pm**  
**Meeting of the Committee**

**9.00 am – 12.30 pm**

**1. AGENDA**

[AS/Mig (2007) OJ 02 rev. 2]

Adoption of the agenda

**2. MINUTES**

[AS/Mig (2007) PV 01]

Approval of the draft minutes of the meeting held in Strasbourg, on 23, 24 and 25 January 2007

**3. COOPERATION WITH THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS OF THE EUROPEAN PARLIAMENT**

- Introduction on the external dimension of the area of freedom, security and justice and exchange of views with ZZ....., Member of the European Parliament, and Round Table debate (*to be confirmed*)
- Statement by the Chairperson of the *Ad Hoc* Sub-Committee on the meeting held in Brussels on 28 February 2007

**4. EUROPEAN COMMISSION – RECENT INITIATIVES IN THE FIELD OF MIGRATION AND INTEGRATION (10.30 am)**

Exchange of views with Dr Stefano BERTOZZI, Member of the Private Office of Mr Franco Frattini, Vice-President of the European Commission and Commissioner responsible for Justice, Freedom and Security

<sup>1</sup> **This draft agenda, addressed to members and alternates of the Committee on Migration, Refugees and Population and observers' delegations (copy to secretaries of national delegations), is the convocation to the meeting.**

**5. EUROPE'S RESPONSE TO HUMANITARIAN DISASTERS**

*Rapporteur : Mr Mooney, Ireland, ALDE*

[AS/Mig (2007) 04]

- Consideration of a memorandum
- Exchange of views with Mr Sergio PIAZZI, Head of External Relations, United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
- Exchange of views with Mr Simon TOWLE, expert with the participation of Mr Antonio CAVACO, Director General for Humanitarian Aid (ECHO) – European Commission (*to be confirmed*)

**6. SITUATION OF IRREGULAR MIGRANTS**

Exchange of views with Mrs Michèle LE VOY, Platform for International Cooperation on Undocumented Migrants (PICUM)

**7. EXCHANGE OF VIEWS WITH MEMBERS OF THE BELGIUM SENATE (*to be confirmed*)**

**12.30 - 2.30 pm**

*Lunch ("Restaurant du Musée des instruments de Musique" – rue Montagne de la Cour, Brussels)*

**2.30 – 6.00 pm**

**8. REGULARISATION PROGRAMMES FOR IRREGULAR MIGRANTS**

*Rapporteur: Mr Greenway, United Kingdom, EDG*

[AS/Mig (2007) 05]

AS/Mig/Inf (2007) 01 + Add.]

Consideration of a memorandum

**9. THE EUROPEAN COUNCIL OF REFUGEES AND EXILES (ECRE)**

Exchange of views with Mr Bjarte VANDVIK, Secretary General

**10. MIGRATION AND MOBILITY IN THE EURASIAN REGION – PROSPECTS FOR THE FUTURE**

*Rapporteur : Mr Özal, Turkey, EPP/CD*

[AS/Mig (2007) 02]

Consideration of a memorandum

**11. STATE OF HUMAN RIGHTS AND DEMOCRACY IN EUROPE**

*Rapporteur for opinion: Mr van Thijn, Netherlands, SOC*

[AS/Mig (2007) 03]

Consideration of a preliminary draft opinion

**12. THE ACTIVITIES OF THE INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)**

*Rapporteur: Mrs Hajiyeve, Azerbaijan, EPP/CD*

[AS/Mig (2006) 16 rev. 2]

Consideration of a revised memorandum

**13. THE SITUATION OF ELDERLY PERSONS IN EUROPE**

*Rapporteur for opinion: Mrs Cliveti, Romania, SOC*

[AS/Mig (2007) 06]

Doc. 11179]

- Consideration of a preliminary draft opinion
- Exchange of views with Mrs Jyostna PATEL, European Parliament Project Officer, European Older People's Platform (AGE)



# 14. WORK PROGRAMME

[AS/Mig/WP (2007) 02]

[Doc. 11085]

Doc 11103]

## a. Appointment of rapporteurs

- Migration in Europe: a constant challenge
- Improving the quality and consistency of asylum decisions in the Council of Europe Member States

## b. Representation of the Committee at various events

### Appointments:

- Workshop organised by « La Maison de l'Europe de Paris » on the topic « *What is the impact of the EU migration policies on the national migration policies? First part : Control, readmission agreements, transit camps, asylum right* » (Paris, 9 March 2007)
- Conference entitled « *Towards a Euro-Mediterranean Region Full of Chances : Euro Med Free Trade Area 2010 and a common Migration Strategy* » (Tunis, 18-19 March 2007) – subject to the authorization by the Bureau
- Meeting of the CDMG (Strasbourg, 14-15 May 2007)
- Conference on "Cyprus three years after EU accession" (Berlin, 25-26 May 2006)

# 15. REPLIES FROM THE COMMITTEE OF MINISTERS TO TEXTS ADOPTED BY THE ASSEMBLY PRESENTED BY THE COMMITTEE

.....

# 16. OTHER BUSINESS

# 17. NEXT MEETINGS

## **Plenary Committee:**

- Strasbourg, during the 2<sup>nd</sup> part of the Session 2007 (16-20 April 2007)
- Greece, 10-11 May 2007
- Strasbourg, during the 3<sup>rd</sup> part of the Session 2007 (25-29 June 2007)
- Strasbourg, during the 4<sup>th</sup> part of the Session 2007 (1-5 October 2007)
- Paris, 14 December 2007

## **Sub-Committee on Migration:**

- Antalya (Turkey), 11-12 June 2007 (to be confirmed and subject to authorisation by the Bureau)

## **Sub-Committee on Refugees:**

- Belgrade (Serbia), 29-30 October 2007 – participation in the meeting on the situation of Roma IDPs in Serbia, organised by DGIII (to be confirmed and subject to authorisation by the Bureau)

## **FRIDAY, 2 MARCH 2007**

### **Study visit**

- |                |                                                                                          |
|----------------|------------------------------------------------------------------------------------------|
| 9.00 am        | Departure of the buses (Belgium Senate, 8 rue de la Loi)<br>Visit of the port of Ostende |
| 1.30 pm        | Departure of the buses<br>Visit of the town of Bruges                                    |
| Around 6.00 pm | Arrival in Brussels (Belgium Senate)                                                     |

Those participants who do not want to take part in the afternoon visit (Bruges) will have the possibility to return directly to Brussels after lunch (arrival of the bus in Brussels: around 3.30 pm) – please inform the secretariat as soon as possible if this is the case)

*Interpretation during the visits will be provided in English and in French*

## Information note

### **Plenary meeting:**

The meeting will take place at the Belgium Senate (8 rue de la Loi, (Room M), Brussels)  
Tel +32 2 501 7437 / fax +32 2 501 7216, from 9.00 am to 6.00 pm

### **Participation forms:**

Participant forms should be returned to the secretariat of the Committee, by mail or by fax, before 21 February.

### **Security:**

Participants are asked to bring their passport with them to enter the Belgian Senate

### **Hotels:**

Please note that special rates have been negotiated by the Belgian Senate with the following hotels: (please mention the Belgian Senate when reserving)

#### **HOTEL DU CONGRES**

Rue du Congrès 42

1000 Bruxelles

Tel.: +32.2.217.18.90 / Fax: +32.2.217.18.97

Price (breakfast included): between 80 and 100 euros

#### **HOTEL PRESIDENT CENTRE**

160, Rue Royale

1000 Bruxelles

Tel : +32 2 219 00 65

Fax: + 32 2 218 09 10

Price (breakfast included): 139 euros (single room), 155 euros (double)

### **Study visit (Friday 2 March 2007):**

Programme of the visit: see above

**\*\*\* Those participants who do not want to take part in the afternoon visit (Bruges) will have the possibility to return directly to Brussels after lunch (arrival of the bus in Brussels: around 15.30 pm) – please inform the secretariat as soon as possible if this is the case)\*\*\***

# Parliamentary Assembly Assemblée parlementaire



Restricted  
**AS/Mig (2007) 06**  
9 February 2007  
amdoc06-2007  
or. Eng.

## The situation of elderly persons in Europe

Draft opinion  
Committee on Migration, Refugees and Population  
Rapporteur: Mrs Minodora Cliveti, Romania, Socialist Group

### I. Conclusions of the Committee

1. The Committee on Migration, Refugees and Population draws attention to the particular risks of double or even triple discrimination faced by elderly migrants and to the difficulties they may encounter depending on whether they remain in the "host" country with low levels of integration, or they decide to return to the country of origin, or when elderly persons decide to emigrate in search of better living conditions in retirement.

### II. Explanatory memorandum by the Rapporteur

2. The situation of elderly persons and population ageing is a growing concern for Europe and has been recurrently addressed by the Assembly over the last decade : from the angle of human rights (*Recommendation 1428(1999)*<sup>1</sup>) on the occasion of the "International year of Older Persons"; from the angle of social, health and pension policy reforms (*Recommendation 1591 (2003)*<sup>2</sup> and *Recommendation 1254 (1994)*<sup>3</sup>); and from the angle of demography (*Resolution 1502 (2006)* and *Recommendation 1749(2006)*<sup>4</sup>).

3. While longer life expectancy is good news for individuals, it is a great challenge for society and policy makers who have to address demographic, social, financial and political implications of ageing.

4. The Social, Health and Family Affairs Committee is to be congratulated for highlighting some of these challenges and for proposing action with regard to social protection systems, employment of elderly persons, assistance and support to families, access to healthcare and particular needs of vulnerable groups including ageing immigrants, women and people with disabilities.

5. The Rapporteur for the Opinion took part and had the honour to Chair one of the working sessions at the Conference on the situation of elderly people in Europe which was organised by

<sup>1</sup> Recommendation 1428 (1999) « The future of senior citizens : protection, participation and promotion »

<sup>2</sup> Recommendation 1591 (2003) « Challenges of social policy in Europe's ageing societies »

<sup>3</sup> Recommendation 1254 (1994) « Medical and welfare rights of the elderly »

<sup>4</sup> Resolution 1502 (2006) and Recommendation 1749(2006) "Demographic challenges for social cohesion"

the Social, Health and Family Affairs Committee<sup>5</sup> in preparation of the report. A number of issues were discussed : retirement age; combining retirement with employment; inclusion of elderly persons in economic, social and political life; financial implications of extended working life; solidarity and interaction between generations; financial impact of home support and residential care; qualifications and training of staff in institutions; needs for further research and possibility of establishing an observatory to deal with population ageing.

6. With regard to increasing mobility and the specific needs of ageing migrants in Europe, it would be necessary to distinguish particular needs and policy measures for elderly migrants who remain in the "host" country with low levels of integration, for those who decide to fully or partially return to the country of origin, and for elderly persons who decide to emigrate in search of better living conditions in retirement.

7. The circumstances of elderly migrants can be very diverse and are affected by time of immigration; culture; language; education; employment history; gender; geographical location; housing conditions; health status; and family context. However it can be said that elderly migrants belong to two groups who are often vulnerable to social exclusion : the elderly and migrants.

8. Immigrants who settled in western European countries in the 50s, 60s and early 70s often ended up in the lower ranks of the professional and societal hierarchy. Prior to retirement age, they generally run a higher risk of unemployment and it can be particularly difficult for them to find a new regular job with which they can contribute to pay their social security. They may have bad health conditions as a result of their work and more stressful life experience as migrants. In some cases elderly migrants do not apply for retirement in the host country due to lack of information and unfamiliarity with the local social security system. Broken careers, resulting from scattered and low paid jobs and unemployment, inevitably lead to weak pension rights.

9. Women elderly migrants are particularly exposed to poverty and may face triple discrimination : as women; as elderly and as migrants. Many do not qualify for pensions and rely exclusively on family support.

10. Certain elderly migrants consider it important to live with or close to their family or other people from their ethnic background. Otherwise they may feel socially isolated. The preference for living in extended families often means that they suffer from overcrowding. In terms of integration and self-reliance, better knowledge of the "host" language is crucial. Insufficient communication skills generally prevent elderly migrants enjoying the full benefits from care and assistance (services for elderly, day care, district nursing, recreational activities, institutional care, etc.) and they lack information regarding their rights.

11. Transfer of pension and social security rights is vital to elderly migrants. Some of them would like to return to their countries of origin, but find that they can not financially afford it because their pension rights can not be transferred. The situation is quite diverse throughout the Council of Europe member states and particularly affects non-EU citizens.

12. EU citizens, on the other hand, have the possibility to transfer their pension and social security rights to other EU countries, if they decide to emigrate - particularly to South European countries - while seeking better living conditions in retirement. This growing phenomenon will certainly require further consideration at the European, national and local policy level, in terms of changing population structures, specific infrastructures and services needed to respond to this demand, issues of integration, increasing housing costs, impacts on young households in the "host" country, etc.

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<sup>5</sup> Session 1 on "aspirations and rights of the elderly", Conference on the situation of elderly people in Europe, Paris, Senate, 13 September, 2006

13. In view of the preceding, the Rapporteur reiterates some of the issues which were put forward to the Committee of Ministers and the member states in *Recommendation 1619 (2003) on the rights of elderly migrants* :

- *Labour market*: efforts should be made to stimulate younger elderly migrants to (re)enter the labour market and appropriate vocational training should be provided to reconvert their skills and previous professional experience;

- *Social security and pension rights*: Council of Europe member States should be strongly encouraged to sign and ratify multilateral social security agreements, such as the European Convention on Social Security (ETS No. 78), or otherwise to conclude bilateral social security agreements; otherwise, Council of Europe member states should make it possible under their legislation to pay pensions to migrants having returned to their country of origin or habitual residence and having worked legally on their territories, irrespective of the existence of a social security agreement to this effect;

- *Access to information*: information about the existing social welfare and public health care institutions should be improved and made accessible to elderly migrants. To this effect there is a need for an innovative, structural and continued interculturalisation of the existing institutions in the fields of public service, healthcare, and social welfare, and the ways they use to communicate with their 'customers'. Authorities should also provide practical information about receiving social benefits abroad;

- *Health care and assistance*: There is a strong need to adapt the existing structures and make them more 'culturally appropriate' also through the provision of special training to social workers and health professionals working with elderly migrants. The employment of qualified personnel from an immigrant background should be encouraged. Elderly migrants should be effectively consulted and involved in the development and provision of culturally sensitive services.

- *Access to citizenship*: Criteria such as the knowledge of the language of the host country or its way of life should be interpreted with flexibility by the authorities considering applications for citizenship from elderly migrants; access or reacquisition of nationality should be facilitated for people returning to their countries of origin and who never had or had lost their nationality;

- *Links with country of origin* : elderly migrants who decide not to come back to their countries of origin should be given the opportunity of maintaining close contacts with their "home" countries and the political, social, and cultural developments which occur in such countries.

14. Finally, there is also a need for more research on the situation of elderly migrants in Council of Europe member states.

### **III. Amendments proposed by the Committee**

The Committee on Migration, Refugees and Population proposes the following amendments to the report of the Social, Health and Family Affairs Committee (Document .....):

#### **Amendment 1**

In the draft Recommendation, at the end of paragraph 10, add the following:

"Elderly migrants face a particular risk of double or even triple discrimination and require specific policies and culturally sensitive services as outlined in *Recommendation 1619(2003)* on rights of elderly migrants. Moreover, the governments should recognise the significant contribution that elderly migrants have made to the economic growth in the past and the important role they can still play in helping new generations of migrants to integrate in the host country."

#### **Amendment 2**

In the draft Recommendation, at the end of paragraph 11.1, add the following:

"- sign and ratify multilateral social security agreements, namely the European Convention on Social Security (ETS No.78) and/or amend existing legislation to facilitate payment of pensions to migrants having returned to their country of origin or habitual residence and having worked legally on their territories;"

#### **Amendment 3**

In the draft Recommendation, at the end of paragraph 11.4, add the following:

"- adapt the existing structures for the provision of health care and assistance to the elderly in order to make them culturally appropriate to the needs of elderly migrants;"

#### **Amendment 4**

In the draft Recommendation, at the end of paragraph 11.5, add the following:

"- provide specially adapted language courses and other activities fostering inclusion and participation of elderly migrants and support non governmental organisations in their activities and assistance programmes in this regard;  
- provide practical information to elderly migrants about receiving social welfare, pensions and health care in the host country and the country of origin, which is available at public institutions, community centres, immigrant organisations, cultural centres and religious institutions;  
- facilitate links between elderly migrants and their countries of origin."



**Doc. 11085**  
23 October 2006

## Migration in Europe : a constant challenge

Motion for a recommendation  
presented by Mr Çavuşoğlu and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. Worldwide international migration has reached about 200 millions, which is 3% of the world's population, more than doubling the figure from 1980. Migrants make up about 8 % of the population of Europe, which equals some 60 million persons. In many countries it is the most important factor for population growth. Certain sectors of the economy are heavily dependent on migrant workers. Most European countries are countries of origin and/or destination of migrant movements and some are transit countries.
2. Migration in Europe has two major components, *i e* migration among European countries and migration from non-European countries into Europe. The former is more and more becoming a question of mobility where migration to a first country can be followed by onward migration to a second or third country and where return migration is also playing an increasingly important role. Migration into Europe is, however, still dominated by traditional immigration for resettlement and the acquisition of a new citizenship in the host country.
3. Over the last ten years, Europe has witnessed a yearly inflow of some 500,000 would-be-migrants. While originally a majority of these were asylum seekers, today they represent a minority, because of stricter asylum-rules. Due to limited possibilities for regular migration, the newly arrived increasingly opt for an irregular status. The number of irregular migrants in Europe is estimated to be between 3 and 5 millions, and their arrival often depends on criminal activities such as human smuggling and trafficking.
4. The integration of migrants in their host country has proved to be more difficult than was originally anticipated. New policies and new approaches in this field are therefore urgently needed to reduce the tensions that have resulted from a lack of integration.
5. The increasing migration push towards Europe has resulted in stricter border controls and the sending back of would-be-migrants. Europe is at present not able to host and integrate this large number of potential immigrants. Co-operation with countries of origin and transit is therefore increasingly needed to diminish the migration pressure and to address the root causes of this migration.
6. The Council of Europe can assist in improving member governments' policies and policy measures in dealing with problems linked to migration, refugees and asylum in different manners, focusing on its core areas of competence. The Parliamentary Assembly therefore recommends to the Committee of Ministers to use the Council of Europe to:



- 6.1. strengthen the dialogue and encourage more cooperation between countries of origin, transit and destination of migrant movements;
- 6.2. contribute to the integration of migrants in their democratic host countries, observing the rule of law;
- 6.3. promote intercultural understanding, dialogue and tolerance;
- 6.4. defend the rights of migrants, refugees, asylum seekers and internally displaced persons (IDPs);
- 6.5. continue the fight against trafficking in human beings and other forms of organised crime linked to irregular migration, while protecting the rights of the victims;
- 6.6. give particular attention in this work to migrant children;
- 6.7. pay more attention to the situation of migrant workers and their families and to migrant students.

*Signed*<sup>1</sup>:

ÇAVUŞOĞLU, Mevlüt, Turkey, EDG  
CLIVETI, Minodora, Romania, SOC  
DAČIĆ, Ivica, Serbia, SOC  
FERNÁNDEZ, AGUILAR, Adolfo, Spain, EPP/CD  
GREENWAY, John, United Kingdom, EDG  
HENDERSON, Doug, United Kingdom, SOC  
LINDINGER, Ewald, Austria, SOC  
Lord BURLISON, United Kingdom, SOC  
OLIN, Kalevi, Finland, SOC  
ÖZAL, İbrahim, Turkey, EPP/CD  
PAPADIMITRIOU, Elsa, Greece, EPP/CD  
PLATVOET, Leo, Netherlands, UEL  
PORTEIRO, GARCIA, Maria, Josefa, Spain, SOC  
van THIJN, Ed, Netherlands, SOC

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<sup>1</sup> SOC: Socialist Group  
EPP/CD: Group of the European People's Party  
ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democratic Group  
UEL: Group of the Unified European Left  
NR: not registered in a group

Anita Szymborska, Stefan Batory Foundation, Poland

EU Visa policy must not only be treated as a tool combat illegal immigration and criminality but also as an **important instrument of foreign policy**, and particularly the European Neighbourhood Policy. Unfortunately, at present EU visa policy towards neighbouring countries stands in contradiction to the European Neighbourhood Policy principles. The visa procedure complexity is seen by citizens of neighbouring countries as a test of the declared friendliness against the actual intentions of the EU Member States. Frequent visa refusals and poor service provided to applicants give a strong sense of new barriers being raised in Europe and of second-class treatment.

Support to the freedom of travel could be one of the key **incentive for the EU neighbouring countries to undertake democratic and free-market reforms**. The experience of travellers (tourist, business people, students, trades) changes the mindset moulded by decades of totalitarian regime. Direct contacts help to learn and apply the model of democracy, civil society, and free-market economy. When looking at the example of Poland and other new Member States from the beginning of transformation – lifting a visa obligation by the EU countries at the beginning of 90s was a very important signal for those societies that Europe is waiting for us and is ready to support our changes, was also a precondition to get public support for many painful reforms required by the EU membership. Today lifting visa obligation should be a political decision if we really think about supporting changes in our neighbourhood.

It should be **the EU priority towards the European EU neighbouring countries to lift the visa obligation**. This goal must not remain limited to the existing vague declarations but should rather be translated into a road map: a list of specific conditions and criteria to be met as a guarantee of visa-free travel regime. The criteria could include for example a positive assessment of the application of the readmission agreement, or low percentage of nationals overstaying their visas.

On the other hand, in the short term, it is necessary to change the system by facilitating the issuance of visas and minimising the complexity of the process.

One more problem, that I would like to draw your attention to, concerns specific situation of the new Member States, that are likely to enter the Schengen area soon. Before their accession to the EU when introducing visa requirements to their Eastern neighbours, they have adopted relatively liberal visa regimes. Comparing their visa practice to those of the Schengen States one can see several significant differences. In the case of the former:

- Visa applications are processed free of charge or for a low fee;
- The procedures are simpler (with shorter lists of documents required) and the waiting time is shorter (often the entire process is completed within only one day);
- Rejection rates are significantly lower (1.2% for the three neighbouring countries) than in the case of the Schengen States (11.5%).

Those countries issue annually enormous numbers of visas to their neighbours. For example Poland alone issues over 570,000 annually to Ukraine – while all the Schengen States combined 300,000! For the neighbours of the Ukraine such volumes are indispensable as regards maintaining normal human traffic and fostering people-to-people contact. There are 12 border-crossing points on the Polish-Ukrainian border alone and there were 17,824,836 (!) recorded border crossings (in either direction) during the year 2005.

Unfortunately, the new Visa Facilitation Agreements do not take into account the experiences of these countries (those agreements are to ease visa procedure only to a very small percentage of people, the rest - vast majority of ordinary citizens will not enjoy such advantages). Paradoxically, though in principle the agreement is to ease the situation, after the New Member States accession to the Schengen area, it will worsen. This can create a feeling of discrimination and lead to the conclusion that the European Union is interested only neighbouring countries elites.

### **Medium-term solutions**

The introduction of any measures that would aim at further facilitation (medium-term solutions) should be synchronised with the accession of the new Member States to the Schengen area. As for the longer-term perspective, what is needed is a Road Map laying down the specific conditions and criteria to be met by the neighbouring countries for the introduction of a visa free travel regime.

The Stefan Batory Foundation Friendly EU Border Programme<sup>1</sup> launched in 2002 featured a 2005 monitoring survey aimed to evaluate the practice of the visa systems of eight selected EU Member States. The project looked at the visa systems of Belgium, the Czech Republic, Finland, France, Germany, Lithuania, Poland, and the United Kingdom. Standard forms were used to conduct over 1,000 direct interviews with randomly selected applicants for Schengen visas, visas of the new EU Member States, and UK visas in Chisinau, Kyiv, Minsk, and Moscow. The survey also included interviews with consulate staff and with applicants refused a visa. The evaluation of the visa systems was based on measurable indicators, such as the percentage of refused applications, the waiting time for a visa, the number of visits to a consulate necessary to get a visa, as well as subjective impressions of visa applicants and their perception of visa procedures<sup>2</sup>.

### **Summary of the Monitoring key findings**

#### **Why are visa procedures onerous?**

**Number of visits to the consulate.** One of the reason of the hardship experience while applying for a visa is the necessity to visit the Consulate a number of times. Only one fifth of our respondents were able to collect their visas on their first visit. Applicants had to arrive/travel to Consulates a number of times (between one and... nine!).

**Distance from home.** The number of Consulates visits necessary to obtain a visa constitutes a substantial difficulty due to the fact that respondent travel considerable distances to file their application. In the countries monitored by us (Russia, Ukraine, Belarus, Moldova). The average distance to the closest consulate was 300km. Having to cover such distances more than once involves considerable **expenses and time**.

**Waiting time** – Even if the applicant travelled a considerable distance in order to visit Consulate, a short procedure would mitigate the inconveniences and travelling costs. Unfortunately the majority of systems surveyed offer a visa procedure lasting at least a week. To that one have to add a time prior to the application which in many cases lasted over a month. A separate dimension of the burdensomeness of the visa procedure is the time spent in queues. Only 39% of the respondents did not report having to wait in queues.

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<sup>1</sup> More about the Friendly EU Border Programme at <http://www.batory.org.pl/english/intl/monitor.htm>

<sup>2</sup> Full text of the report can be downloaded from the Publications section of the mentioned above website.

**Treatment by the consular staff** - Systems that are evaluated as being particularly difficult to deal with are those offering a poor quality of information and lacking transparency. The survey suggests that the attitude of consulate staff was very important to applicants. Treatment received mattered more to the perception of the whole procedure than even waiting time for a visa.

### **Inconsistent visa practice of the consulates of the Schengen Member States**

The Schengen system involves a large degree of harmonisation. However, our monitoring exercise indicated that the practical application of the visa procedures by consulates of the Schengen Member States is quite diverse. The differences include, among others, the following:

- procedure of communicating the visa requirements to applicants;
- list of documents and scope of information required for a visa;
- visa application submission procedure (either requiring pre-registration or conducted immediately upon entry to the consulate);
- practice of applicant interviews (used either routinely or exceptionally);

### **Varying complexity of visa procedures applied by the Schengen Member States**

As the visa procedures applied by the Schengen Member States differ, the applicants' perceptions of the complexity of the process also vary. The survey indicates that the consulates of some Schengen countries are considered to be friendly and believed to provide applicants with reliable information about visa requirements and to treat applicants respectfully; on the other hand, consulates of other countries, such as France, apply complex procedures, largely incomprehensible to applicants.

### **Recommendations**

The Commission proposal set out in the draft Community Code on Visas Regulation introduces important changes in the existing procedures and is a useful review document, bringing together all existing visa provisions. However, in our opinion, those changes should be more far-reaching.

#### **1. Information: Better communication**

Opinions about consulates expressed in our survey suggest that communication is one of the weakest points of the visa procedure. Applicants want to receive reliable information; better

communication with applicants is a precondition of improving the entire procedure. Our monitoring exercise suggests that applicants would want to use consulate websites but those were unavailable. It is necessary to develop a blueprint website containing all Schengen visa information to be modified depending on the local conditions. The website should include a visa application form that could be completed and registered online. A good practice requires a separate information desk and designated local information officers (few consulates have them while the survey shows that applicants want to receive oral information almost as much as on the internet).

*Proposal:*

Article 41 CCV should be expanded to provide for obligatory modes of communication of information on Schengen visa requirements (website including visa application forms, information hotline, consulate information desk). There should be a possibility to use internet at all stages of the visa procedure, that is, the gathering of information, registration and submission.

## **2. Shorter list of required documents**

Due to the long and non-exhaustive list of required documents, Schengen States' consulates apply a different practice; applicants are turned back several times to produce additional documents. And many of the documents are required unnecessarily:

- return ticket: purchase of a ticket without a guarantee of a visa implies a significant financial loss to the applicant;
- hotel reservation: it is not a proof, a hotel reservation can easily be made and cancelled (this also encourages the well-known practice of trading in counterfeit confirmations of reservation, trip, etc.);
- a certificate of enrolment for students: this frequently involves costs that cannot be recovered in the case of visa refusal;
- proof of integration into the country of residence: family ties and professional status: these are vague notions subject to discretionary interpretation by consulates;

*Proposal:*

Depending on local conditions list of supporting documents to be attached to the application form should be prepared. Applicants shall be obliged to give only one document from that list to prove the purpose of visit (be it invitation, bank account statement or sponsorship). Any



second document may only be required in exceptional circumstances. It should be possible to send any additional documents **by post, fax, or e-mail**, to be authenticated when visiting the consulate to get the visa.

The proposed simplification of the list of required documents is also supported by the planned establishment of Common Application Centres. Regardless of the State to be visited, CACs should use a consistent list of required documents; otherwise, their operation will be incoherent.

### **3. One visit to the consulate**

In view of the opportunities afforded by today's information technology, it is reasonable to launch online visa application procedures. Both applicants and consulates would benefit from the possibility of completing visa application forms online and providing relevant documents electronically. Then the applicant would only be required to visit the consulate once, to produce original documents, previously sent electronically, for purposes of authentication, and to collect the visa.

#### *Proposal:*

The procedures should be restricted to a single visit to the consulate. If the application form was sent to the consulate electronically, the visa should be collected in person. If, however, the documents were delivered in person, the applicant may request to have them sent by courier (in that case, the cost would be covered by the applicant).

### **4. Wider use of multiple-entry visas issued with a five-year period of validity**

In the case of individuals without a criminal record who did not overstay their previous visa (also if those were visas of new Member States), a five-year visa should be issued automatically. Instead of certain categories of persons, the consulates shall relay on a **positive visa history**. No additional documents (only application form) shall be required from such a person. Multiple-entry visas with a longer period of validity would help to reduce the workload of consulates.

### **5. Obligation to justify visa refusal**

The Commission CCV proposal makes a positive change. The standard form stating the reasons for visa refusal shall be used obligatorily in the visa procedure (Article 23.2 and Annex IX).

Information about the reasons for the decision is crucial to the applicants: on the one hand, it helps them to draft a new, amended visa application (or to file an appeal, where possible); on the other hand, it strengthens the image of the consulate as an institution applying transparent visa procedures. Indirectly, information about the reasons for visa refusal mitigates the arbitrariness of decisions as officials are obliged to prove the logical reasons for visa refusal.

#### *Proposal:*

In view of the proposed short standard visa refusal form, consulates should additionally invite applicants wishing to find out the details of visa refusal to visit, and communicate the hours of such visits. It is a good practice to allow for an hour a day when the consul would see interested applicants.

### **6. Right of appeal**

The proposal provides for the applicant's right to appeal; the actual appeal procedure is to be governed by the national law of the Member States (Article 23.3).

The right to appeal is crucial to ensure a proper visa procedure; it confines potentially arbitrary decisions of the consular officer involved and any related abuse of power. It is particularly important in the area of internal security where decisions are made in a single stage procedure by officials and may be particularly susceptible to irregularities and abuse.

### **7. Visa fee reduction**

The cost of introduction of new biometric measures aimed to improve the internal security of the EU Member States should not be borne by third country nationals. The introduction of a EUR 60 fee for all those subject to the visa obligation will adversely affect thousands of travellers and will also hurt the image of the European Union.

When the fee is raised to EUR 60 and where a country has not signed a bilateral agreement (agreements providing for a fee of EUR 35 are initialled with Ukraine and Russia and negotiated between the EU and Moldova and countries of the Western Balkans), the fee should be charged at the time of collecting a visa, i.e., only in the case of granting a visa. Article 16 of CCV should be amended accordingly.

A higher visa fee will be particularly onerous to those countries subject to the visa obligation where the EU policy should be mainly focused on relations with the society rather than the authorities. This is the case of Belarus: despite declared support for civic society, a raised visa fee will augment the isolation of Belarusian nationals. The declaration of facilitated

interpersonal contacts and opening of Europe to the Belarusian society should be substantiated by the practice applied by the Consulates. The current visa policy toward Belarusian nationals only supports the Lukashenka regime's propaganda claiming that the EU is turning its back to the Belarusian people. Given the importance of this issue, the Council should be in a position to pass decisions providing for reduced Schengen visa fees for Belarusian citizens.

#### **8. Elimination of unofficial measures to control returns**

Our survey found repeated cases where visas were issued on the condition of reporting back to the consulate upon return. Another means of checking the return used by some EU consulates in Moldova is to require a cash deposit repaid only upon return. In both cases, applicants need to visit the consulate in order to obtain a visa (usually more than one visit) and then once again upon return in order to retrieve the cash deposit or to report back (distances to the nearest consulate in the countries we monitored exceed 300 km). Such procedures give the applicants impression of being treated like second-class person, and what is worse, it is strongly evocative of the Soviet times when nationals returning to their country of residence were required to report to the authorities and return the passport.

CCV should identify the practice of requiring the applicant to report back to the consulate upon return (to report and to retrieve the cash deposit) as illegal.

#### **9. Better organisation of the phase preceding the technical procedure**

A negative perception of the visa procedures was often noted with respect to the steps preceding the substantive procedure itself (when acquiring the application, queuing up to make an appointment and submitting the documents required). Applicants queue up based on unofficial lists; positions on the lists are traded. While consulates ignore the existence of the queues and lists, they are impossible for the applicants to by-pass.

CCV should clearly provide for the responsibility of consulates for those stages of the visa procedure which are not "substantive" and which take part mostly outside the consulate building (queues). Procedures should be in put place to enable the applicants to lodge documents at their convenience without having to stand in line (appointment online, by phone or via electronic facilities installed in front of the consulate). Online applications should be available, and it should be possible to send documents by courier.

#### **10. Time limit for processing a visa application**

Our monitoring shows that the longest waiting time was the one prior to actual submission of an application (queuing for getting an application, for making an appointment, for submitting documents) therefore the time limit for the processing of a visa application that has been introduced to the CCV (10 calendar days) –shall begin to run from the establishment by the applicant of the first contact with the Consulate concerned (and not as is proposed now from the moment of submission of an application).

#### **11. Importance of the attitude displayed by the consulate staff**

This seemingly minor factor – professional and polite treatment of applicants – largely affects the perception of the entire visa procedure. Consulate employees should not only know legal provisions but also represent a high standard of personal conduct and adequate interpersonal skills. Training sessions should be offered to sensitivise consulate staff to the importance of proper treatment of visa applicants and the need to show a professional and polite attitude towards customers. This also applies to local personnel providing service to individuals at counters, and to security personnel.

Those changes are shall be introduced to the Community Code on Visas and used in relations with all the countries subject to the visa obligation. On the other hand separate visa policy shall be created toward European EU neighbours – policy that reflects European Neighbourhood Policy principles, that goes further than negotiated Visa Facilitation Agreements, and that will lead those countries to the visa free-travel regimes with the EU.

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Civil Liberties, Justice and Home Affairs*

**LIBE(2007)0228\_1**

## **PROGRAMME**

### **Public Hearing**

**on the**

### **New Community Code on Visas**

**Wednesday, 28 February 2007**

**15:00 – 18:30**

**Brussels**

**Room ASP 3E-2  
(Altiero Spinelli Building)**

***THE NEW COMMUNITY CODE ON VISAS:  
HOW TO STRIKE THE RIGHT BALANCE  
BETWEEN BORDER CONTROL AND FREEDOM OF MOVEMENT?***

The Committee on Civil Liberties, Justice and Home Affairs is dealing with several legislative proposals which, together, will constitute the basis for the visa policy of the Schengen countries. This seminar aims at discussing the Commission proposal for a Regulation establishing a Community Code on Visas<sup>1</sup> to be adopted in codecision by the European Parliament and the Council. Mr. Henrik LAX is rapporteur on behalf of the LIBE committee<sup>2</sup> on this proposal.

The rapporteur considers it important to have consistency and coordination between the reports dealing with the common visa policy of the Schengen area, i.e. this report, the Commission proposal on the introduction of biometrics and the establishment of common visa application centres<sup>3</sup> and the Commission proposal concerning the establishment of a visa information system<sup>4</sup> (Rapporteur: Baroness Sarah LUDFORD).

The seminar shall enable the Commission and the Council Presidency to give their views, take into account reactions from the various stakeholders to the proposal and bring them to the attention of Members of the LIBE committee, and, at the same time, inform a wider audience about the current policy developments in the field of visa policy.

Moderator: Mr. Henrik LAX, Member of the Committee on Civil Liberties, Justice and Home Affairs, Rapporteur.

***15.00-15.30 INTRODUCTION***

***VISA POLICY: THE FACE OF THE EU***

Welcome by Mr. Jean-Marie CAVADA, Chairman of the Committee on Civil Liberties, Justice and Home Affairs (5 min)

***Jerzy BUZEK***, MEP, Former Prime Minister of Poland  
*The Consequences of Isolation (10 min)*

***René VAN DER LINDEN***, President of the Parliamentary Assembly, Council of Europe  
*Europe without new dividing lines (5 min)*

***Judy BATT***, Professor of Central and South-East European Politics, Institute for Security Studies, Paris  
*Importance of People-to-People Contacts (10 min)*

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<sup>1</sup> COM (2006) 403

<sup>2</sup> Working document on establishing a Community Code on Visas (PE 382.378)

<sup>3</sup> COM (2006) 0269

<sup>4</sup> COM (2004) 0835

The visa policy is very much contributing to the image of the European Union. The dual nature of visa policy lies in the fact that its objectives are simultaneously to combat illegal immigration and criminality (e.g. people trafficking, illegal working, organized crime) and to promote the legitimate crossing of borders. It is important to see both sides but there is a tendency in visa policy to stress the former at the expense of the latter, which accounts for the overwhelming majority of the total number of travellers. Shouldn't we search for a synthesis?

### **15.30-17.00 SESSION I**

#### **BORDER MANAGEMENT AND SECURITY: VISA POLICY TO TACKLE ILLEGAL IMMIGRATION AND TO PREVENT THREATS TO THE SECURITY OF THE MEMBER STATES**

How did the EU visa policy develop? The draft Visa Code needs to be considered against a 'historical' background. Only a few years ago there was no harmonised list of countries subject to the visa requirement; there was no uniform format, no reciprocity policy and no agreements with third countries. After the adoption of the Borders Code, we now enter the consolidation phase of a Visa Code. What does this imply? What do, for instance, an improved consular cooperation and mandatory motivations of reasons for refusals mean?

**Philippe DE BRUYCKER**, Professor, Université Libre de Bruxelles (ULB), Odysseus Network

*The Common Schengen Visa Policy; How Has It Developed? (15 min)*

**Jean-François PACTET**, Ministère des Affaires Etrangères, France

*La délivrance des visas et la coopération consulaire : la pratique (15 min)*

**Joannes DE CEUSTER**, Head of Unit, Borders and Visas, DG JLS, Commission

*Presentation of the Commission proposal establishing a Community Code on Visas (15 min)*

**Friedrich LÖPER**, Chairman of the Visa Working Party, Council Presidency

*State of Play in the Council; Potential Problems and the way Ahead (15 min)*

*Discussion*

### **17.00-18.20 SESSION II**

#### **A 'CLIENT' PERSPECTIVE: A CRITICAL ANALYSIS OF THE CURRENT ACQUIS AND OF THE MODIFICATIONS PROPOSED IN THE NEW VISA CODE**

Businessmen and service providers need a non-discriminatory visa policy but people studying, taking part in exchange programmes, those with relatives etc. also have the same



need. A special group is made up of individuals with a clean visa history, i.e. those who have visited Schengen countries several times without ever having caused any problems in the form of criminal or other infringements. These individuals are not covered by the Commission's proposal.

**Anita SZYMBORSKA**, Batory Foundation

*How do applicants perceive visa procedures? Presentation of a study (15 min)*

**Bojan BOSKOVIC**, Project Manager of the Serbian Exit Festivals

*Young people wishing to travel to the EU: mobility and identity-building (10 min)*

**Peter KISITU**, East-Africa Community Development Association

*An African angle to European visa policy (10 min)*

**Tom JENKINS**, Executive Director, European Tour Operators association (ETOA)

*Tourism and Visas, Europe as the first tourism destination in the world (10 min)*

**Hannu HERNESNIEMI**, Research Director of the Research Institute of the Finnish Economy

*Passenger ferries as a travel mean: a hidden potential to be unleashed? (5 min)*

**Peter KRAUSZ**, International Road Transport Union (IRU)

*Problems facing road transport (5 min)*

**Grahame JUPP**, UK Home Office

**Simon PEACHEY**, UK Visas

*A Comparative Perspective: The Use of Modern Technologies (15 min)*

#### **18.20-18.30 CONCLUDING REMARKS**

## ANNEX

### **PRACTICAL GUIDELINES FOR THE DEBATE**

Presentations will be limited to 5-15 minutes (see programme for details).

During the discussion, so as to make it possible for the highest possible number of parliamentarians to intervene, speaking time will be limited to 2 minutes per contribution or question.

The floor will be given to Members in the order in which requests are received.

Speakers wishing to supplement their speeches may do so in writing by submitting documents (preferably in English or French) in advance to the secretariat (email: [olivera.mandic@europarl.europa.eu](mailto:olivera.mandic@europarl.europa.eu)). These documents will be circulated during the meeting.

### **IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE HEARING**

This seminar is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the seminar secretariat (Ms. Olivera Mandic) before **23 February 2007**. It is essential to provide us with your full name, address and date of birth. Without this information, the Security Service will not provide entry passes.

Simultaneous interpretation will be available in the following languages : EN, FR, DE, IT, NL, ES, DA, EL, PT, FI, SV, PL

| Seminar Secretariat                          | Telephone              | Address                                                               | E-mail address                    |
|----------------------------------------------|------------------------|-----------------------------------------------------------------------|-----------------------------------|
| <b>Antoine CAHEN</b><br><i>Administrator</i> | <b>+32.2.284.06.60</b> | European Parliament<br>Rue Wiertz 60<br>RMD 01J014<br>B-1047 Brussels | <b>ip-libe@europarl.europa.eu</b> |
| <b>Olivera MANDIC</b><br><i>Assistant</i>    | <b>+32.2.283.24.65</b> | European Parliament<br>Rue Wiertz 60<br>RMD 01J022<br>B-1047 Brussels |                                   |

# **A UK Perspective: The Use of modern technology**



- Why Bother?

Grahame Jupp

# The Theory



Using biometrics fixes individuals to an identity so

- Assists the visa issuing process by revealing attempts to conceal an adverse history
- Assists the visa issuing process as it can confirm the identity of an applicant with good previous immigration history

# But also a key element of an integrated identity management



Biometrics collected from visa applicants also

- Permits biometric verification at the border to identify those travelling on stolen or forged documents
- Helps identify undocumented asylum seekers
- Assists in issuing any subsequent biometric residence permit

# Testing the theory



- Took Primary legislation in 2002
- Trialled two print collection in Sri Lanka in 2003
- Added further trail locations in 2004 and 2005

# The results – It works

Including the first phase of the global roll out

- To date over 250,000 applicants have provided fingerprints
- Over 2,000 of these have matched fingerprints taken in the UK in connection with previous immigration matters.



- For biometric visas to work effectively as a corner stone of an integrated border management strategy you need global collection with minimal exemptions
- To deliver that whilst keeping visa process accessible needs innovation and technology

**Public Hearing**  
**New Community Code on Visas**

**Client Participation in the Visa Application Process**

**Date: 28 February 2007**

**Time: 15:00 – 18:30**

**Venue: European Parliament: Room ASP 3E-2**  
**(Altiero Spinelli Building)**

**Presentation by:**

Peter Kisitu

East Africa Community Development Association

153 Chausse St. Pierre 1040-Brussels

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[Www.Eacda.Org](http://Www.Eacda.Org)

## Introduction.

Honourable members of the European Parliament, distinguished audience, ladies and gentlemen.

First I want to thank the organisers of this hearing and members of the Libe committee. Since October last year I have contacted several MEPs, assistants of MEPs and administrators to share our views on migration, and I can tell you that all the people I have met have been splendid

A client is any one in the process of inquiry, application or interview for a migrant visa. In seeking a better appreciation of migration we need to ask some frequently unasked questions

1. Why do people pay high prices, endure humongous dangers and bear immense risks to cross to Europe? Only to go back to Africa to show off? Here I will give an example of an African hunter.

Imagine a man hunting down an 800 kg buffalo. He incurred high costs in learning how to hunt, making the weapons, the time it took tracking the beast, risks of injury and death he faced, because the buffalo too must be fighting for its life. Finally he killed it and took it home and gave away 90% of the meat to relatives, friends, neighbors and other villagers all of whom may never reciprocate. If this man was looking for dinner why didn't he go after smaller animals that were easier to kill, could be consumed in a few days before they went bad and where he suffered less costs and less risks? Better still, why didn't he just collect plants that brought no risks at all? It's because killing a large beast was an opportunity to display his fitness, courage, generosity and kindness to present and future spouses, and there was an immediate boost in the ego and status of the hunter. This is why we have put our emphasis on the (Client) visa applicant.

2. How do you expect a third country to cooperate in fighting illegal migration when it gets more money from remittances than from exports and when the presence of unemployed young men is a threat to its own existence?
3. How do you expect a third country to cooperate when its ministers and MPs are humiliated and refused visas?
4. Last Tuesday the EU Commissioner for Justice, Freedom and Security Mr. Franco Frattini said that racism was growing in Belgium, France, Italy and the Netherlands. What is the relationship between media reporting on migration and xenophobia?
5. With embassies and migration officers in the south, why are Northern countries reacting to, rather controlling the flow of immigrants?

We in Africa are looking to Europe as a power that will lead the world in eliminating all forms of human poverty, misery and injustice that are believed to be the root cause of south-north migration. United, Europe and Africa can turn migration into a win-win situation, creating a brain circulation and overcoming the problems of brain-drain. Brain drain is an emigration of trained and talented individuals to other nations due to conflicts, lack of opportunity or health hazards where they are living. Brain circulation is when skilled people emigrate to work abroad but after a few years they return to their home countries with more skills (and capital). Brain waste is when a dentist from Africa becomes Taxi drivers in Brussels. This is not to disrespect taxi drivers but the point is that it takes more resources to train a dentist than a taxi driver.

## Playing into the hands of traffickers?

People who have decided to migrate are increasingly offered a choice of migrating illegally if they are snubbed by the embassies. Unfortunately, most embassies have created a reputation of intimidation and being unreceptive and thereby pushing people to the people traffickers. We have got to win people back on our side to defeat the people traffickers.

Terrorist threats against Western installations abroad have led to the fortification of most European Embassies, sometimes with the presence of heavily armed security personnel. This is a terrifying

experience and it scares away many people who may end up with traffickers. I just want to emphasize that being friendly does not mean giving every applicant a Visa yet it will help to drive the people traffickers out of business in the long run. I visited the British High Commission and I was arrested by the guards as I tried to photograph the high walls and barbed wires. I wanted to show you these photos so you can see for yourselves how this embassy looks like a terrorist prison.

Niccolo Machiavelli admonishes us to place our reliance upon the goodwill of people and not upon the strength of citadels. Better to be shielded from your enemies by crowds than by walls. Because a citadel becomes a symbol of all that is hateful in power and authority, the citizens of the town will betray you to the first enemy that comes. Never enclose yourself so far from the streets that you cannot hear what is happening around you including the plots against you.

If you think Machiavelli is outdated, here is a recent appeal by Robert Crone made in 2004, President and chief executive officer of Harvard Medical school "Quite frankly, if we work together to find solutions to root causes we would be better off than building the equivalent of a wall."

What should embassies do?

Be more accessible, be more receptive, be more welcoming and learn a bit about local culture. Give more information on opportunities in their countries. Among the embassies I visited, only the Belgian Embassy put up posters on Scholarships.

### **Visa fees**

*United Kingdom*

#### Exchange rates

When I visited the exchange rate between Uganda shillings and British pound sterling was:

*Currency market rate* 1 £ = 3400 Uganda shillings

*British visa purposes,* 1 £ = 3700 Uganda shillings

Why is the British High Commission overcharging us by 300 shillings for every pound sterling?

#### Who should pay for outsourcing?

Outsourcing is generally embraced in business today for its many advantages including cost cutting, and the contracted companies employ mostly local people who earn lower salaries than the diplomats, therefore outsourcing should make visas less expensive and not more expensive.

Furthermore, this is a service offered by a private company that screens applications on behalf of an embassy so the embassy and not the applicants should pay for this service.

### **Finger prints**

The minimum age for fingerprints is currently 5 years but there should be a maximum. I found someone who could barely walk at the visa office. I went to ask her how she felt about being finger printed but the security stopped me. To my knowledge this person was over 80 years... It is very rare that anyone beyond 70 years can commit visa fraud.

*Denmark*

All Schengen embassies I visited put up a communication from the European Commission announcing the decision to increase visa fees to 60 euros. The Danish embassy charges 92 euros but should put up a notice saying that they opt out of the Visa fee arrangement because at the moment applicants do not make a difference between Schengen Visas and may feel that they are being cheated.

**What is the way forward? (Visa Advice Bureau-VAB)**

The way forward is to lift our eyes beyond the pictures in the media, beyond the short term problems of migration, beyond politics of the day to the hopes of a new day, a new day where migration can benefit both sending and receiving countries, a new day where we can have brain circulation and not brain drain, a new day where the African and the western media will be a positive force in building Africa's image because perception will influence investment, tourism and migration.

Let us make 2007 the twilight year that emblemizes the end of a cheerless era as well as the blossoming of a fresh and cheerful epoch. And to embrace this new epoch The East Africa Community Development Association has set up a Visa Advice Bureau in Kampala-Uganda. This Visa Advice Bureau will give the public all the information they need on legal channels to come to the EU, for example on scholarships, sports programs, business and jobs. We currently have two laptop computers but with the help of a Conservative MEP for London Mr. Syed Kamal, we hope to acquire more recycled computers from Digital Links.

E-Business, E-learning and E-government have revolutionized the way we learn and work yet Africa is yet to share in the benefits of this revolution. For it to have its fair share of the global economy, Africa may need to acquire Information Technology not just for computer literacy but also to have an E-presence in Business so that if a European business is looking for suppliers of oranges, African producers can show up. Also if applicants can make their applications on line, they will not have to pay the visa handling fee of 25 euros.

To respond to this noble cause, the manager of Digital links says he can help us set up ICT centers where schools in Uganda and in the EU can jointly work on projects, and where Ugandans can look for business opportunities in the EU. What is lacking are the funds to connect to the internet to make this center fully operational.

The organization also lacks the funds for media campaigns to inform people about the dangers of illegal migration such as drowning, detention, social isolation, deportation, economic and sexual exploitation. Where applicants cannot have a visa for the EU alternative destinations will be suggested, details on all transactions will be collected and documented. The data collected will be available to law makers, academics and the general public.

To conclude, I call upon everyone concerned to join hands with us so that together we can realise the promise of a fresh new day, a new day where Africans will no longer risk their lives on rough seas, a new day where we can safeguard the dignity for all of mankind, a new day where every African can enjoy economic and political freedom, a new day where European embassies in Africa will build bridges of friendship with the local people and not walls of isolation and a new day where our children will be willing neither to bestow nor to behold illegal migration.

Thank you for your attention



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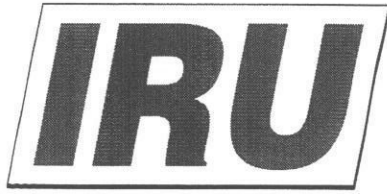
# **Conditions for Receiving Schengen Visas for Professional Drivers**

**Dr Peter Krausz**  
**IRU, Head, Goods Transport & Facilitation**

**Public Hearing on the New EU Visas Code**  
**European Parliament, Brussels, 28 February 2007**







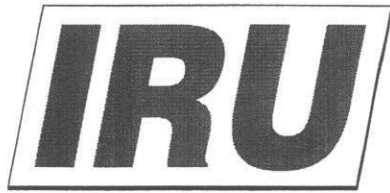
# Trade and tourism - impossible without road transport!

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- Trucks & Coaches are the major carriers!
- Driven by professional drivers - neither illegal immigrants nor clandestine workers
  - They belong to a special category of visa applicant
  - They should be given preferential treatment for visas (like seamen or pilots)



- Some harmonisation of issuing Schengen visas to professional drivers has recently taken place, in particular regarding visa fees, *however*
  - the number of application documents is still too high,
  - processing time is still too long,
  - procedures are still too cumbersome.



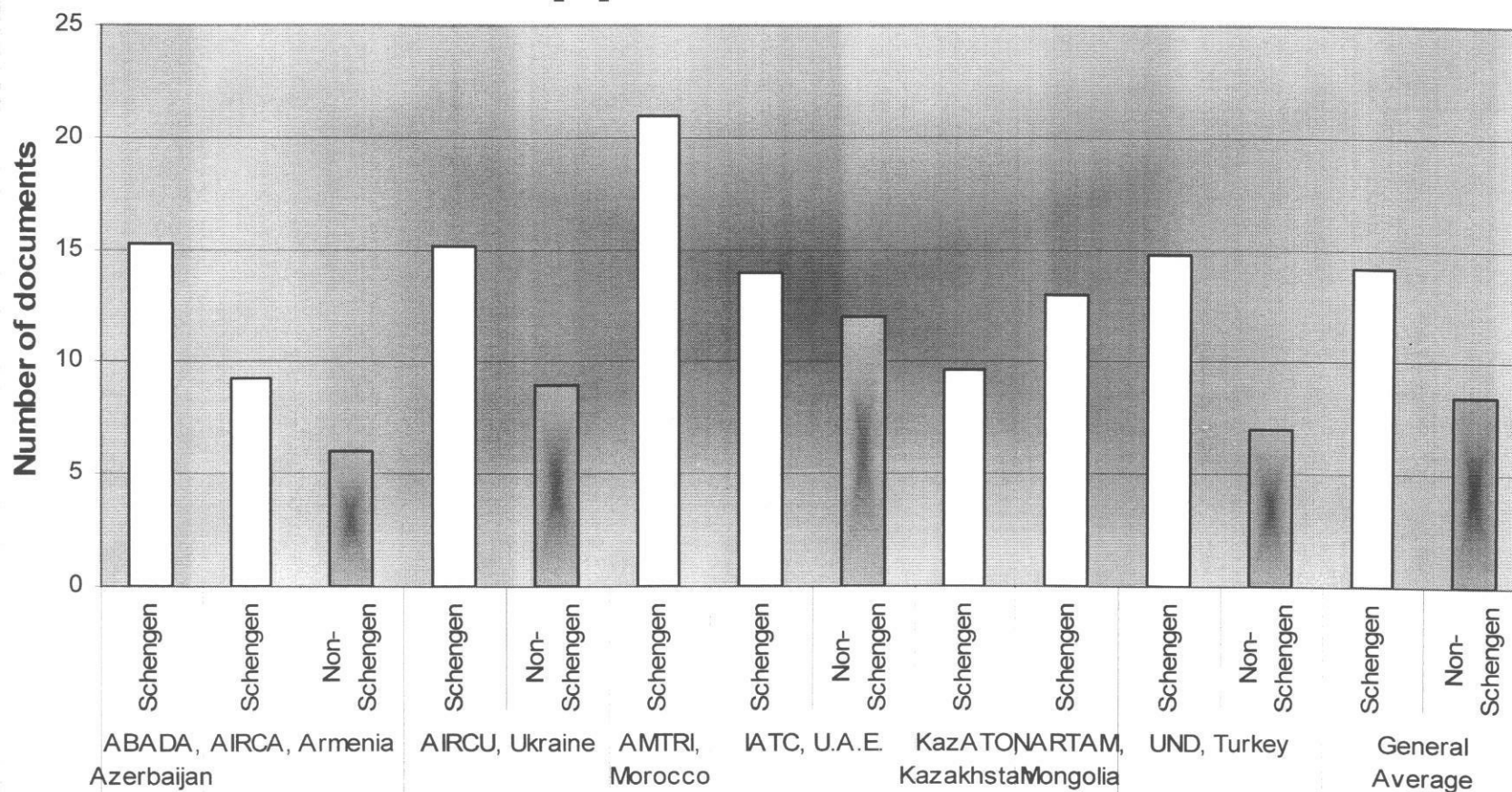
## Progress Needed

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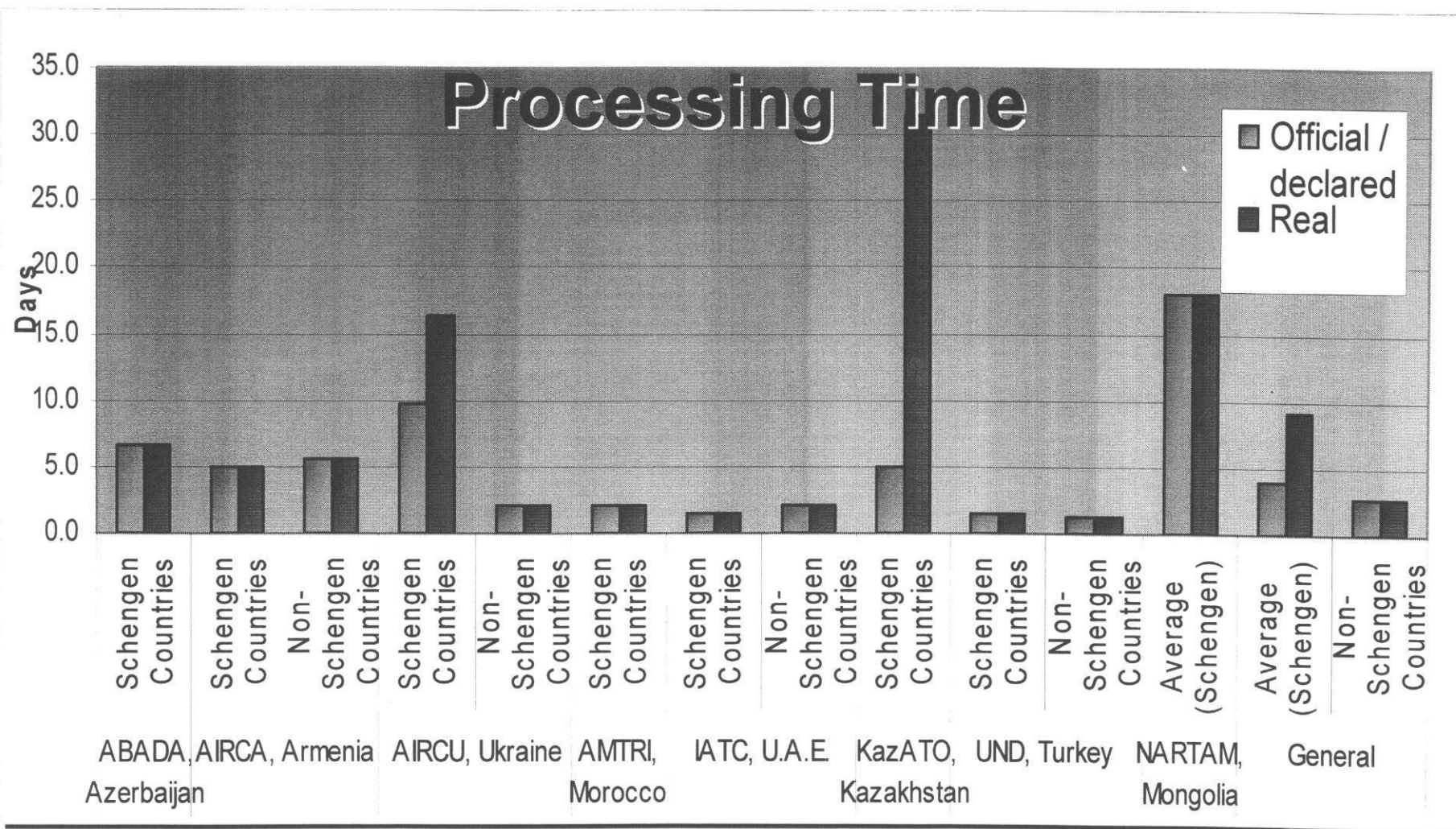
- Acceptance of acknowledged road transport associations' mediatory role
  - Identify *bona fide* drivers
  - Reduce need for drivers to apply in person
- Facilitation and harmonisation
  - Issue annual, multi-entry visas
  - Simplify application documentation
  - Apply reasonable processing time
  - Fix reasonable fees
- Bilateral agreements and ILO Convention 185

# A Few Facts 1

## Number of Application Documents 2006



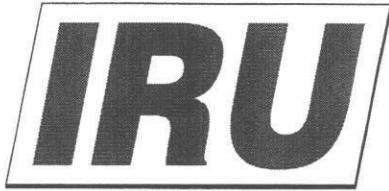
## A Few Facts 2





## A Few Facts 3

| <b>Schengen Countries</b>            | <b>Time in <u>Ukraine</u> (Days)</b> |                |
|--------------------------------------|--------------------------------------|----------------|
|                                      | <b>Official</b>                      | <b>Real</b>    |
| <b><i>A</i></b>                      | <b>2 – 3</b>                         | <b>7 – 10</b>  |
| <b><i>B</i></b>                      | <b>3 – 5</b>                         | <b>3 – 5</b>   |
| <b><i>D</i></b>                      | <b>2</b>                             | <b>15</b>      |
| <b><i>IT</i></b>                     | <b>5 – 7</b>                         | <b>45 – 60</b> |
| <b><i>ESP</i></b>                    | <b>1 – 2</b>                         | <b>1 – 2</b>   |
| <b><i>Average (Schengen)</i></b>     | <b>3.2</b>                           | <b>16.3</b>    |
| <b><i>Average (Non-Schengen)</i></b> | <b>2</b>                             | <b>2</b>       |



## Special Restrictions

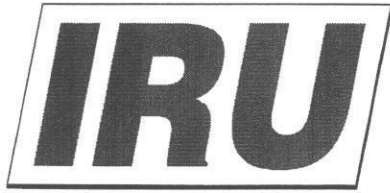
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- The driver must *receive the visa* from the *Consulate* of the Schengen country into which his *first entry* is planned.

- Despite the fact that this goes against the logic of trade, tourism and transport operations!

- The period of the driver's single stay on the territory of the state which *issued the visa* is *limited to ten days*.





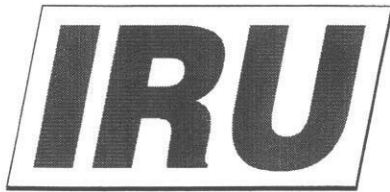
# The Code on Visas

(COM)403 final

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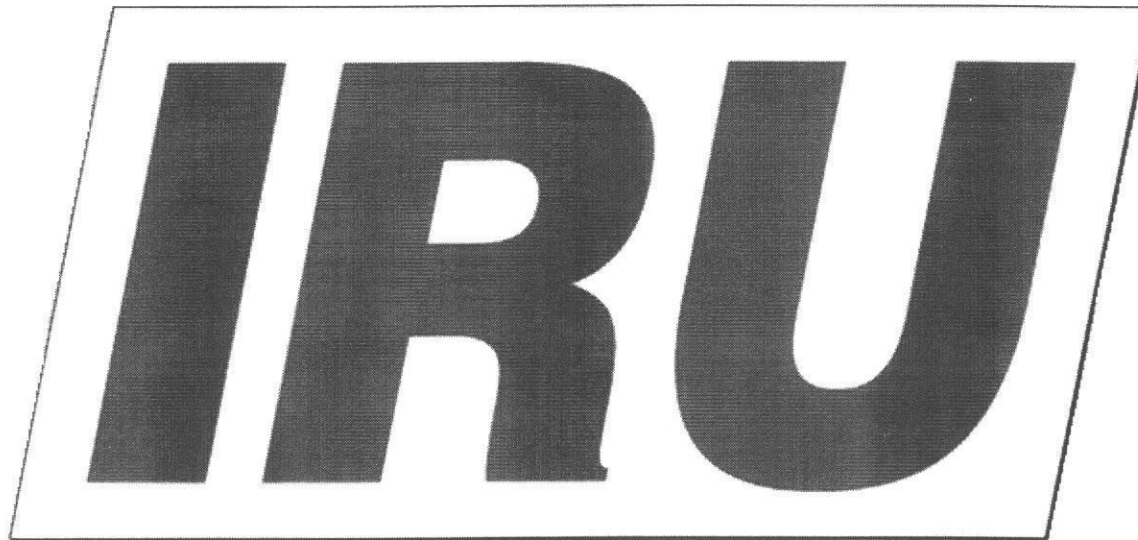
- Welcome! *But* professional drivers should be in a special category
  - Transport associations should be acknowledged intermediaries > Limited personal appearance
  - Simplified documentation needed
  - Annual multi-entry visas to be issued (180/360)





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*Working together  
for a better future*



*s i n c e      1 9 4 8*

# **A UK perspective: The use of modern technology**

**Simon Peachey**

## **UKvisas Governance and Structure**

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- Joint Foreign Office and Home Office Department
- Joint Ministerial and senior official oversight
- Staff drawn from both parent departments
- Over 300 headquarters staff based in Central London and Croydon
- Over 3000 staff world-wide in 160 visa-issuing posts

### Mission Statement

“UKvisas is the overseas arm of the UK’s integrated border management. Our goals are to bring communities together and improve the UK’s competitiveness as a destination for travel, trade, migration and investment through programmes which prevent immigration abuse, deliver value for money and earn public confidence”

## UKvisas Biometric Programme

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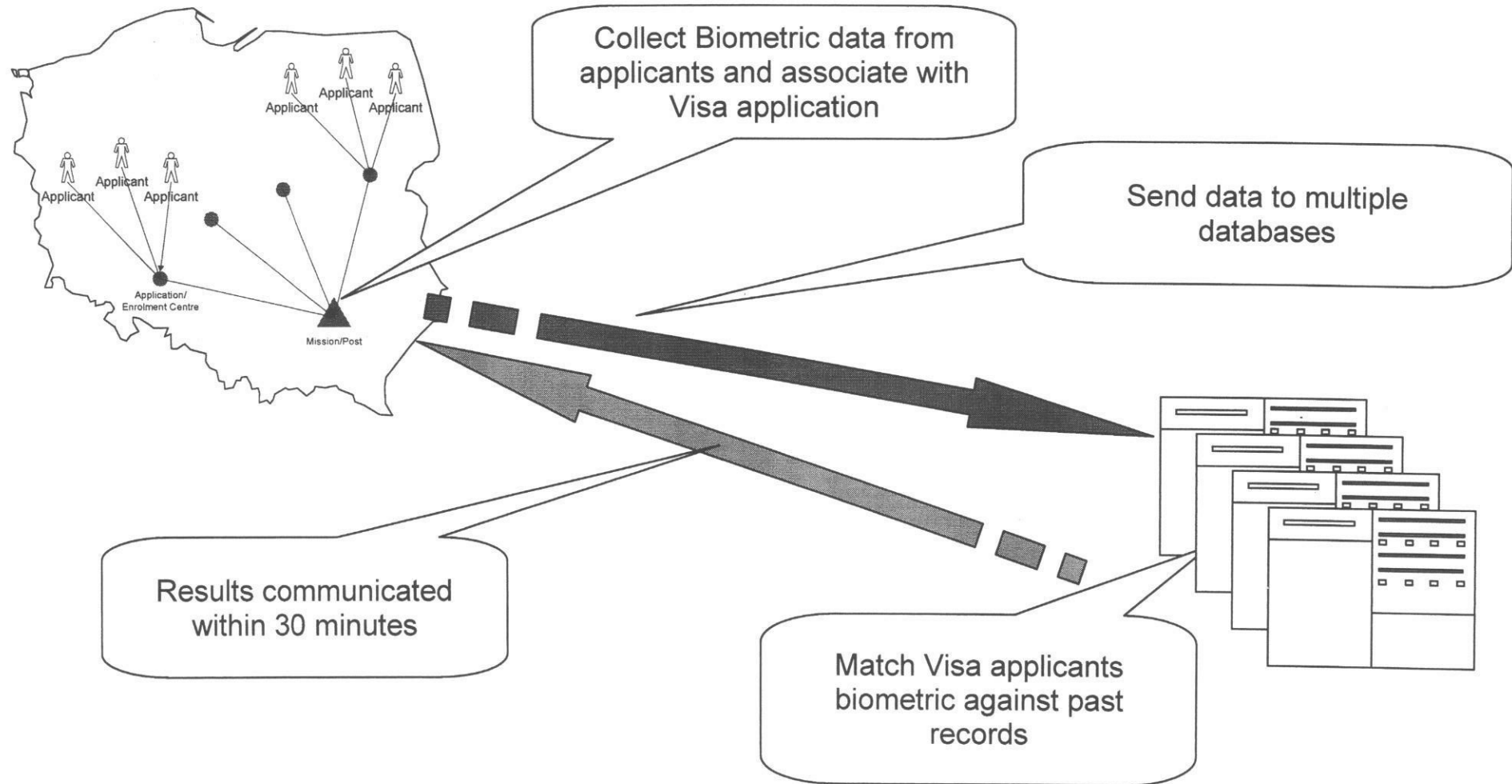
### Objective

- To modernise our operation with a restructured network delivering a fast, effective and comprehensive biometric enabled visa system to create a secure and integrated overseas immigration control



*We will implement the people, process and technology to fingerprint and capture digital photographs of all visa applicants by 2008*

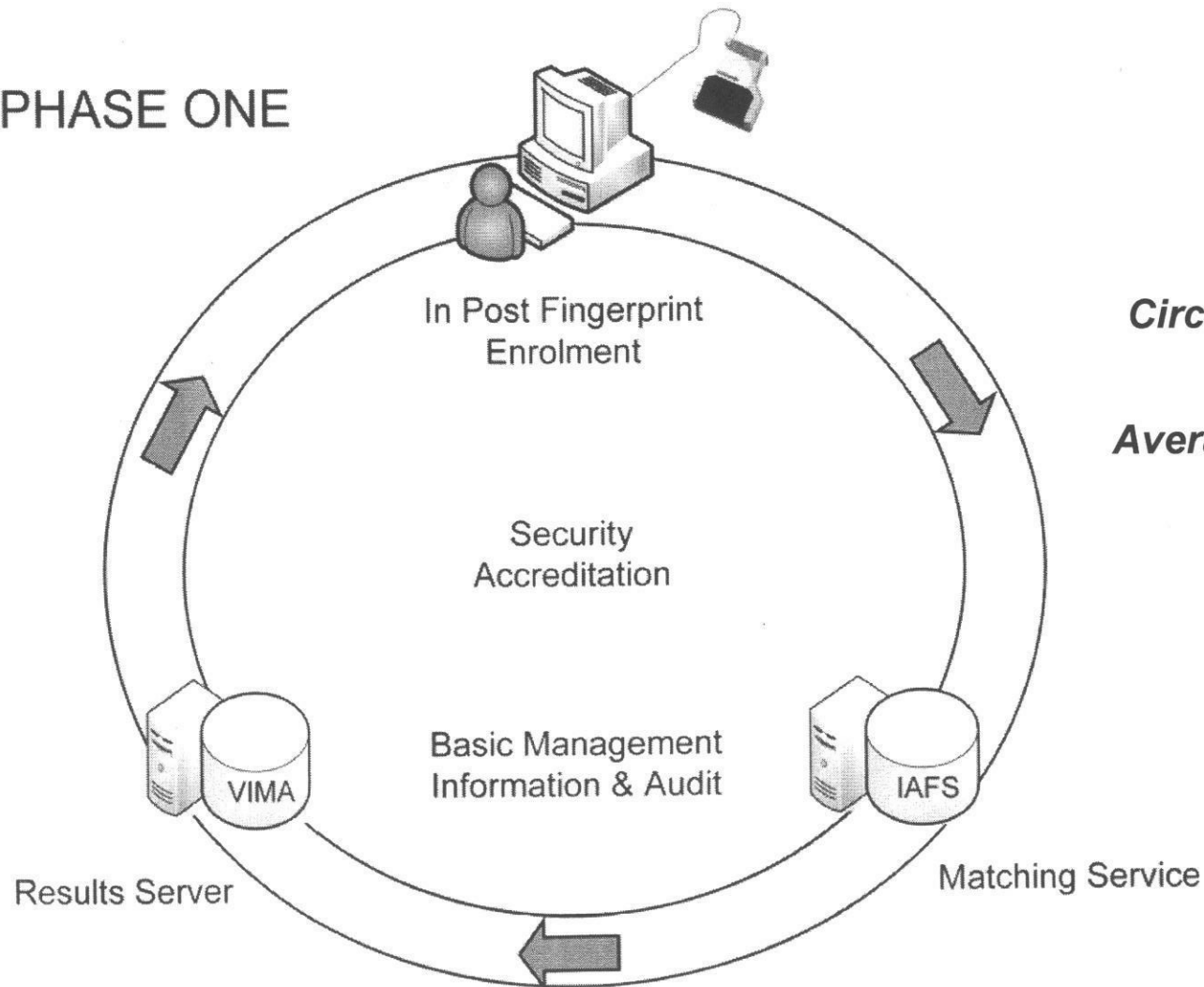
## The size of the challenge



***We have 2.5m applications per year, increasing by 10% annually***

## What will we deliver and when – Phase 1 (Sept '06 – Feb '07)

### PHASE ONE



***Complete!***

***Circa 1000 applications a day***

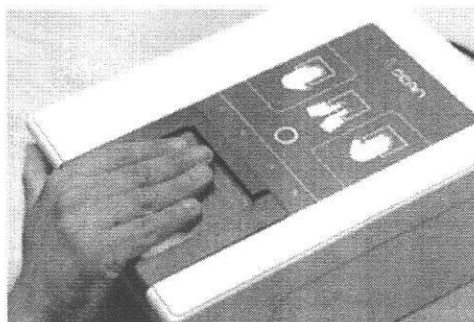
***61 countries***

***Average response times ~5min***

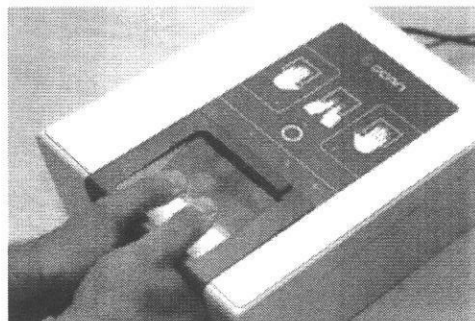
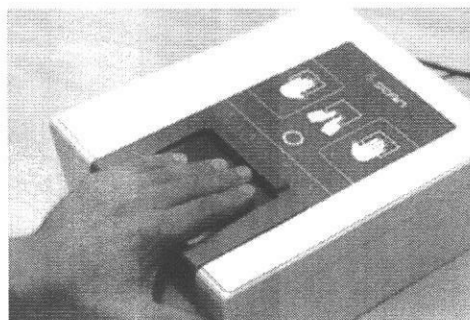
## What it really looks like

*The current Scanner and software being used for Phase 1*

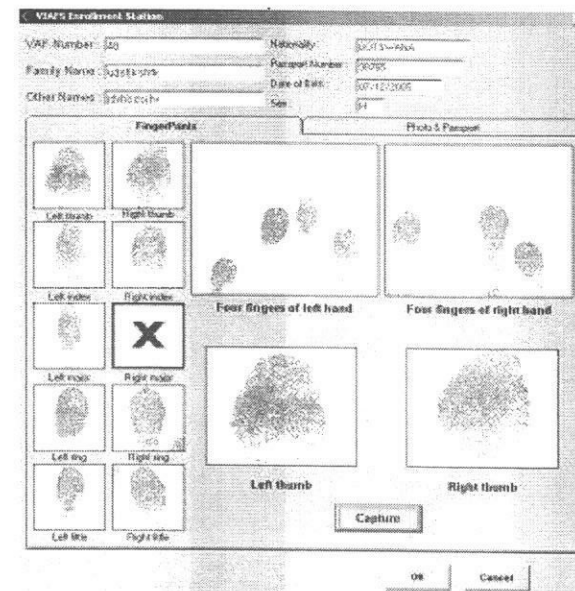
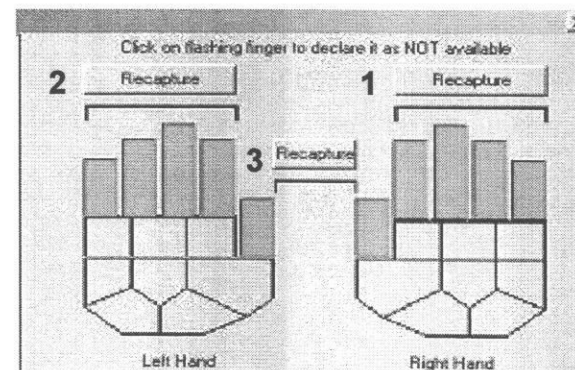
1. The applicant places the four fingers of their **right hand flat** on the capture plate, and presses gently downwards.



2. The applicant places the four fingers of their **left hand flat** on the capture plate in the same way.



3. The applicant finally places **both** of their **thumbs** on the capture plate in the same way.





## **Balancing control with service delivery**

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- Delivery of Phase 1 has been successful - process has been accepted by applicants but has limited capacity
- We need to do more to encourage people to come to the UK
- We need to make Biometrics accessible and straight forward
- Doing this with our existing estate would inconvenience customers

*Only a joint delivery solution with partners provides the footprint and service standards needed to make Biometrics accessible*

## Success of Commercial Partnerships

- Manages growing and variable demand
- Controls security risks and overcrowding
- Increases accessibility
- Frees key staff for other tasks



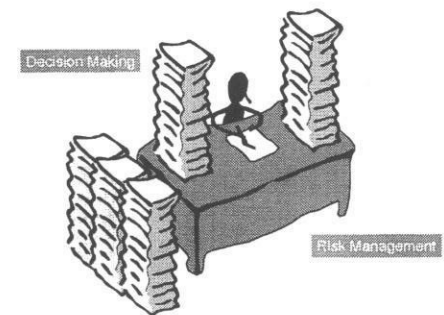
10% annual growth



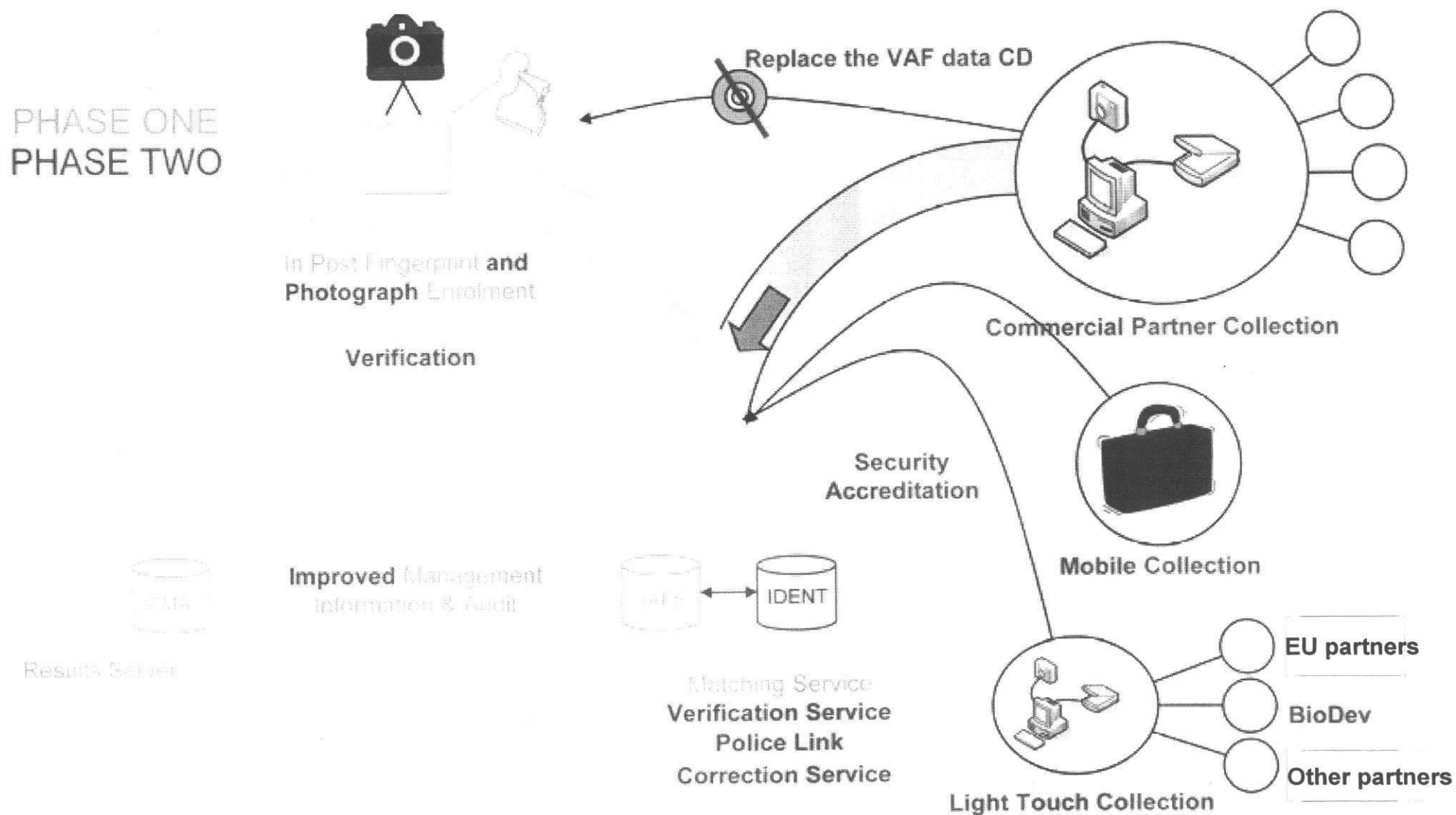
Limited space in missions



Few missions in large countries



## A solution for 3<sup>rd</sup> parties – Phase 2 (Apr '07 – Dec '07)



## How we will ensure Security and Integrity

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Maximising trust in technology rather than relying on trust in individuals;

- No data is stored on site and results are returned to Post
- The deployment of encryption and signing technology that would thwart local attempts to modify or steal sensitive data collected on-site;
- The use of 'Live' Digital photos and Verification in post at interview
- Providing 'Black box' solutions that are locked down
- Confidence boosting remote auditing that will allow UK staff to monitor for and react to suspicious user or partner activity
- Mandated on-site CCTV systems that will provide point and area CCTV coverage, with the recorded footage being made readily available to UK staff so that the accuracy of the biometric collection process can be verified
- Auto capture – enabling integrity of data with exceptions managed by supervisors
- The use of mystery shoppers that will also support confidence in the commercial partners' adherence to UKvisas' strict biometric collection and processing terms and conditions