



Visa Liberalization Perspectives: Civic Engagement and Advocacy

Summary

The goal of the present survey is to monitor the implementation of the Visa Facilitation Agreement and the EU Visa Code as well as to increase the level of awareness of our society; to ensure the transparency of the related processes and civic engagement for visa liberalization purposes, carry out networking and advocacy activities.

The first interim report is fully dedicated to monitoring the liabilities specified in Visa Facilitation Agreement and defined by the EU Visa Code assumed by the consulates of the EU member states accredited in Georgia and; it also provides the assessment of the conditions existing in the consulates by different indicators; describes the profiles of the consulates of EU member states, identifies the key trends, and, along with the achieved progress, showcases specific challenges that were found during the survey in terms of Visa Facilitation Agreement and implementation of the Visa Code.

Based on the conditions of the Visa Facilitation Agreement, the process of granting visa to the citizens of Georgia was liberalized in several directions and applies to the reduction of the number of documents certifying the goal of travelling (a single document envisaged by the Agreement for a specific category), increase of the validity period of short-term multiple entry visas, reduction of visa fee from EU 60 down to EU 35 (and even abolishment for some categories), decrease of the time period for reviewing visa applications from 30 to 10 working days, and non-visa mobility for persons holding diplomatic passports. Based on the Visa Facilitation Agreement, under the conditions of unilateral non-visa regime for the citizens of EU countries, the liabilities related to visa facilitation shall be imposed on EU.

A part of visa issuance procedures by the consulates of EU member states that are not regulated by Visa Facilitation Agreement shall be governed by the EU Visa Code. Respectively, a number of important regulations including accessibility to visa-related information, quality of service (infrastructure, the level of politeness of administrative personnel), language (visa application should be available in the state language of the hosting country), substantiation of rejection, possibility to appeal the rejection etc., shall be applied to the citizens of Georgia as well as to those of the countries having other visa liabilities with EU.

As for the implementation of Visa Facilitation Agreement, the monitoring carried out within the frames of the project demonstrated that many Georgian citizens benefit from visa facilitation and it has a huge value for establishing and developing people to people contacts. However, there exist certain challenges

impeding the effective implementation of the Visa Facilitation Agreement. Specific shortcomings identified at the first stage of the survey are presented below.

- Decrease of visa fee from EU 60 to EU 35 and visa fee exemption for 12 categories

The above change is a very important article of the Agreement that significantly reduces visa-related costs for citizens. Based on the polling carried out within the consulates, it was identified that people consider the reduction/abolishment of visa payment as one of the main merits of visa facilitation process. However, the conducted observation revealed that in often cases people have to bear additional expenses. Since in some cases the waiting period for submission of visa application is longer than two months during summer period, the citizens have to use the services of mediator tour companies that manage to enrol people in the list of visa applicants for the date convenient for them in exchange for certain payment (EU 150, EU200 or EU300).

As for the visa payment exempt category, the observations showcased that in some cases the consulate personnel makes the people, not having the obligation to pay visa fee after the Visa Facilitation Agreement came into force, pay it.

The Italian Visa Service Center should be pointed out here. The Center has been empowered by the Italian Embassy to cooperate with it and collect visa applications. All the citizens are obliged to use the service rendered by the Center since the Consul personally renders service only to the legatees of the first line of EU citizens. The services of the center are not free and people have to pay additional GEL 63 that significantly increases their visa-related costs. We should also take into consideration that there is no guarantee and clarity that the decision on visa issuance will be positive.

- Shortening the period for reviewing short-term visa applications from 30 down to 10 working days.

The above provision of the Visa Facilitation Agreement is an unequivocally positive one for liberalization of visa-related procedures. The polling results carried out within the frames of the survey demonstrated that the majority of the consulates issues replies to short-term visa applications within the time period from 1 week to 10 days. Review of visa applications in special cases is possible within 2-3 days applying a speeded up approach.

A different type of problem emerges in terms of time frames that is related to long queues in order to submit visa applications. Observation carried out during the months of July-August 2013 demonstrated that waiting period for submission of visa applications fluctuates from 2 to 9 weeks. It should also be noted that in two consulates there are live queues for the submission of visa applications. We have to note that in accordance with Article 9 of the EU Visa Code, the maximum waiting time period for the submission of visa application is two weeks.

Access to visa-related information was identified as a result of observation over the consulates as one of the key problems. The above concerns the web-pages of the embassies, information boards and hot lines.

Speaking about the embassies, it should be pointed out that only five embassies out of twelve render services in Georgian language. Comprehensive information on regulations specified in the Visa Facilitation

Agreement is uploaded on the web-pages of six embassies only. As a result of calls made to embassies and consulates, it was found out that the majority of the consulates does not give detailed information over phones. As for the information boards, only two consulates out of twelve have comprehensive information on the new regulations envisaged by the Visa Facilitation Agreement.

When liberalizing the procedures and analysing the implementation of liabilities by EU, the articles specified in the EU Visa Code regulating the visa policy of the EU member countries applied to the states having visa-based relation with the EU, including Georgia, should also be taken into consideration. Out of the articles of the EU Visa Code, the regulations related to infrastructure improvement (Article 38 of the Visa Code), visa-related services (Article 39 of the Visa Code), and language are very important (Article 11 of the Unified Visa Code states that Visa Application form should be available in the language of the hosting country).

Only a part of consulates of the EU member states present the visa applications in Georgian language; however, they still require that the applications should be filled out in foreign language. The level of quality of service rendered by the administrative personnel of the consulates is usually high; however, there are cases when the personnel does not speak Georgian language and behave in an impolite manner. The problem of infrastructure still remains to be a problem. There are no waiting spaces or chairs in most of the consulates. Respectively, people have to stand on their feet and wait for many hours outside, in the open air.

The regulation governing the **substantiation of visa rejection and rejection appealing** is of significant importance (Article 34 of the Visa Code). Especially so as Georgia has the highest rejection indicator among the countries of Eastern Partnership. Observation conducted within the frames of the survey showcased that in often cases people are not informed about the appealing possibilities, procedures and time frames. Taking the above into consideration, in case of visa rejection the consulates should issue clear explanation as well as substantiate the reason for rejection and appealing possibilities (as per Article 47 of the Visa Code), which does not happen in the majority of cases.

Existence of the above and other problems confirm that continuous monitoring of the process, collection of information and, respectively, provision of information to the parties as well as advocacy activities aimed at solving the problems are necessary.