

INFORMATION SHEET

SHORT-STAY VISA-FREE TRAVEL BETWEEN THE EU MEMBER STATES AND ANTIGUA AND BARBUDA, THE BAHAMAS, BARBADOS, SAINT KITTS AND NEVIS, SEYCHELLES AND MAURITIUS

As from 28 May 2009, the citizens of the European Union may enter and stay without a visa in the territory of Antigua and Barbuda, The Bahamas, Barbados, Saint Kitts and Nevis, Seychelles and Mauritius for a period of stay not exceeding three months.

As from 28 May 2009, the citizens of Antigua and Barbuda, The Bahamas, Barbados, Saint Kitts and Nevis, Seychelles and Mauritius, hereinafter referred to as the "six countries", may also enter and stay without a visa in the territory of the EU Member States for a period of stay not exceeding three months.

1. Travel documents valid for visa-free travel

Valid ordinary, diplomatic or service/official passport issued by the six countries and by the EU Member States

2. Territorial application

The visa-free regime provided by the Agreements applies to travels to the territory of the six countries and to the European territories of the EU Member States, **except for the United Kingdom and Ireland¹**.

The EU Member States covered by the visa waiver are:

- **the Schengen Member States:** Portugal, Spain, France, Germany, Belgium, Luxemburg, Netherlands, Italy, Denmark, Sweden, Finland, Austria, Greece, Poland, Slovakia, Slovenia, Hungary, the Czech Republic, Latvia, Lithuania, Estonia and Malta;
- **the Member States who not yet fully apply the Schengen acquis (thus who are not yet part of the Schengen area without internal borders):** at present Cyprus, Romania and Bulgaria; and
- **the associated Schengen states:** Iceland, Norway and Switzerland – The visa-free regime between these countries and the six countries will apply as from the entry into force of the visa waiver agreements concluded with the six countries or that of their respective national legislation!

As regards the French Republic and the Netherlands, the visa-free travel shall apply only to the European territory of these Member States. The visa regime between the overseas

¹ The United Kingdom and Ireland do not form part of the Schengen area and do not apply the common visa rules of the EU. The visa regime to these Member States remains subject to their national legislation.

territories of these Member States and the six countries remains subject to bilateral arrangements between the countries concerned or to national legislation.

The overseas territories of France are: Guadeloupe, Martinique, French Guiana, Reunion, French Polynesia, New Caledonia, Mayotte, Saint Pierre and Miquelon, Wallis and Futuna, Saint Barthélemy, Saint Martin, Clipperton Island and the French Southern and Antarctic Lands.

The overseas territories of the Netherlands are: Aruba and the Netherlands Antilles (consisting of Bonaire, Curacao, Saba, Saint Eustatius and Saint Martin).

3. Allowed period of stay – three months during a six months period

a) The citizens of the European Union

may stay in the territory of each of the six countries for a maximum period of three months during a six months period following the date of first entry into the territory of the country. The period of authorised stay may be extended by the authorities of the six countries in accordance with their national law.

b) The citizens of the six countries

- may stay in the **Schengen area** for a maximum period of three months during a six months period following the date of first entry into the territory of any Member State fully applying the Schengen *acquis*. This period of three months during a period of six months shall be calculated independently of any stay in a Member State which does not yet apply the Schengen *acquis* in full.
- may stay **in the territory of each of the Member States that do not yet apply the Schengen *acquis* in full** for a maximum period of three months during a six months period following the date of first entry, independently of the period of stay calculated for the Schengen area.

For example a national of Antigua and Barbuda, who already stayed for two months in France and one month in Italy, will be allowed to stay for 14 days (but for a maximum of three months) in the territory of Romania in the same half year.

4. Personal scope – purposes of stay

Visa-free travel applies to **all categories** of persons and for **any kind of purposes** of travel (*for instance tourism, cultural visits, scientific activities, family visits, business etc.*), **except** to persons travelling for the purpose of carrying out a **paid activity**.

- **The category of persons carrying out a paid activity:**

Definition: covers persons entering for the purpose of carrying out a gainful occupation/remunerated activity in the territory of the host country as an employee or as a service provider.

This category should not cover:

- businesspersons, i.e. persons travelling for the purpose of business deliberation (without being employed in the host country),
- sportspersons and artists performing an activity on an ad hoc basis,
- journalists sent by the media of their country of residence and
- intra-corporate trainees.

Visa regime: each Member State and also the six countries individually may decide to impose the visa requirement on the citizens of the six countries and of the EU Member States respectively.

Pursuant to Regulation 539/2001, the EU Member States notify their decisions, which are published and are available on the following website:

http://ec.europa.eu/justice_home/doc_centre/freetravel/visa/doc/update_visa_539_2001_en.pdf

5. Other entry conditions

The visa waiver does not give an unconditional right of entry and short stay. The visa waiver shall apply without prejudice to the laws relating to the conditions of entry and short stay. The Member States and the six countries reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

Entry conditions to the EU Member States

For stays not exceeding three months per six-month period, the entry conditions for third-country nationals are the following:

- (a) they are in possession of a *valid travel document* or documents authorising them to cross the border;
- (b) they justify the purpose and conditions of the intended stay, and they have *sufficient means of subsistence*, both for the duration of the intended stay and for the return to their country of origin or transit to a third country into which they are certain to be admitted, or are in a position to acquire such means lawfully;
- (c) they are *not* persons for whom an *alert* has been issued *in the Schengen Information System (SIS)* for the purposes of refusing entry;
- (d) they are *not* considered to be a *threat to public policy, internal security, public health or the international relations* of any of the Member States, in particular where *no alert* has been issued in Member States' *national data bases* for the purposes of refusing entry on the same grounds.

Means of subsistence

Reference amounts are set by the Member States and are notified to the Commission. The published notifications as regards the reference amounts are available on the following website:

http://ec.europa.eu/justice_home/doc_centre/freetravel/rights/doc/public_notifications_en.pdf

The assessment of sufficient means of subsistence may be also based on the cash, travellers' cheques and credit cards. Declarations of sponsorship, where such declarations are provided for by national law and letters of guarantee from hosts, as defined by national law, where the third country national is staying with a host, may also constitute evidence of sufficient means of subsistence.

Refusal of entry

When entry is refused to one of the Member States on the basis of the lack of the fulfilment of one or more of the above entry conditions, the third-country national shall be issued with a **substantiated written decision** on a standard form, stating the **precise reasons for the refusal**. The completed form shall be handed over to the third-country national concerned, who shall acknowledge receipt of the decision.

Persons refused entry have the **right to appeal**. Such appeals shall be conducted in accordance with the national law of the Member State concerned. In this regard, a written indication of contact points providing information on representatives competent to act on behalf of the third-country national shall also be given to the person.

Lodging such an appeal shall not have suspensive effect on a decision to refuse entry.

For more information, please check Council Regulation 562/2006 on the rules governing the movement of persons across borders (Schengen Borders Code):

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0001:0032:EN:PDF>