

New rules on issuance of visas (01.03.2011)

NEW RULES ON FACILITATION OF ISSUANCE OF VISAS

AS FROM 1st MARCH 2011

The purpose of the Agreement is to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of Georgia.

This agreement **does not apply** for the United Kingdom of Great Britain and Northern Ireland, Ireland, The Kingdom of Denmark, the Republic of Iceland, the Kingdom of Norway, Switzerland and Liechtenstein. The agreement defines a number of simplified procedures (facilitations) for issuing visas. They concern:

1. Documents required

For the categories of persons listed below, only the mentioned documents are requested to justify the purpose of the journey.

The general requirement of personal appearance for the submission of the visa application and supporting documents e.g. on means of subsistence remain unaffected. In individual cases, in which doubts remain e.g. regarding the purpose of the journey, the applicants' intention to return to his/her country of origin, the visa applicant can be called for an additional in depth interview to the embassy/consulate and to bring additional documents.

- a) close relatives - spouse, children (including adopted), parents (including custodians), grandparents and grandchildren, visiting citizens of Georgia legally residing in the territories of the Member States:
 - written request from the host person
- b) members of official delegations who, following an official invitation addressed to Georgia, shall participate in meetings, consultations, negotiations, exchange programmes, as well as in events held in the territory of the Member States by intergovernmental organisations :
 - a letter issued by a Georgian authority confirming the applicant is a member of the official delegation and
 - a copy of the official invitation sent by the EU institution or Member

State;

- c) pupils, students, post-graduate persons and accompanying teachers travelling for study or educational training, exchange programmes, as well as other educational or school-related activities:
- a written request or
 - a certificate of enrolment from the host- and home university or
 - student cards or certificates of the courses to be attended;
- d) persons travelling for medical reasons and necessary accompanying persons:
- official document of the medical institution confirming the necessity of medical care in this institution, the necessity of being accompanied and proof of sufficient financial means to pay for the medical treatment;
- e) journalists and accredited persons accompanying them in a professional capacity:
- certificate or other document issued by a professional organisation proving that the person concerned is a qualified journalist or accompanying person in a professional capacity and
 - document from his/her employer stating the purpose of the journey is journalistic work or assist in such work;
- f) participants in international sport events and persons accompanying them in a professional capacity:
- written request from the host organisation (national sport Federations or National Olympic Committees of the Member States);
- g) business people and representatives of business organisations:
- a written request from a host legal person or company, organisation, an office or a branch of such legal person or company or organising committees or trade and industrial exhibitions, endorsed by the State Chamber of Registration of Georgia ;
- h) for members of the professions participating in international exhibitions, conferences, symposia, seminars or other similar events held in the territory of the Member States:

- -written request from the host organization confirming that the person concerned is participating in the event ;
- i) representatives of civil society organisations travelling for educational training, seminars, conferences, exchange programmes:
- written request issued by the host organisation, a confirmation that the person is representing the civil society organisation and a certificate on establishment of such organisation from the relevant register issued by a state authority in accordance with the national legislation .
- j) for persons participating in scientific, research, cultural and artistic activities, including university and other exchange programmes:
- a written request from the host organisation;
- k) drivers conducting international cargo and passenger transportation services to the territories of the Member States in vehicles registered in Georgia;
- a written request from the national company or association of carriers of Georgia stating the purpose, duration and frequency of the trips;
- l) participants in official exchange programmes organised by twin cities or municipal authorities:
- -written request of the Head of Administration/Mayor of these cities;
- m) persons visiting military and civil burial grounds:
- official document confirming existence and preservation of the grave as well as family or other relationship between the applicant and the buried;

What is in the written request?

For the invited person: name, surname, date of birth, sex, citizenship, passport number, time and purpose of journey, number of entries, and name of minor children accompanying the invited person.

For inviting person: name, surname, address.

For inviting legal person: full name and address, name and position of the person signing the request and registration number for companies based in the Member States.

2. Visa handling fee

The fee for processing a visa application is **35 €**

This fee will benefit all citizens of Georgia and concern all types of Schengen visas, irrespective of the number of entries.

As the fee corresponds to the administrative costs for processing the visa application, it has to be paid when the visa application is submitted and there is no reimbursement in case of refusal to issue the visa.

In accordance to the Visa Code (Article 19) , in case that the competent consulate finds that the visa application is inadmissible, the visa fee shall be reimbursed ;

When Member States cooperate with an external service provider, an additional service may be charged, which shall be proportionate to the cost incurred and shall not exceed 30€

Member States shall maintain the possibility for all applicants to lodge their applications directly at the Consulates;

3. Exemption from the visa fee

Certain categories of persons benefit from a waiving of the visa fee:

- a) pensioners ;
- b) children under 12 years of age;
- c) members of national and regional governments, of Constitutional

Court and Supreme Courts, in case they are not exempted from the visa requirement by the present Agreement;

- d) disabled persons and the person accompanying them, if necessary;
- e) close relatives - spouse, children (including adopted), parents (including custodians), grandparents and grandchildren of citizens of Georgia legally residing in the territories of the Member States.
- f) members of official delegations who, following an official invitation addressed to Georgia, shall participate in meetings, consultations, negotiations or exchange programmes, as well as in events held in the territories of the Member States by inter-governmental organisations;
- g) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, exchange programmes, as well as other educational or school-related activities;
- h) journalists and accredited persons accompanying them in a professional capacity;
- i) participants in international sport events and persons accompanying them in a professional capacity;
- j) representatives of civil society organisations travelling to attend meetings, seminars, exchange programs or training courses;
- k) persons participating in scientific, research, cultural and artistic activities, university and other exchange programmes;
- l) persons who have presented documents proving the necessity of their travel on humanitarian grounds, including to receive urgent medical treatment and the person accompanying such person, or to attend a funeral of a close relative or to visit a seriously ill close relative;

Moreover, diplomatic missions and consulates can waive or reduce the fee in individual cases.

4. Criteria for issuing multiple-entry visas (for staying max 90 days per 180 days) valid for a long period of time.

a) Multiple-entry visas valid for up to 5 years to :

- spouses and children (including adopted) under the age of 21, parents visiting citizens of Georgia residing in the Member States,
- members of national and regional governments and of Constitutional and Supreme Courts and
- permanent members of official delegations for the time of duration of their authorisation for legal residence or of their mandate, if these are less than five years.

b) Multiple-entry visas valid for up to 1 year to :

- members of official delegations,
 - representatives of civil society organisations,
 - members of the professions,
 - participants in scientific, research, cultural, artistic activities, including university and other exchange programmes,
 - students and post-graduate students,
 - participants in twin programmes of municipalities/cities,
 - persons travelling regularly for medical reasons and necessary accompanying persons,
 - journalists and accredited persons accompanying them,
 - business people and representatives of business organisations,
 - participants in international sports events and persons accompanying them,
 - professional drivers conducting international cargo and passenger transportation services,
- provided that during the previous 12 months the visa applicant has obtained at least one visa, has made use of it in accordance with the laws on entry and stay of the visited State(s) and there are reasons for requesting a multiple-entry visa.

c) From 2 years to 5 years to the categories mentioned in (b) provided that during the previous 2 years they have made use of the one year -entry visas in accordance with the laws on entry and stay of the visited State(s) and the reasons for requesting a multi-entry visa are still valid.

5. Length of procedures for processing visa applications:

A decision on a visa application shall be taken within 10 calendar days of the date of the receipt of the complete visa application and the supporting documents. For diplomatic missions and consular posts that have an appointment system, the period of time to get an appointment is not counted as part of the processing time.

This period may be extended up to 30 days when further scrutiny is needed. In urgent cases, the period for taking a decision may be reduced to 2 days or less.

6. *Departure in case of lost or stolen documents:*

All Georgian citizens who have lost their identity documents or from whom these documents have been stolen during their stay in the territory of EU Member States may leave the territory on the grounds of valid identity documents issued by diplomatic missions or consular posts without any visa.

7. *Extension of visa in exceptional circumstances:*

In case that reasons of *force majeure or humanitarian reasons* prevent a Georgian citizen from leaving in time the territory of the Member State, visas will be extended free of charge for the period required for the return.

8. *Visa exemptions:*

Citizens of Georgia, holders of diplomatic passports are exempted from the visa requirement for periods of up to 90 days per period of 180 days.

THE "VISA CODE "

1. What does "Schengen Visa" mean?

25 from the 27 Member States apply Regulation No 539/2001 and have a full common visa policy which goes beyond the list of third countries whose nationals are subject to visa obligation. Bulgaria, Cyprus and Romania do apply Regulation 539/2001, but not the Visa Code (Regulation 810/2009).

The "Schengen States" are :Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Italy, Luxembourg, the Netherlands, Portugal, Sweden, Iceland, Norway, Estonia, Lithuania, Latvia, Czech Republic, Hungary, Slovenia, Slovakia, Poland, Switzerland and Malta.

A visa issued by one of these countries is valid, in principle, not just for the country which issued it, but also for the other Schengen countries.

The visa sticker, which has the same format for all Schengen States, bears the words "valid for Schengen States". Alphanumeric codes also indicate the

country in which the visa was issued.

The procedures and conditions of issue for Schengen visas are set out in the Community Code on Visas [European Parliament and Council Regulation n° 810/2009, published in Official Journal L 243/1 of 15 September 2009].

2. What are the categories of Schengen visa?

The various types of visa are defined in the Community Code of Visas (Visa Code).

Short-stay visa : This type "C" visa allows transit or stays which do not exceed three months over a six-month period. It is issued for one, two or several visits. Its period of validity varies.

Airport transit visas (Type "A" visa, as indicated on the visa sticker). This visa is required for nationals of certain third countries who are flying to another third country but making a stopover or transfer in an airport of a Schengen State.

During this transfer or stopover, the persons concerned must remain in the international transit area of the airport without entering the territory of the Schengen State in question.

3. What about visas issued by European countries which are not Schengen States?

Cyprus, Bulgaria and Rumania still issue national visas. This means that these visas are only valid for a short stay in the territory of the Member State which issued them.

Practical example: A short-stay visa issued by Cyprus only allows a stay in Cyprus. A further stay in a Schengen State requires a Schengen visa as well. For a stay in another Member State of the European Union which does not belong to Schengen, for example, Bulgaria, a Bulgarian visa is also required.

Specific cases concerning transit for Cyprus, Rumania and Bulgaria (Member States not yet fully integrated into the Schengen area)

In a 2008 decision, the European Parliament and the Council introduced a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territory; harmonised measures have been taken in order to simplify the transit of holders of Schengen visa and Schengen residence permits through the territory of the Member States that do not fully apply the Schengen acquis yet.

4. Where can I get a visa?

You can apply for a visa to the consular service of the main destination Schengen State. Visas are only issued at borders in exceptional and duly justified cases.

If you want to stay in one or more Schengen States you should lodge your visa application to the consulate of the main destination country.

Practical example: If you wish to travel around Europe for three weeks, spending two weeks in Italy and one in France, you should go to the Italian consulate.

It is sometimes difficult to determine the main destination, for example where the traveller intends to make several consecutive short stays of approximately the same length in various Schengen States. In this case, you should go to the consulate of the country of the first entry into the Schengen area.

Practical example: A businessman plans a trip to Europe to meet business partners in various European capitals, in each of which he will stay for one or two days. He has booked a trip to Frankfurt, from which he will continue on his journey. In this case, the responsible consulate is the German consulate.

For a stay in one or more non-Schengen States, you should go to the consulates of each of the countries you plan to visit.

5. What do I need to do to apply for a visa?

The minimum requirements are set out below. You must:

- complete and sign a visa application form. Schengen States use a standard form, available in all the official languages of the European Union. The form is free. You get the form in a Consulate.
- present a current passport whose date of expiry is later than 3 months after the end of the proposed stay.
- describe the purpose and circumstances of your visit – see point I.1 – list of documents to be submitted for various categories of persons regarding the purpose of the journey;
- specify means of transport;
- demonstrate sufficient means of subsistence for the proposed journey and for the return trip to Georgia (for example: certification of financial means, lodging in a private home or an invitation by a firm

or an institution);

- demonstrate that you have travel insurance for the trip with minimum cover of 30 000€

In the consulates of the Schengen States in question you can obtain specific details on the supporting documentation to be provided according to the various situations and types of visa.

6. On what criteria are the examination of the application and the consulate's decision based?

The consulate examines and checks the supporting documentation submitted by the applicant. In case of doubts, further documentation may be requested or/and an interview with the applicant should be arranged to clear them up. In examining a visa application, it is essential to be satisfied that the applicant intends to return to his or her place of origin. The consulate will also check that the applicant is not registered in the Schengen Information System (SIS) as being banned from entry and that he or she does not constitute a threat to public order.

7. Why does the consulate stamp passports during the process of application for a Schengen visa?

The Visa Code provides that the consulate which receives the visa application should stamp the passport of the applicant. Such a stamp is only put if the application is declared admissible. The stamp indicates, by means of alphanumeric codes, the type of visa requested from the Consulate, the Schengen State to which the consulate belongs and the date.

The main reason for stamping the passport is to inform other consulates that a visa application has already been submitted, to avoid successive visa applications in different consulates.

8. Can entry be refused even with a valid visa?

The Community Code on the rules governing the movement of persons across borders (published in OJ L 105 of 13 April 2006) sets out the conditions for entry into the territory of the Member States. Holding a valid passport and visa (in the case of citizens of third countries where a visa is needed) are only two of the conditions of entry.

The conditions of entry are initially checked by the consulates which examine visa applications. The issuing of a visa presupposes that the consulate considered that the conditions of entry were fulfilled at the time the visa was granted.

The conditions of entry are checked a second time when the person presents him/herself at the external border (land, sea or airport) of the Member States. If the border police decides that a person holding a visa does not fulfil the conditions of entry (for example: the person does not have the necessary means of subsistence for the duration of their stay), they will be refused entry, even if they have a visa in their passport.

Important: *Visa holders should carry with them supporting documents to demonstrate that they fulfil the conditions of entry, so that they can present them if need be during the checks at the EU border.*

9. Is there any specific procedure which has to be followed after arriving in the territory of a Schengen or non-Schengen State?

The duration of the stay in the territory of a Schengen State is the period indicated on the visa sticker (in days, to be calculated from the date on the passport entry stamp). It is not necessary to apply for a residence permit for this period as it is already covered by the visa.

Some Schengen and non-Schengen States require that the visa-holders report their presence to an administrative authority within a certain period.

It is advisable to ask whether this is necessary when applying for the visa and when presenting yourself at the border.

10. Does the visa confer the right to work?

The Schengen visa is a short-stay visa, valid for the period indicated in the the visa sticker.

If you wish to carry out an economic activity during your short stay, you will have to complete a series of specific formalities to obtain a work permit.

Important: *It is not permitted to carry out an economic activity when travelling under a Schengen visa which has been issued for private or family reasons, or for the purposes of tourism. Carrying out such an activity could lead to sanctions.*

11. Can I extend the visa in Europe?

A Schengen short-stay visa can only be extended in Europe in exceptional circumstances. The extension may never exceed the maximum duration of a Schengen visa (three months in a six-month period).

If a Georgian national finds that he or she is unable to leave the territory of the Member State by the date indicated on their visa for reasons of force majeure, the term of their visa shall be extended free of charge in accordance

with the legislation applied by the receiving State for the period required for their return to their state of residence (see point I.7.).

12. Can I obtain a residence permit in Europe?

The Schengen visa is issued for a short stay. Use of a Schengen visa in order to apply, when in Europe, for a residence permit, is an abuse of the Schengen visa. In other than really exceptional circumstances, the residence permit will be denied.

13. If your visa application is refused:

Can I find out the reasons for the refusal? From April 2011 the Visa Code obliges (Article 32) the Schengen States to inform visa applicants of the reasons for a refusal.

Can I appeal?

From April 2011 the Visa Code (Article 32) obliges the Schengen States to offer the possibility of appeal against a visa refusal. Schengen States shall provide applicants with information regarding the procedure to be followed in the event of an appeal.

Can I apply again after my application has been refused?

In principle, a decision to refuse a visa has no consequences for the future, as each visa application should be assessed on its own merits. Member States Consulates should therefore examine each visa request on the basis of the application form, the supporting documentation and information provided by the applicant.