“Visa Hotline Project”
Final Report

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Visa Hotline Project
Foreword

TOBB (Union of Chambers and Commodity Exchanges of Turkey) has frequently brought up the grave problems related with the visa requirements imposed on the Turkish citizens in their visits to the EU Member States since the first inception of visas by EU Member States. Our businessmen and the interests of the business community are harmed by the visa requirement and limitation of the freedom of movement. They can export their goods to the EU without trade barriers or send them to be displayed in trade fairs throughout the EU, however, when it comes to traveling to the EU with the aim of attending business meetings, signing contracts or participating in fairs, Turkish businessmen are faced with obstacles in the form of burdensome visa requirements. Sometimes the visa application procedure may take so long that the visa is issued only after the date of a conference or a business meeting they would like to attend.

Documents demanded from the Turkish citizens during visa procedure reached inconceivable and preposterous levels. In order to get a visa, businessmen are obliged to submit their personal and commercial bank accounts and present letters of invitation which they need to demand from their foreign business partners. This situation, undeniably infringe the rules on commercial secrecy and hurt the interests of the business community.

Enforcement of visa obligations to the businessmen and industrialists are explicitly against the Ankara Agreement and the Additional Protocol. Furthermore, visa requirements result in unfair competition between Turkish and EU Member State industries because businessmen and industrialists who can freely transport their goods through the borders do not have this right themselves, and cannot pass the borders. This situation poses an unacceptable predicament given the fact that our businessmen and industrialists confront with visa requirements not only while they intend to establish new business connections but even while they struggle to sustain the already established ones. With regard to this condition, visa requirements amount to a technical barrier to trade and thus engender an unfair competition environment.

Not only the business community but the Turkish public as a whole severely criticizes visa practices. Conferences and meetings that are missed, students who can start their academic semesters belatedly or are obliged to renounce their acquired admittance and grants in Erasmus programme, researchers who fail to go on research trips, academics or doctors who cannot attend international conferences or seminars on time, families that cannot enjoy reunification are some of the complaints that we experience personally or are experienced by the people around us due to prolonged visa procedures. Such requirements necessitate Turkish citizens to tolerate an unforeseeable process of application and sometimes to endure the complete refusal of visa applications by the EU Member States. Due to these unreasonable visa procedures, many people had to face physical, material and psychological losses and generally these losses are not compensated. This in turn, leads the Turkish public to suppose that they are being discriminated against, when they compare their situation with the unhindered freedom of movement enjoyed by citizens of other countries which did not have as far-reaching and lengthy relations with the EU. Thus they feel that they encounter an unjust treatment in terms of violation of a fundamental human right.

Visa Hotline Project
Foreword

On the other hand, we strongly believe that, to impose visa obligations on the citizens of a country which initiated an association process with the then EEC in 1963, has held candidacy status since 1999 and has been continuing accession negotiations since 2005 is absolutely contrary to the essence and the spirit of EU integration. While civil society dialogue is being repeatedly emphasized in relations with the EU, no improvement has been achieved with regard to the free movement of persons which is one of the four fundamental freedoms that uphold the idea of the EU. We know that one of the best ways for a country to be 'Europeanized' and for the civil societies to conduct constant dialogue is to abolish the obstacles preventing the free movement of persons. However, while the Union is liberalizing visa requirements for the nationals of Serbia, Macedonia and Montenegro, Turkey, having an association process with the EU nearly for half a century, cannot enjoy similar opportunities. This situation is flaring the negative perception towards the EU in the Turkish public. Aware of the obligations of the Turkish government in this regard, we would like to express our appreciation that steps have been taken in Turkey regarding the transition to biometric passports in the near future.

We have conducted extensive studies, organized seminars and workshops on the issues of the free movement of Turkish citizens in the EU, visa procedures and requirements which we find unjust and against the Association Law. As an important step in our quest to achieve more and contribute to the solution of this problem, we have launched the **"Visa Hotline Project"** with the initiative of the **Economic Development Foundation (IKV)** and in collaboration with the **European Citizen Action Service (ECAS).**

As **Union of Chambers and Commodity Exchanges of Turkey (TOBB)**, our fundamental goal in this project is to present the scale of the problems that are experienced in visa applications of Turkish citizens by providing **realistic, objective and coherent data**. In this manner, we have compiled and classified the problems that are experienced by citizens from different socio–economic groups, professions, and different regions and cities of Turkey in their visa applications.

1000 telephone calls and e-mails received through the hotline and e-mail address launched specifically for the project reveal the seriousness of the problem and the need to conduct research with a view to objectively presenting the hindrances encountered in the visa application process. In this project, while we aimed to present numerous cases in the visa applications of Turkish citizens, we also aimed to verify information on the documents requested during the visa application, various procedures carried out through the process and the treatment and conditions that the Turkish citizens experience in their visa applications.

Visa Hotline project also includes surveys conducted among the Turkish public and conferences aiming to inform Turkish and other European lawyers and counselors at law working in the EU on visa issues.

We hope that this study will provide a useful basis for prospective debates, deliberations and projects in this field.

M. Rifat Hisarcıklıoğlu

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Visa Hotline Project
Executive Summary

The aim of the project is to present a complete breakdown of the problems Turkish citizens face during visa procedures; to systematically and categorically identify the documents demanded to start the visa proceedings, the procedure actually applied, the treatment of the officials and all other difficulties; to analyze and report the findings; and to submit this report to the related officials in the EU.

The project is realized by **the Economic Development Foundation (IKV)** and **European Citizen Action Service** with the support of **Union of Chambers and Commodity Exchanges of Turkey (TOBB).**

The complaints were received through **two hotlines** (90.212.3245188 / 90.212.3245199) and **e-mail** (vize@ikv.org.tr).

Between **November 17, 2009 and January 18, 2010** we received a total of **944** calls. Among them, **280 were by telephone, 322 by e-mail, 236 by facsimile and 96 were by standard mail.**

The Visa Hotline reached a wide range of people around Turkey. Calls from **52 cities** in different regions of Turkey as well as from **Germany, Belgium, Romania, France and Malta** are proof of this (Tables 5 and 6). **Istanbul (243), Izmir (97), Ankara (65)** were the cities with the majority of the calls, and as for regional distribution, **Marmara Region** was at the top.

The project also sheds light to visa related views and opinions of people from varying segments of the society; especially **business world** (self-employed / employee), **academicians**, and **students** made important contributions.

The project results show that the majority of the complaints concentrate on **tourist and commercial visa** applications; that, the complaints mainly belong to the last one year period; and that, the outcome of the most visa demands ends up with a **rejection**.

At the top of the list of the EU Member States subject to complaints lies **Germany** followed by **France, Belgium** and **the Netherlands.** Although the complaints accumulate on some specific EU countries, there are complaints about almost **all the EU countries.**

The complaints we received throughout the project show that Turkish nationals face with different problems in **every stage** of visa procedure. Their complaints are as follows: **the rejection of the visa application, not being able to learn the rejection grounds, unsatisfactory rejection grounds, the quality and the quantity of the documents demanded, visa fees, "covered expenses", the attitude of the Consulate / intermediary agency personnel, poor physical conditions of the Consulates and other visa related problems.**

Visa Hotline Project
Introduction

A civil initiative to curtail the troubles caused by the visa applications:

Visa Hotline Project

A businessman who can not get a visa after waiting for days and thus misses an important business meeting; a student who is accepted by a university in Europe to participate in the ERASMUS programme but misses the courses because of a delayed visa approval; an academic who can not participate in a meeting to present the results of her / his hard and laborious work on an EU project; a housewife who had to cancel a long planned and desired holiday abroad as she could not get a visa; a grandfather who can not go and see his grandchildren because he could not get a visa or Turkish citizens who complain about the treatment they receive during the long and laborious visa procedures.... the examples are too many.

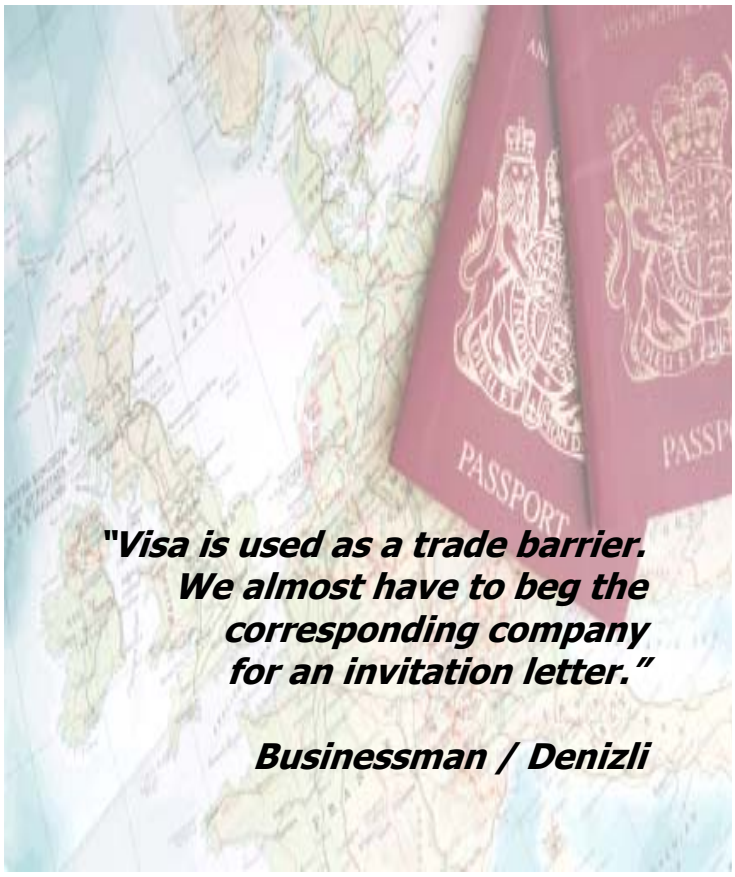
The **Economic Development Foundation** (IKV), which has been following developments in the visa issue from the beginning, and working hard to keep the problem topical and debated; has started a pioneering project in cooperation with **European Citizen Action Service** (ECAS) a Brussels based NGO: the "**Visa Hotline Project"**. This project aims to systematically and categorically collect the complaints of the Turkish citizens concerning the problems they face during visa procedures; and to transmit these information in a comprehensive report to the responsible units as well as the decision makers both in the EU and in Turkey.

What is this "visa problem"?

The "visa problem" that the Turkish citizens have been experiencing since the year 1980, covers a wide range including legal, social, diplomatic, bureaucratic, administrative, technical, international and human aspects; and each of these aspects has diverse reflections. Studies presenting solutions covering all of these aspects, however, are scarce and insufficient.

In the legal sphere; the issue of implementation of visa to Turkish citizens by the EU countries since 1980, has been a topical subject due to current developments. In the last decade ECJ

(European Court of Justice) has ruled cases in favor of Turkish nationals and this, in turn has lead to the confirmation of Turkey's and Turkish nationals' rights arising from the Association Agreement, and in **February 2009** the ***Soysal*** case was won and it rallied the hope that the visa application will be lifted. This said ruling based on article 41(1) of the Additional Protocol stated that Germany's visa application to the Turkish nationals traveling to supply services is against the EU law. For further information on Turkish nationals rights arising from the Ankara Agreement and reflections of the Soysal ruling, please refer to the study prepared by **Narin İdriz Tezcan** for IKV (IKV Publications No. 228 and No. 229).



"Visa is used as a trade barrier. We almost have to beg the corresponding company for an invitation letter."

Businessman / Denizli

However the case may be, the Member States are reluctant to apply these rulings. Very little of the rights acquired in the court rooms could be reflected to actual life. In spite of the fact that from time to time the reactions of some EU members and institutions to these rulings are encouraging, up until today, nothing is at a point that would satisfy Turkey; meaning "securing visa-free movement". In the legal sphere, although it is given that Turkey is theoretically "right", it is usually agreed that by this method, it would take time to get a practical result.

On the other hand, all the cases won until today has been pleaded by personal endeavors of Turkish citizens and continued by sacrifices. Likes of these cases are expected to continue. However, as stated above, it would take time for the cases to reach a critical number so that they create case law.

It is noted that Turkish citizens living in the EU countries first apply to the Turkish origin lawyers registered in the related EU country's bar. Thus IKV, with TOBB's contribution, has been organizing training seminars to these almost 1000 lawyers[1]. Apart from this, in order to raise

[1] An informative meeting was held addressing the Turkish origin EU lawyers in Brussels on May 29, 2009 with the cooperation of European Turkish Lawyers Association. A second meeting with a wider audience was held in Amsterdam on December 4, 2009.

awareness on the subject, IKV also publishes reports written by lawyers who are experts on visa issues in various EU countries[2].

Concerning the **diplomatic and bureaucratic sphere**, the boundaries are drawn by politics. Today Turkey is subject to the Schengen Visa Regime. A **Visa Facilitation Agreement** with a precondition is being proposed to Turkey in order that some improvements are made in visa procedures. And the precondition is that Turkey should sign a **Readmission Agreement** (*readmission by Turkey of the Turkish citizens illegally resident in The EU countries and any other people who illegally enter EU through Turkey*) with the Union which bears high economic, politic and social risks and costs. All in all, we have great doubts that a visa facilitation agreement would answer the needs of Turkish citizens.

IKV's partner in this project **ECAS** (European Citizen Action Service) is a Brussels based civil society organization which is well-known in EU circles by its various reports on free movement of persons since 1990s. The outcome of an ECAS project also verifies IKV's above mentioned view. In this project ECAS, cooperating with local partners in western Balkan countries conducted a field study regarding the visa facilitation agreements entered into force on January 1, 2008 as a preliminary step of visa free movement. ECAS started visa hotlines in five western Balkan countries and made face-to-face inquires in front of selected consulates with the people applying for visas. ECAS collected this information, prepared a report as the outcome of the project and on December 10, 2008 presented it to the EU institutions in Brussels and the public as well. Some of the striking results of the project are as follows:

- Although the visa fee was decreased from 60 to 35 €, extra costs occur as the new system requires pre-arranged appointments in the consulates (the applicant has to call the consulate first and wait until she / he gets an appointment – the telephone charges);
- Although the maximum period of giving a visa was set to be 10 days, it exceeds this limit as getting appointment from the consulates takes quite long and people usually miss the event that they were willing to participate in (wedding, shows etc.);

[2] "Report on the Evaluation of the Visa Compulsion for the Turkish Citizens in relation with the EU Law" (IKV publications no.213, feb.2008); "The Scope and Interpretation of the Standstill Clause of article 41.1 of Additional Protocol within the framework of Turkey-EU Association Law and ECJ Rulings" (IKV Publications No.214 Feb 2008); "The Mobility Brought by the Standstill clause of the Association Agreement and Restriction of Freedom of Movement or Turkish Citizens" (IKV Publications No.216 Feb 2008), etc.

- Visa applications are frequently rejected without any reason (especially of the students, truck drivers, artists, unaccredited journalist groups);
- The consulate officials ill-treat the applicants (low manners, rudeness).

As a result, ECAS' report puts forth that the visa facilitation for the western Balkans, although initially raised the expectations of the public, created problems like delays in the procedures and extra costs. Report also says that the facilitation did not create the expected effect as the national units of the member countries insisted on applying their own visa politics. Furthermore, people who called the visa hotline complained that getting a visa became even harder than before and that was a real point of concern[3]. Just the same, the EU officials themselves know that visa facilitation could not be sustained for long so they granted the right of visa exemption to Serbia, Montenegro and Macedonia as of December 19, 2009. It was announced that Albania and Bosnia Herzegovina will have visa exemption as soon as they fulfill the necessary conditions.

[3] In order to view the report "Does it Really Matter? Visa Facilitation in the Western Balkans- Monitoring of the New Agreements" please refer http://www.ecas.org

Another point that requires to be emphasized concerning the legal gains of the Turkish citizens concerning the visa stems from the sharing of authority. It is very important how the issues that we refer as gain are regarded by the people actually enforcing the policies on the EU level. For example the official view communicated by the European Commission in order to guide the Member States after the Soysal ruling is interesting[4]. The Commission in its recommendation[5] stated that the visa is lifted only for **Germany** (and for specific groups) and for **Denmark** (for all service providers). In this direction, **Germany**

[4] In order to see IKV's reaction to the said view please refer www.ikv.org.tr

[5] C(2009) 7376 final, Brussels, 29.9.2009, Commission Recommendation of 29.9.2009, on amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final).

amended its administrative practices and announced that people falling under some specific groups can enter Germany without visa for maximum 2 months' stays. Why only these two countries? The European Commission asked the Member States to declare their visa applications towards Turkish citizens that fall under clause 41/1 of the Additional Protocol on the date of their accession, and only **Germany** and **Denmark** declared that they had not asked for visa from the Turkish citizens of the sort in 1973. As understood, the Commission based only on the declaration of the countries that had answered its call, and thus interpreted the Soysal ruling very narrowly contrary to the reflections of the said ruling on the Turkish public.

At this point we need to clarify one other point that comes into the agenda from time to time and that is within the administrative sphere. It is; whether the Union will apply an exemption to a certain group, for instance to the business community. Under the current administrative system, the Union does not have the right to grant privileges to certain groups; exemptions can be granted categorically, only to diplomatic passports or service type passports. Within this framework, it would not be realistic to expect of demand special rights based on special passports for certain groups.

In the **international sphere**; visa is a matter of national sovereignty. Even in the EU in spite of the Schengen regime the visa issue largely lies within the jurisdiction of the Member States. Only recently and after many hardships has the EU finally managed to transfer the visa issue to the EU level as a common policy; and of course, the court rulings about Turkey is now posing a very controversial situation.

"The Consulate asks so many documents that one really does not want to go abroad. If you write down one by one the list of documents makes 2 whole pages. When you collect them all, it makes one big binder.
And just as you think this is all, you see that it is not.
You should have all the papers translated by a certified translator, have them notarized and apostil sealed."

Student / Istanbul

On the other hand, in the last decade it has been widely acknowledged within the EU that free movement of persons is a fast developing right with a wide coverage. Free movement of information is regarded as the fifth freedom, and within this framework, the establishment of the free movement, especially, of scientists,

researches, students, business people is aimed. Nevertheless it is also agreed that the sovereign states can limit this right based on various reasons (national security, protecting the labor market, migration policy reasons, foreign policy reasons). When we consider the whole Europe, it would not be wrong to say that in the last couple of years, there is a strong tendency towards a "visa free area of movement" covering a few remaining non-EU western Balkan countries; but Turkey is not among the beneficiaries of this strong political wave. As mentioned above, for reasons like "joining of peoples" and "Europeanization of the civil society" all western Balkan countries even the ones that are not candidates (except Macedonia) are granted the right to free movement, however Turkey is left outside this facilitating environment.

It is agreeable that a sovereign state creates a protection system on justifiable grounds against real persons' movements into its sovereignty area. But, when we talk about Turkey and the EU, and when we consider the association relation since 1963, Customs Union since 1995, and accession negotiations since 2005; the existence of such protection walls – and controversial ones in this respect – can never be accepted.

The ones who have to experience the visa problem to the greatest extend and with all accompanying difficulties are the **common citizens** who carry dark blue passports. Whatever the situation in other areas is, the naked practical truth that we face in this sphere is that the Turkish nationals entering the EU states are exposed to annoying and expensive visa procedures. The wide spread understanding in the Turkish people; especially when compared to the citizens of other countries that do not even have as close relations with the EU is; it is **discrimination and unjust treatment,** and a violation of a basic human right.

Although there have been calls to end these complaints and correct the injustices, evidencing and recording of the complaints are scarce. Instead of empirical researches, cases like, grandfather deprived of seeing his grandchildren or youth being denied her / his right to education are used as examples in the media with dramatic touches; rhetoric with inapplicable solutions are proposed that do no more than just arouse the feelings of the people.

Visa Hotline Project
The Aim and the Process of the Project

What is the starting point of this Project?

Within the complexity of the above explained structure; we asked ourselves which way we could be helpful as a civil society institution that does not directly participate in the decision taking and policy making system, but that does have strong expertise and cumulative knowledge on Turkey – EU relations. As an answer, we came up with this project. And, among the spheres we mentioned above (legal, diplomatic, administrative, international etc.) the most suitable sphere, the one in which we would operate most comfortably would certainly be the one that we come and nourish from: **the civil society**.

Could we negotiate with the European politicians, prepare legislation, instruct the bureaucracy, warn the Consulate personnel to change their bad behavior and to act in good faith while enforcing the rules? Surely as civil society organization we couldn't possibly do any of these. We could only record violation of rights and applications that create a perception of injustice and discrimination. We could establish a hotline, an easy to remember e-mail address and we could make on the spot visits (universities, business world) to collect complaints, categorize them and prepare a publication. Furthermore, while the process of turning the legal gains into practical ones continues on the one hand, we could make use of the results we obtain from the project in the initiatives to eradicate the applications and treatments that lead to the said claims of discrimination and injustice. This is the chain of causation and understanding that we used to decide on the **"Visa Hotline Project"**.

We believe that the information we gathered during the visa hotline project and share with you hereby; will create a significant means for the problem to be debated in the Member States and within the EU institutions. The rights given on paper need time to be acknowledged on the political level. Up until then; well planned, logical and result-oriented initiatives need to be built to ease the discomforts that Turkish citizens face and to eradicate their complaints, and such initiatives can only be built upon a **concrete and realistic background**.

Last but not the least, this project used the method of recording each and every complaint separately, thus, including a strong human factor in the project, which in our world today is something that is easily neglected. We believe the existence of this human factor will also play an important role to obtain the support of the civil society at the EU level.

The aim of the Project

The aim of the project is to create a complete breakdown of the problems Turkish citizens face during visa procedures; to systematically and categorically identify the documents demanded to start the visa proceedings, the procedure actually applied, the treatment of the officials and all other difficulties; to analyze and report the findings; and to submit the report to the related officials in the EU.

The **target group** of the project is identified mainly as the **business world, academia, students,** and in general **the Turkish public**.

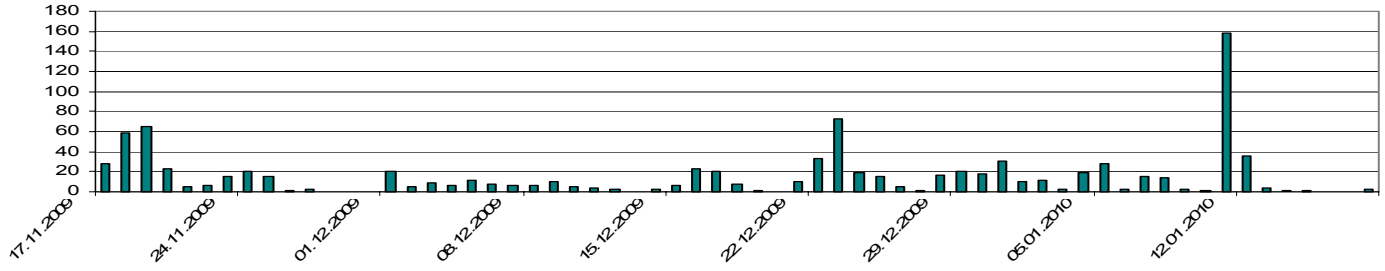
The duration of the Project

Two telephone lines **(0212.3245188 / 0212.3245199)** and an e-mail address **(vize@ikv.org.tr)** became operational on November 17, 2009. **ECAS' Director Mr. Tony Venables** gave intense training to three IKV researchers in Istanbul on 5-6 November 2009 and they answered the calls in turns. The incoming e-mails were answered by the Visa Hotline Project personnel before they are taken as inputs.

During the week following the launching of the **"Visa Hotline Project"** on November 17, 2009, we received numerous calls mainly through telephone. One of the reasons of this interest had been the press conference held by ECAS Director Mr. **Tony Venables** and IKV Chairman **Prof. Halûk Kabaalioğlu** on November 6, 2009 as well as other media coverage concerning the project (Hürriyet, Milliyet, Radikal, gazette Vatan, Cumhuriyet, NTV, TRT, etc.).

Between 7 and 11 December 2009 letters describing the project with enclosed entry forms for complaints were sent to **346 Chambers, 129 Universities and 78**

Table-1: Distribution of calls according to days
(17 November – 18 January 2010)



Bars all around Turkey. The returning of the filled complaint forms ended as of January 10, 2010.

In the course of the two months that the **"Visa Hotline Project"** was implemented, many news, coverage, analyses and interviews appeared on the media about the project; in these media reports the contact telephone numbers and e-mail address were repeated many times. So, we received varying daily number of calls during the project (Table 1).

Despite the fact that the hotline was originally planned to operate only for one month, intense demand dictated it to be extended to two months. Between **November 17, 2009** and **January 18, 2010** during which the receiving services were operational, we received a total of **944** calls. Among them, **280 were by telephone, 322 by e-mail, 236 by facsimile and 96 were by standard mail** (Table 2).

Table – 2: Distribution of incoming calls-1

Telephone line	280
E-mail	332
Facsimile	236
Standart mail	96
Total of calls	**944**

121 calls were not taken into evaluation as they were decided to be irrelevant (Table 3).

Table – 3: Distribution of incoming calls-2

Relevant calls	823
Irrelevant calls	121
Total of calls	**944**

The assessments in this report are based on 823 cases derived by eliminating the irrelevant 121 from a total of 944 calls received.

IKV conducted a preliminary survey in March - April 2009 in order to gain experience for the "**Visa Hotline Project**". Surveys were sent to **111 institutions** (Chambers, stock exchanges and universities) and **1475 survey results** were evaluated. The **"Visa Hotline Project"** launched was based on the analysis found by this preliminary survey, made it possible for us to see the problem in its entirety and to deepen our understanding in this field (Please see IKV Publications No. 230 for the said preliminary survey).

Comparison with similar projects

When compared with the data from our project partner ECAS' previous "Visa Hotline Project" designed for the western Balkan countries, it is understood that the Project for Turkey diverges from other countries both in content and quantity. As stated in Table 4 below, the number of complaints received in Turkey in the 2 months duration of the project exceeds Albania, Macedonia, Montenegro and Serbia (Table – 4).

Table – 4: Comparison with similar "Visa Hotline" Projects

	Time hotline was open	Number of complaints received
Albania	15 days	104
Macedonia	4 months	105
Montenegro	1 month	49
Serbia	2 months	72
Turkey	**2 months**	**944**

Visa Hotline Project
Participants Profile

General profile – geographical distribution

The visa hotline established at the IKV offices in TOBB Istanbul premises, reached a wide range of people around Turkey. Calls from **52 cities** in different regions of Turkey as well as from **Germany, Belgium, Romania, France and Malta** are proof of this (Tables 5 and 6). **Istanbul (243), Izmir (97), Ankara (65)** were the cities that brought the majority of the calls, as for regional distribution, **Marmara Region** was at the top (Table 7).

Table – 5: Geographical distribution of the calls – 1

City	Number of Calls
Istanbul	**243**
Izmir	**97**
Ankara	**65**
Afyon	42
Kırşehir	37
Antalya	33
Adana	23
Konya	20
Bursa	17
Kayseri	15
Van	13
Niğde	12
Gaziantep	9
Kocaeli	9
Çanakkale	9
Erzurum	8
Aydın	8
Sivas	6
Sakarya	6
Zonguldak	6
Eskişehir	5
Nevşehir	5
Mersin	5
Muğla	4
Kahramanmaraş	4
Şanlıurfa	3
Samsun	3
Edirne	3
Kırıkkale	2
Tekirdağ	2
Bolu	2
Denizli	2
Gümüşhane	2
Balıkesir	2
Elazığ	2
Bartın	2
Çorum	2
Rize	2
Malatya	1
Karabük	1
Mardin	1
Erzincan	1
Giresun	1
Yalova	1
Hatay	1
Düzce	1
Uşak	1
Siirt	1
Muş	1
Diyarbakır	1
Yozgat	1
Karaman	1
Germany	**16**
France	2
Romania	1
Belgium	1
Malta	1
N/A (unspecified/phone or e-mail)	58
Total	**823**

Table – 6: Geographical distribution of the calls – 2

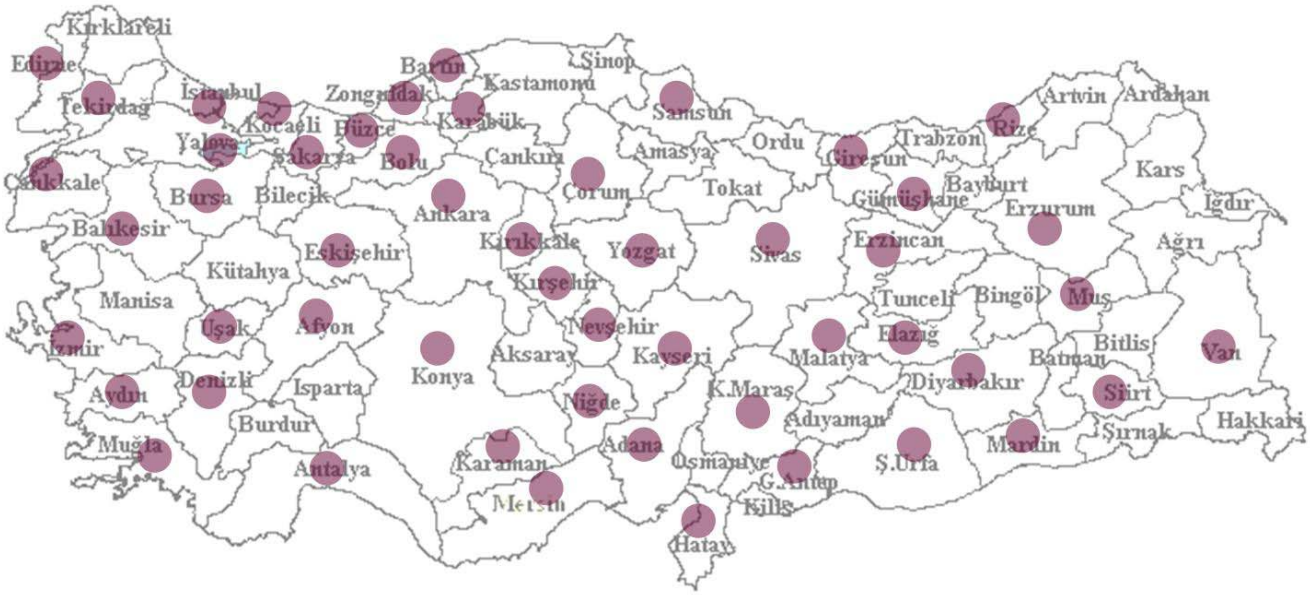
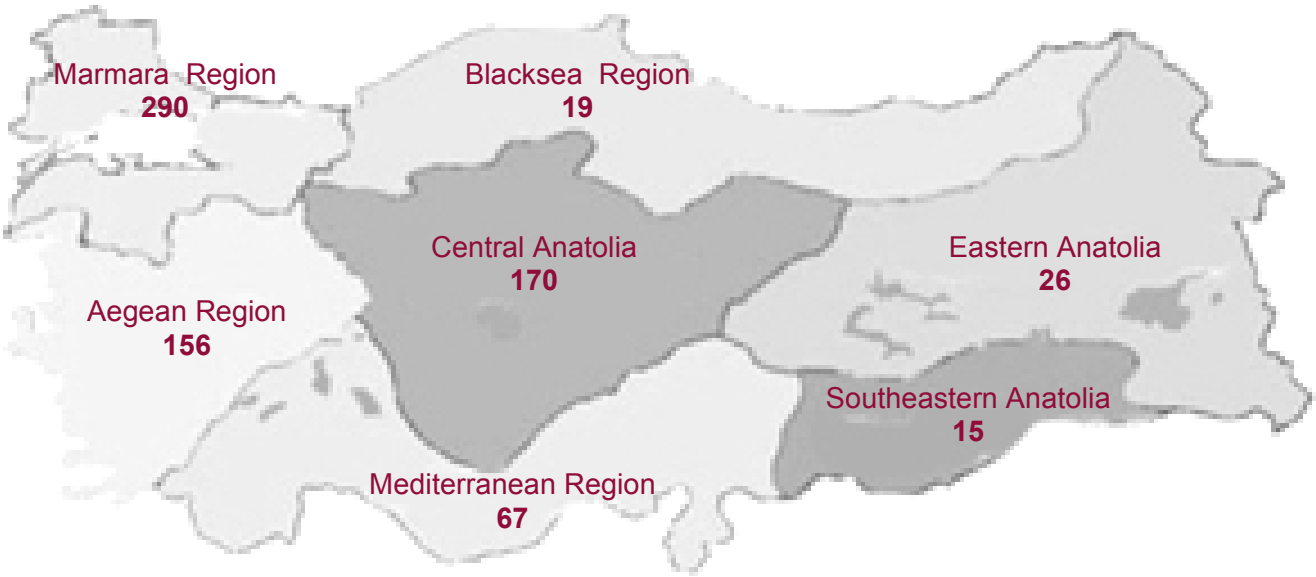


Table – 7: Geographical distribution of the calls – 3



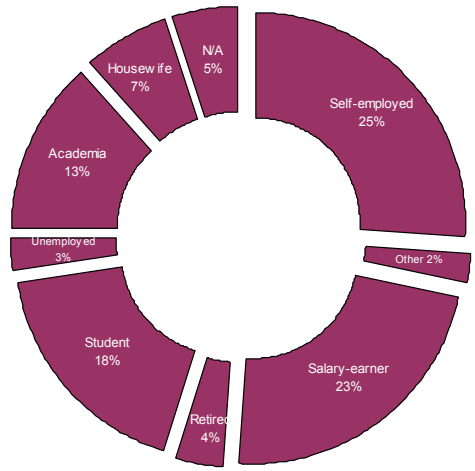
General profile – occupational distribution

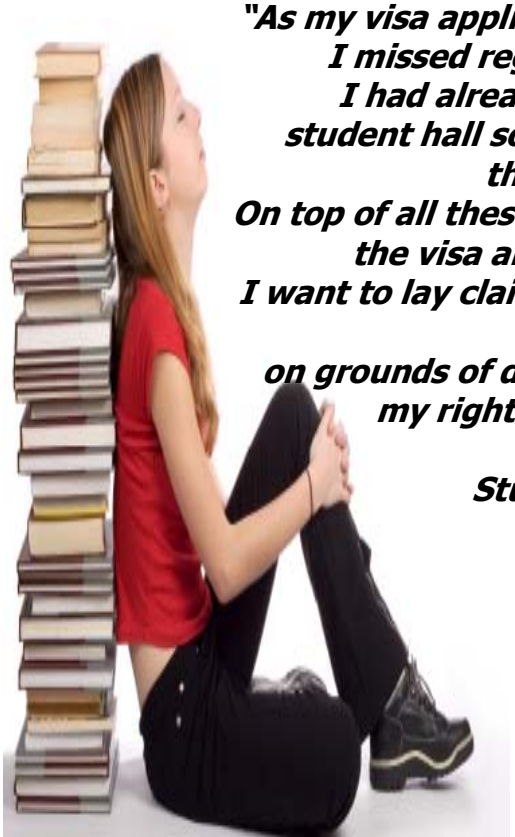
An examination of the occupational distribution of the **823** participants in the **"Visa Hotline Project"** reveals that there is a wide spectrum of different professions. From **business world**: **215** self-employed, **187** employees; from **academia**: **145** students of whom **42** are Erasmus students and among **109** academicians **24** directly working in an EU project. Other participants are as follows: **55 homemaker, 30 retired people, 21 unemployed, 19 under the category of "other"** and **42 unspecified (Tables 8 – 9)**. Occupational distribution has a direct relation with the degree of disappointment with the visa procedures.

Table – 8: Occupational distribution – 1

Occupation	Number	Percentage
Self-employed	215	25
Salary-earner	187	23
Student	145	18
Erasmus Student	42	
Academia	109	13
EU Project	24	
Homemaker	55	7
Retired	30	4
Unemployed	21	3
Other	19	2
Unspecified	42	5
Total	**823**	**100**

Table – 9: Occupational distribution – 2





"As my visa application delayed I missed registrations (...) I had already paid for the student hall so I couldn't get the money back. On top of all these, the stress of the visa anticipation (...) I want to lay claims against the consulate on grounds of depriving me of my right to education."

Student / Ankara

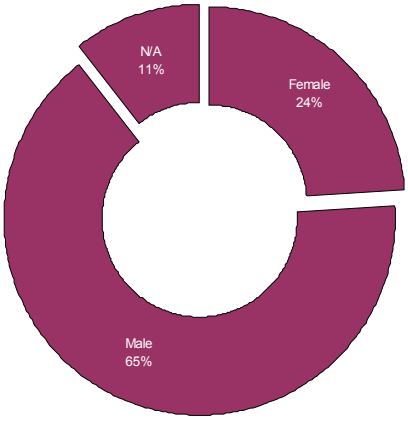
General profile – gender distribution

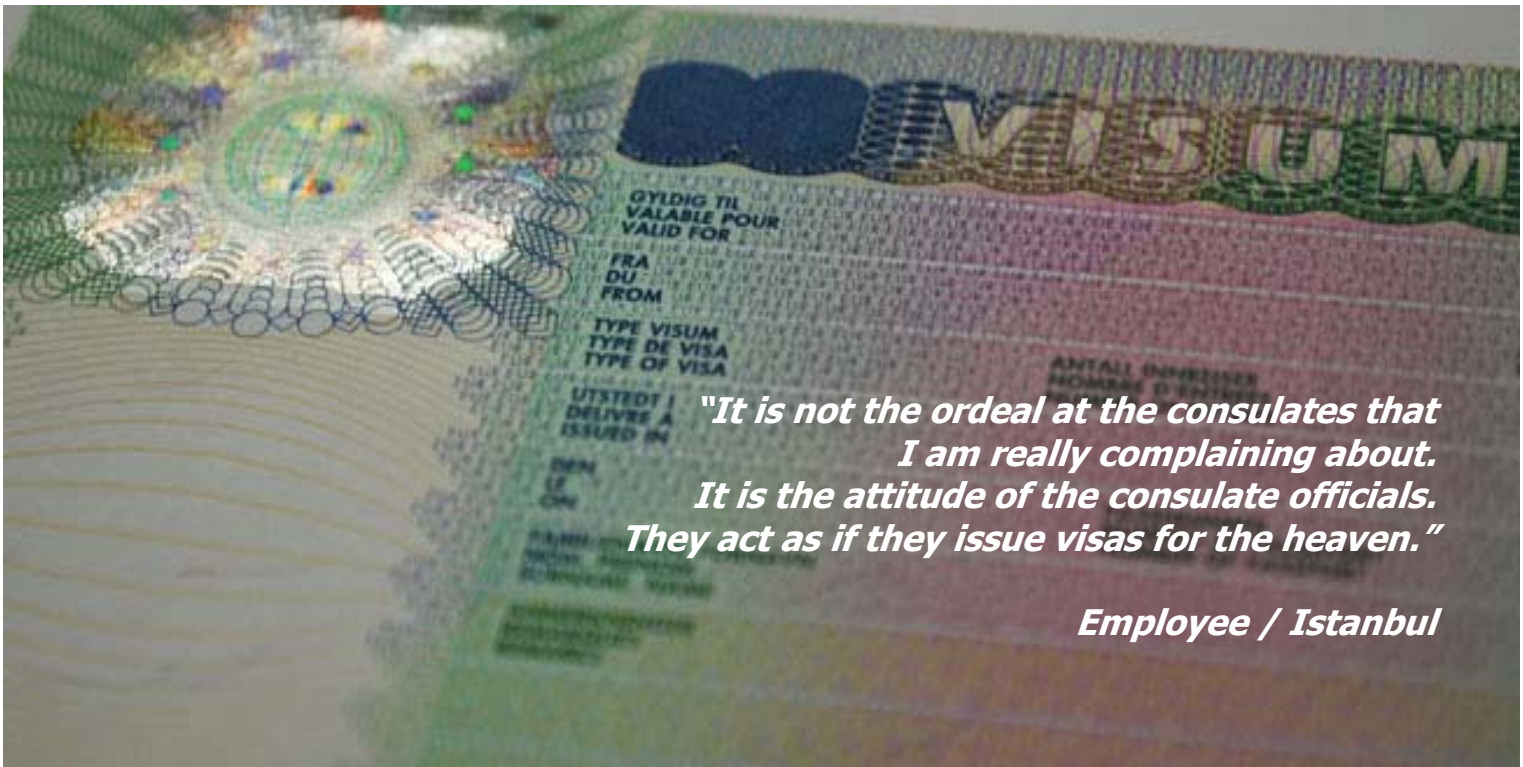
Examining the gender distribution on the other hand, shows that the great majority of calls are from male participants (**538 to 197**) (Tables – 10 and 11). In some cases gender determination was not possible as in some of the e-mails, mails and facsimiles name was not specified, those were categorized under N/A status (**88**).

Table – 10: Gender distribution – 1

Gender	Number	Percentage
Female	197	24
Male	538	65
Unspecified	88	11
Total	**823**	**100**

Table – 11: Gender distribution– 2





"It is not the ordeal at the consulates that I am really complaining about. It is the attitude of the consulate officials. They act as if they issue visas for the heaven."

Employee / Istanbul

Visa Hotline Project
Complaints Profile

Visa application subject to complaint

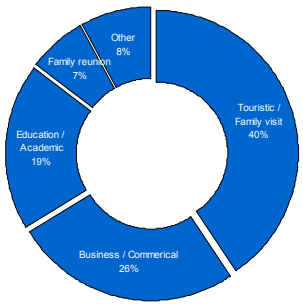
Visa types

An examination of the **visa applications by type** reveals that **tourist visa** was the main category **(334)**. In other words, complaints concerning the family visits laid under this heading. It is, however, worth mentioning that some participants expressed, they usually prefer to apply for a tourist visa –as it seems to have less procedural difficulty– even for their business trips. Complaints about **commercial visa (212)** and **education/academic visa (155)** came after tourist visa; followed by –although outside the scope of the project– **family reunions (55)** and very little number of **health/treatment (3)** visa applications. Complaints **not clarified** under which visa type they fall **(63)** and complaints about **residence/work permit (1)** were also received (Tables – 12 and 13).

Table – 12: Visa application type subject to complaint – 1

Application type	Number	Percentage
Tourist / Family visit	334	45
Business / Commercial	212	28
Education / Academic	155	20
Health	3	0
Family Reunion	55	7
Residence / Work permit	1	0
Unspecified	63	0
Total	**823**	**100**

Table – 13: Visa application type subject to complaint – 2



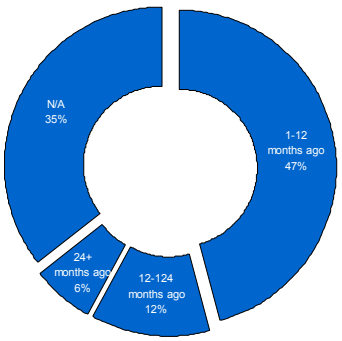
Visa dates

It was not always easy to learn the actual dates of the subject matters of the complaints; nevertheless it would give a general idea to know that majority of the complaints refer to the past **one year**; meaning that they are **recent**. Number of complaints referring 1 to 2 years of time are **478**; the ones more than 2 years time were **53** (Table – 14 and 15).

Table – 14: Application dates of visas subject to complaint – 1

Application date	Number	Percentage
1-12 months ago	378	47
12-24 months ago	100	12
24 + months ago	53	6
Unspecified	292	35
Total	**823**	**100**

Table – 15: Application dates of visas subject to complaint – 2



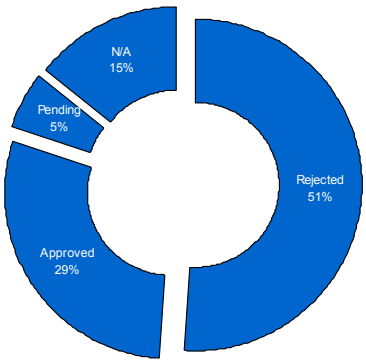
Visa results

The examination of the results of the visa applications subject to complaint shows that **420** applications were **rejected**, **239 approved**, **44 still pending** and **120 are unspecified** (Tables – 16 and 17).

Table – 16: Results of visa applications subject to complaint –1

Result	Number	Percentage
Rejected	420	51
Approved	239	29
Pending	44	5
Unspecified	120	15
Total	**823**	**100**

Table – 17: Results of visa applications subject to complaint – 2



Distribution of the complaints (EU Countries)

At the top of the list of the EU countries subject to complaints lies **Germany (239)** followed by **France (82), Belgium (48)** and **the Netherlands (39).** Although not in the Schengen area, **the UK** also ranks high in the list as complaints are many **(53)**. Likewise, Bulgaria and Romania that joined the Union in 2007 and which will be implementing the Schengen acquis soon are included in the list due to the high number of complaints. Especially the number of complaints about **Bulgaria** is high **(22)**, and the **"unspecified"** number is also high **(56)**, On the other hand having a category of **general complaints** without addressing any specific country is an important indication **(46)** pointing that there are **chronic problems** inherent in the Schengen visa procedures in Turkey. It is important to note that although the complaints accumulate regarsing some specific EU countries, in fact there are complaints about almost **all the EU countries.** Within this perspective, it is interesting that the Central and Eastern European countries (Czech Republic, Malta, Estonia, Hungary, Poland, Slovenia and Slovakia) that joined the Union in 2004 by the fifth enlargement wave and that lie at the centre of the Schengen area are in the list. Another intriguing point that the below map shows is that, countries that receive more than 30 complaints are usually both the EU and the Schengen area founding countries (Tables – 18, 19 and 20).

Table – 18: Distribution of complaints – 1

Country	Number of Complaints
Germany	**293**
France	**82**
UK	**53**
Belgium	48
Netherlands	39
Italy	32
Austria	29
Greece	25
Spain	23
Bulgaria	22
Portuguese	21
Denmark	13
Czech Republic	10
Romania	5
Hungary	5
Malta	4
Sweden	4
Poland	3
Switzerland	2
Estonia	2
Slovakia	2
Slovenia	1
Finland	1
Ireland	1
Lithuania	1
General EU	46
Unspecified	56
Total	**823**

We should also consider the fact that many Turkish origin people are resident in the countries that top the list of complaints, **Germany, France** and **Belgium**. This means that there may be more people willing to travel to those countries for family visits and this may end up with a relative increase in the number of the complaints. Apart from this, we should also keep in mind the long established commercial, cultural, tourist and diplomatic relations between these countries and Turkey. This creates another reason for people to travel to those countries more than others.

Table – 19: Distribution of complaints – 2

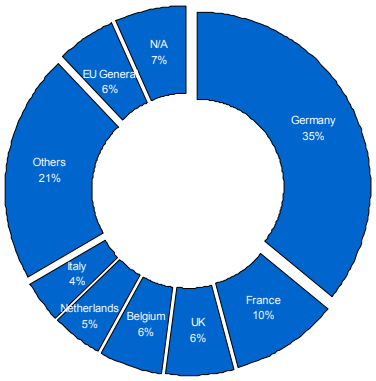
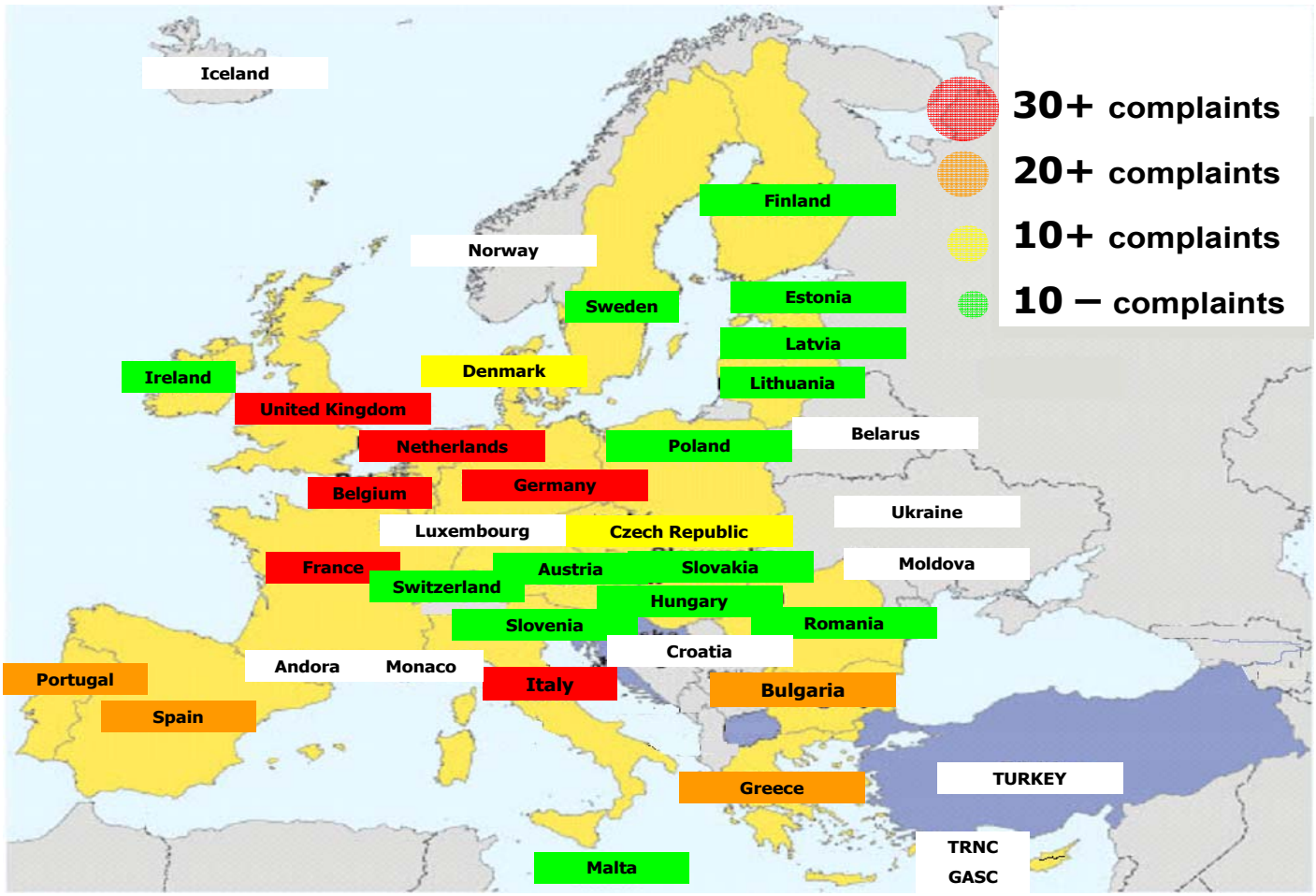


Table – 20: Distribution of complaints – 3



Irrelevant Calls

Having an important number of **irrelevant calls (121)** in our hotline is also something that should be focused on. It is an important indication (Table – 21). Top three countries among the irrelevant calls are the **USA (17), Syria (5)** and **Norway (4)**. Although it was specifically mentioned that the project only covered the EU countries and only interested in the Schengen proceedings, complaints were received about Russia, UAE, Turkic Republics, or even Turkish Republic of Northern Cyprus. The reasons may be twofold: (1) the target and the scope of the project is not truly understood (2) Although it is clearly understood, problems people face when obtaining visa are not limited to EU countries and when they think they find a place to apply in relation to their problems, they decided to use this opportunity, however irrelevant the country in question was.

Table – 21: Distribution of irrelevant calls

Country	Number of complaints
USA	**17**
Syria	**5**
Norway	**4**
Australia	2
UAE	2
Saudi Arabia	2
Kazakhstan	2
Azerbaijan	1
Libya	1
Serbia	1
Russia	1
Egypt	1
Turkmenistan	1
India	1
Uzbekistan	1
Canada	1
TRNC	1
Israel	1
Unspecified	76
Total	**121**

"I travelled 600 km to apply for a visa. Travel expenses, accommodation, catering expenses. And at the end I learned that I couldn't get the visa. It was an altogether devastating experience."

Homemaker / Yozgat

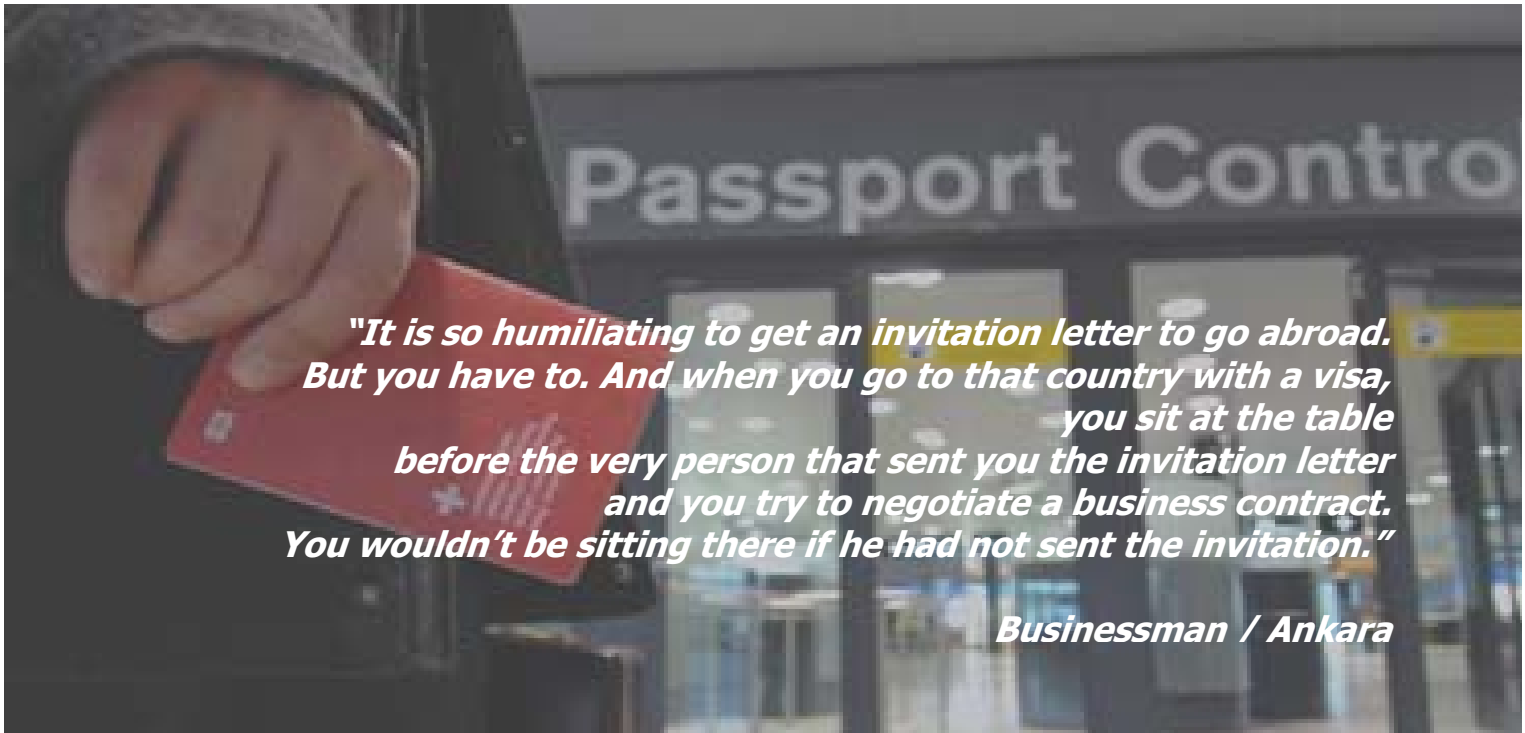
Among the irrelevant calls there were many people who called treating the visa hotline like a helpline. Although we emphasized that it was not, numerous times, people called just to share their disturbances concerning the visa issues. And these calls were categorized as irrelevant as they should be. However this also indicates something: *Turkish citizens are struggling with versatile visa problems. And they lack people / bodies / institutions that they can ask for help and receive support officially or unofficially. The fact that the channels between citizens and the decision makers are completely closed is a great cause of concern. The feedback received from the IKV personnel on the visa hotline was that, even though the owners of such irrelevant calls know that the person answering her / his call would not be able to solve her / his problem, just being able to share it with a sympathetic person made the caller hang up in a contented mood*.

Visa Hotline Project
Project Results

What do the visa complaints cover?

The visa complaints received by the visa hotline cover the following areas:

1. **Rejection of the visa application, no disclosure of the rejection grounds, unsatisfactory grounds;**
2. **The quantity / nature of the required documentation for visa application;**
3. **Visa application fee (visa fee / fee of the intermediary agency and other fees and commissions);**
4. **Attitude of the consular personnel / the physical environment of the consulates;**
5. **Complaints about financial/moral costs;**
6. **Complaints concerning the discrepancies between visa demanded and visa issued;**
7. **General complaints about the visa;**
8. **Problems faced during family reunions.**



"It is so humiliating to get an invitation letter to go abroad. But you have to. And when you go to that country with a visa, you sit at the table before the very person that sent you the invitation letter and you try to negotiate a business contract. You wouldn't be sitting there if he had not sent the invitation."

Businessman / Ankara

1 Rejection of the visa application, no disclosure of the rejection grounds, unsatisfactory grounds;

420 of the incoming complaints are about **the rejection of the visa application**.

- It was stated that in **110** of these cases, rejection grounds were disclosed to the applicant by the consulate personnel; whereas in **265** cases they were not. There is no such information in **45** cases (Table – 22).
- In some of the complaints about rejections, it was stated that the Consulate personnel did inform the applicant concerning the objection procedures.

Table - 22: Grounds of rejection

Grounds	Number	Percentage
Given	110	26
Not given	265	63
Unspecified	45	11
Total	**420**	**100**

Some "grounds of rejection"

"I was rejected because I was too young"

"My visa application was rejected on grounds that in the application form I wrote my salary in words not in numbers"

"There are German language courses in Turkey as well. You don't need to go to this country to learn the language"

"You lack adequate financial resources"

"Your marriage is a fake one"

"They told me that the photograph on my passport did not look like me, and so my application was turned down"

Majority of the cases examined in the project were in relation to the rejection of visa applications. There were cases where the first visa applications were rejected, but there were also cases in which the applicant had had a Schengen visa, and her / his second application was rejected. An analysis made basing on the incoming calls shows that the tendency to reject increases when there is a group application. For instance, when a folk dances group applied for group visa to participate in a festival in France, the group was rejected altogether and no reason was presented whatsoever. In almost all complaints concerning visa rejections, it is mentioned that the Consulate officials denied the applicants

any reason for the rejection. Besides the information we received through the hotline showed that the only written explanation some Consulates made is a statement that they are not obliged to communicate the reasons of rejection, and that in some cases even written inquires made by the rejected applicants are left unanswered.

"I don't want to travel abroad as the documents demanded for visa application are far too many."

Employee / Izmir

It is a dramatic example that when 8 members of the **Union of Chambers and Commodity Exchanges of Turkey (TOBB), EU Harmonization Commission** consisting of Chamber Chairmen and influential business people applied for visas in order to visit Brussels for some high level meetings on 17-19 September 2007, 4 of them were rejected without any reason. As the rejection came at the very last minute none of the meetings including the one with members of the EU Economic and Social Council could be cancelled, and besides the rejection news arrived on September 16, 2007 when the other 4 members of the group had set to go to Brussels. Thus the scheduled meetings had to be made but only with half of the group present. In all high level meetings the problem that even TOBB EU Harmonization Commission members were rejected was raised and the EU counterparts said they regretted the situation and acknowledged the just stance of Turkey in this matter.

Only in one third of the rejections were the reasons communicated to the applicant. And in those rare cases, the reasons were not found satisfactory. However it should be emphasized at this point that the grounds could be communicated in writing or verbally. Especially in the absence of documented rejection grounds, it is possible that the complainant acts on assumptions and add her / his subjective reasoning into the stream of "objection grounds". The personnel working on the hotline did their best to be able to filter such things and inquiries were conducted thoroughly in order to reach the correct results, nevertheless, we should be cautious as to the accuracy of the received information. On the other hand, some of the participants shared the official rejection letters that they have or the written answers they received using their right to information.

Visa is about entering the territory of a state, so to approve or reject a visa application is a sovereign right of that state (Table 23). Table shows that rejection/approval ratios differ between the Schengen states. Be that as it may, any person who applies for a visa and is rejected by a Consulate has the right to a clear and open explanation regarding the reasons of rejection. This right stems from the right of free movement of the persons. Whatever the rejection reason may be, it should be communicated to the applicant to free her/him of the ambiguity and to avoid in the future the repetition of the same errors that led to the rejection. One other reason of complaint is that the grounds for rejection when communicated are usually done so in the mother tongue of the state in question. For example a rejection letter in German can not be understood and a new source of expenditure appears for the applicant - translation. There have also been "stunning" cases like the rejection letter being in French and mans of objection in being notified Flemish.

It seems to be a logical procedure that a person who finds the reasons of rejection unsatisfactory should be informed about the mechanisms of questioning and objecting these reasons. However the incoming calls showed that majority of people are unaware of such mechanisms and legal instruments. We understand from the questions we received during the project that the participants feel helpless against rejections and are in need of consultancy/orientation for defending their rights and raising objections thereof.

"The rejection of my visa application came with a two-paged letter. First page was the grounds for rejection and it was in French; the second page had information about objection procedures and it was in Flemish. I could not possibly understand this text so I had to surf the internet to find free translation sites."

Retired / Istanbul

A rejected visa application not only exerts financial losses, it also has moral effects. Upon rejection, visa fees and other expenses are not reimbursed, besides, there is the disappointment created by the sudden cancellation of a planned travel. Thus, it is a fundamental necessity that a clear and understandable explanation of rejection reasons; together with a clear and understandable description of methods of objection (in case the rejection reasons are found dissatisfactory by the applicant) should be included in the Schengen visa procedures.

Table – 23: Results of visa applications to Schengen countries by Turkish citizens in 2007

The below data is taken from EU Council's 8 April 2008 report of "Exchange of statistical information on uniform visas issued by Member States' diplomatic missions and consular posts". To access the whole report:
http://register.consilium.europa.eu/pdf/en/08/st08/st08215.en08pdf

	A+B+C Visas			
	Applications	**Approved**	**Approval %**	**Rejection %**
Belgium	11.101	9.125	82	18
Denmark	5.063	4.398	86	14
Germany	170.511	148.761	87	13
Greece	54.618	54.237	99	1
Spain	13.749	13.191	95	5
France	110.482	103.824	93	7
Italy	54.664	54.082	98	2
Luxembourg	-	-	-	-
Netherlands	27.018	23.929	88	12
Austria	-	-	-	-
Portuguese	1.780	1.744	97	3
Finland	2.411	2.031	84	16
Sweden	6.887	6.032	87	13
Bulgaria	87.938	84.719	96	4
Czech Republic	25.151	24.830	98	2
Estonia	1.682	1.613	95	5
S. Cyprus	-	-	-	-
Latvia	1.596	1.531	95	5
Lithuania	1.270	1.242	97	3
Hungary	13.588	13.457	99	1
Malta	-	-	-	-
Poland	12.170	12.160	99	1
Romania	34.371	33.896	98	2
Slovenia	958	925	96	4
Slovakia	1.016	987	97	3

2 The quantity /content of the required documentation for visa application;

A multitude of the participants mentioned that t**he quality and the content of the documents demanded by the Consulates** for visa application create problems.

Below is a list of documents required by the Consulates for business / tourist visa applications. This information is gathered through the web sites of related Consulates and/or from visa information system. However, it is reminded that the Consulates always have the right to demand extra documents.

Schengen Visa Application
Standard documentation demanded by the consulates
BUSINESS / COMMERCIAL VISA
(Maximum 90 days)

1. Passport valid for minimum 6 months starting from the date of application, signed and enough empty pages for visa issuance;
2. Copy of the passport (front-back pages, pages with visas);
3. Old passport(s) if exist;
4. Visa application form / statement;
5. 2 passport type photographs (biometric / not older than 6 months / no retouching and with visible contrast);
6. Invitation letter from the corresponding company on a letterhead / invitation letter (for employer and employee);
7. Visa application letter from Turkish company on a letterhead / guarantee letter (for employer and employee);
8. Copy of company's list of authorized signatures (for employer and employee);
9. Company's Chamber of Commerce registration and trade corporation registration (for employer and employee);
10. Company's operating certificate (for employer and employee);
11. Company's tax registration (for employer and employee);
12. Company related pages of the Trade Registry Gazette (for employer and employee);
13. Hotel reservation (for employer and employee);
14. Plane return ticket reservation (for employer and employee);
15. Travel insurance starting from the first day of the travel in question and covering the demanded visa period (valid for all Schengen countries) (for employer and employee);
16. Letter verifying registration with the Social Security Institution or notarized employment contract (for employee);
17. Breakdown of last 4 months payments to the Social Insurance Institution (for those affiliated with SII) (for employee);
18. Application fee or bank slip showing the payment is made (for employer and employee);
19. If the applicant is self-employed, a letter from the applicant's trade/craft institution;
20. Update documents and information showing the original income and livelihood status (bank passbooks –original and copy-, certificate of real estate and car license –if exist-, documents regarding all assets, like bank statement showing updated credit limit of the credit card –original and copy-) (for employer and employee).

Table – 24: Documents demanded by the Schengen countries for commercial visa

Germany *Updated:* *June 2009*	➢ Tax registration from the tax office with registration date, original (employee) ➢ *Bağkur* certificate (social security organization for artisans and self employed) (employee) ➢ In case of change of work, document from the former company citing the duration of work (employee) ➢ Proof of financial status of the company in Turkey (employee) ➢ Record of the previous business transactions with the corresponding company (employee and employer)
Austria *Updated:* *November 2009*	➢ Certificate of identity register copy (not older than 3 weeks) (employee and employer) ➢ Birth certificate copy (employee and employer) ➢ Marriage license original and copy (employee and employer) ➢ Electronic invitation number from the corresponding company (employee and employer) ➢ Identity information of the corresponding company owner/representative (employee and employer) ➢ Company breakdown/registration of the corresponding company (employee and employer) ➢ Financial strength proof of the corresponding company (employee and employer) ➢ Updated bank account information of the last 6 months (employee and employer)
Belgium *Accessed:* *January 2010*	➢ 3 photographs (employee and employer) ➢ 2 visa application forms (employee and employer) ➢ Record of the previous business transactions with the corresponding company (employee and employer) ➢ Photocopies of all the documents handed to the Consulate/intermediary agency (employee and employer)
Czech Republic *Updated:* *February 2010*	➢ Marriage license original and copy (employee and employer)
Denmark *Accessed:* *February 2010*	➢ Visa application supplement form (employee and employer) ➢ Certificate of identity register copy (not older than 3 weeks) (employee and employer) ➢ Marriage license original and copy (employee and employer) ➢ Documents showing the education and language literacy of the applicant (employee and employer)
Estonia *Updated:* *November 2009*	➢
Finland *Updated:* *January 2010*	➢ Certificate of identity register copy (not later than 1 month) (certificate of identity of mother, father, brothers and sisters, spouse – if married- and all children -if there are) (employee and employer) ➢ For males between 20-30 years of age military status (employee and employer) ➢ *Bağkur* certificate (employee)
France *Accessed:* *February 2010*	➢ *Bağkur* certificate (employee) ➢ Personal bank account information (employee and employer)
Netherlands *Accessed:* *February 2010*	➢ *Bağkur* certificate (employee) ➢ If the applicant will participate in a fair, invitation for the fair and one copy (employee and employer)
Sweden *Accessed:* *February 2010*	➢ Registration number of the corresponding company (employee and employer) ➢ Letter clarifying the sponsor of the travel and accommodation expenses (employee and employer)
Spain *Accessed:* *February 2010*	➢
Italy *Accessed:* *January 2010*	➢ Applicant's business contract with the company (employee and employer) ➢ Readable copy of the identity information of the signatory of the invitation letter from corresponding company (employee and employer)
Latvia *Accessed:* *February 2010*	➢
Lithuania *Accessed:* *February 2010*	➢ An invitation issued and approved for the name and address of the applicant by the Lithuanian Internal Affairs Ministry Immigration Office (employee and employer) ➢ Travellers cheque or relevant bank account amounting € 40 per diem (employee and employer) ➢ Cooperation agreement copy with the corresponding company (employee and employer)
Hungary *Accessed:* *February 2010*	➢ Document issued by the relevant Hungarian Chamber of Commerce proving the commercial relations between the two companies (employee and employer)
Malta *Accessed:* *February 2010*	➢ Contact information and signed copy of identity of the signatory of the invitation letter (employee and employer) ➢ Company's bank accounts copies (last six months) (employee and employer) ➢ Identity copy (employee and employer)
Luxembourg *Accessed:* *February 2010*	➢ 3 photographs (employee and employer) ➢ 2 visa application forms (employee and employer) ➢ Record of the previous business transactions with the corresponding company (employee and employer) ➢ Photocopies of all the documents handed to the Consulate/intermediary agency (employee and employer)
Poland *Accessed:* *February 2010*	➢ Identity copy (employee and employer) ➢ Marriage certificate copy (employee and employer) ➢ Birth certificate copy (employee and employer) ➢ KRS registry of the corresponding company and copy of identity of the signatory of the invitation letter (employee and employer) ➢ Balance sheet copy of the company (employee and employer) ➢ Document from *Bağkur* certifying that the company has no corporal debts (employee and employer)
Portugal *Accessed:* *February 2010*	➢ Identity copy
Slovakia *Accessed:* *February 2010*	➢ Notarized invitation from the corresponding Slovak company (employee and employer) ➢ Identity copy (employee and employer) ➢ Marriage license and a copy (employee and employer) ➢ Birth certificate copy (employee and employer) ➢ Applicant's last 6-12 months income breakdown(employee and employer)
Slovenia *Accessed:* *February 2010*	➢ Declaration of clean record (employee and employer)
Greece *Accessed:* *February 2010*	➢ Document showing partner's shares issued by the chamber of commerce or industry (employee and employer) ➢ A recent operational record of the corresponding company issued by the chamber of commerce (employee and employer)

Schengen Visa Application
Standard documentation demanded by the consulates
VISITOR / TOURİST VISA
(Short stays)

1. Passport valid for minimum 6 months from the date of application, signed and enough empty pages for visa issuance;
2. Copy of the passport (front-back pages, pages with visas);
3. Old passport(s) if exist;
4. Visa application form / statement;
5. 2 passport type photographs (biometric / not older than 6 months / no retouching and with visible contrast);
6. Letter indicating the purpose and detailed itinerary of the stay;
7. Visa application letter from Turkish company on a letterhead / guarantee letter (for employer and employee);
8. Copy of company's list of authorized signatures (for employer and employee);
9. Company's chamber of commerce registration and trade corporation registration (for employer and employee);
10. Company's operating certificate (for employer and employee);
11. Company's tax registration (for employer and employee);
12. Company related pages of the Trade Registry Gazette (for employer and employee);
13. Hotel reservation (for employer and employee);
14. Plane return ticket reservation (for employer and employee);
15. Travel insurance starting from the first day of the travel in question and covering the demanded visa period (should be valid in all Schengen countries) (for employer and employee);
16. Letter verifying registration with the Social Security Institution or notarized employment contract (for employee);
17. Breakdown of last 4 months payments to the Social Insurance Institution (for those affiliated with SII) (for employee);
18. Student certificate original (for students);
19. Retired identity and a copy (for the retired);
20. Application fee of bank slip showing the payment is made (for employer and employee);
21. If the applicant is self-employed, a letter from the applicant's trade/craft institution;
22. Update documents and information showing the original income and livelihood status (bank passbooks –original and copy-, certificate of real estate and car license –if exist-, documents regarding all assets, like bank statement showing updated credit limit of the credit card –original and copy-) (for employer and employee);
23. For children under 18, notarized assent of the family "my child can go abroad", notarized translation of the assent to the language of the country travelled or to English.

Table – 25: Documents demanded by the Schengen countries for tourist visa

Germany *Updated:* *June 2009*	➢ Certificate of identity register copy (not later than 1 month) (certificate of identity of mother, father, brothers and sisters, spouse –if married- and all children -if there are)
Austria *Updated:* *November 2009*	➢ Electronic invitation filled in by the inviting person or the person to be visited in Austria
Belgium *Accessed:* *January 2010*	➢ 3 photographs ➢ 2 visa application forms ➢ Photocopies of all the documents handed to the Consulate/intermediary agency
Czech Republic *Updated:* *February 2010*	➢ Marriage license original and copy ➢ Updated identity registration original
Denmark *Accessed:* *February 2010*	➢ Updated identity registration original ➢ Marriage license original and copy ➢ Documents showing the education level and language literacy of the applicant ➢ Operation certificate of the travel agency, original
Estonia *Updated:* *November 2009*	➢
Finland *Updated:* *January 2010*	➢ Operation certificate of the travel agency, original ➢ Identity, original and a copy ➢ For males between 20-30 years of age military status
France *Accessed:* *February 2010*	➢ For those who will stay with an acquaintance, an invitation letter approved by the related municipality in France ➢ Certificate of identity register copy (not later than 1 month) (certificate of identity of mother, father, brothers and sisters, spouse –if married- and all children -if there are) ➢ Updated identity registration original
Netherlands *Accessed:* *February 2010*	➢
Sweden *Accessed:* *February 2010*	➢ Certificate of identity register copy (not later than 1 month) (certificate of identity of mother, father, brothers and sisters, spouse –if married- and all children -if there are) ➢ For males between 20-30 years of age military status
Spain *Accessed:* *February 2010*	➢ A petition addressed to the Embassy/Consulate of Spain
Italy *Accessed:* *January 2010*	➢ For those who will stay with an acquaintance, invitation letter and the identity copy of the said acquaintance ➢ If the stay will be financed by the acquaintance, a letter of guarantee issued by an Italian bank
Latvia *Accessed:* *February 2010*	➢
Lithuania *Accessed:* *February 2010*	➢ Travellers cheque or relevant bank account amounting €40 per diem)
Hungary *Accessed:* *February 2010*	➢ Operation certificate of the travel agency, if the travel is done by an agency
Malta *Accessed:* *February 2010*	➢ Valid credit card or cash enough to spend €48 per diem ➢ Updated-6 months bank account movements breakdown and bank passbook ➢ Marriage license and a copy ➢ Birth certificate copy ➢ From a resident in Malta, a notarized letter expressing that she / he will accommodate the applicant, and if need arises she / he will sponsor the applicant's stay in Malta ➢ Contact information and identity copy of the inviting person
Luxembourg *Accessed:* *February 2010*	➢ 3 photographs (employee and employer) ➢ 2 visa application forms (employee and employer) ➢ Photocopies of all the documents handed to the Consulate/intermediary agency
Poland *Accessed:* *February 2010*	➢ Identity copy ➢ Marriage certificate, original and a copy ➢ Certificate of identity register copy (not later than 1 month) (certificate of identity of mother, father, brothers and sisters, spouse –if married- and all children -if there are)
Portugal *Accessed:* *February 2010*	➢ Identity copy ➢ Certified original invitation and if the inviting person will finance the applicant's stay, copy of documents certifying inviter's financial situation
Slovakia *Accessed:* *February 2010*	➢ Identity copy ➢ Marriage license and a copy ➢ Birth certificate copy ➢ A facsimile of the voucher by the hotel with a cover letter to the Consulate indicating all expenses are paid. ➢ Notarized invitation from family and friends to be visited
Slovenia *Accessed:* *February 2010*	➢ Declaration of clean record ➢ Residence document
Greece *Accessed:* *February 2010*	➢ If it is a family or acquaintance visit, an invitation letter guaranteeing that the inviter will sponsor the applicant's stay

The complaints concerning the documents can be categorized under these subheadings:

- **Consulates asking for too many documents:**

Regardless of the type of the visa applied for, the exhausting list of necessary documents is the top subject matter of complaint. Obtaining these documents causes time and money losses.

- **Content of the documents pose another basis for complaint:**

From the point of view of the business world, demanding of some documents creates an environment that is in violation of the principles of commercial discretion and commercial ethics. The business people claim that, for example, the documents they have to obtain from their commercial partners (invitation letter) or some commercial or financial activities that they have to declare; leave them in an inconvenient position before their counterparts or competitors and distort the level playing field, opening a way to unfair competition.

People from different segments of the society who apply for tourist visa also complain about the nature of the documents they have to present. For instance; when somebody wants to make a very short tourist travel to one of the EU countries, she / he is asked alongside with a number documents, details of her / his bank accounts, credit cards, real estate ownerships, vehicle licenses. People find this highly "**disproportionate**". The process of collecting numerous documents for a very short tourist visit consumes a great deal of time and energy. Moreover, when the proportionality and consistency between the whole body of documents and the duration and purpose of the visit is highly disputable, this creates a deterrent effect, and in some instances it even effects the travel decision itself. Some of the participants also mentioned that it is objectionable as regards the protection of personal privacy and confidentiality of personal information.

"The Consulates demand some documents of which confidentially is ensured by laws in Turkey, like tax declaration of property, bank accounts. Consulates violate the principle of privacy of personal life by demanding credit cards (...) in visa applications, notions like commercial ethics and commercial privacy are ruined."

Businessman / Ankara

- **Additional documents demanded by the Consulates and related additional procedures / expenses:**

As stated above, the Consulates or the intermediary agencies may demand additional documents if they deem necessary. Therefore, asking additional documents, meaning extra/new documents not mentioned at first (notary approval, apostil, translation, sponsor, invitation letter, etc.) incurs financial and moral losses in the applicant. On the one hand, the visa process takes longer than anticipated, and on the other, preparation and presentation of additional documents necessitate additional time and additional resources. Furthermore, the participants of the project state that in cases where the Consulate works with a fully authorized intermediary agency, there are discrepancies between the documents demanded by that institution and the Consulate. It creates undesired situations when the Consulate deems a document is missing that have not been demanded by the intermediary agency at first. Such discrepancies, in which the applicant has no say at all, sometimes lengthen the process and in some instances they even cause the rejection of the application.

"The university in Europe has sent invitation letters to us. The Consulate officials did not accept them saying they were forged and wanted the letters to be sent to the Consulate by facsimile directly by the European university (...) In the year 2009, we the researches and academics who work together –or try to - with our EU counterparts virtually miss meetings due to visa procedures, and have to endure the humiliating treatment of the Consulate officials. This is unacceptable. While a European researcher freely conducts research all around Europe, we still bang into the visa wall"

Academic / Izmir

- **Complaints regarding the original document requirements of the Consulates**

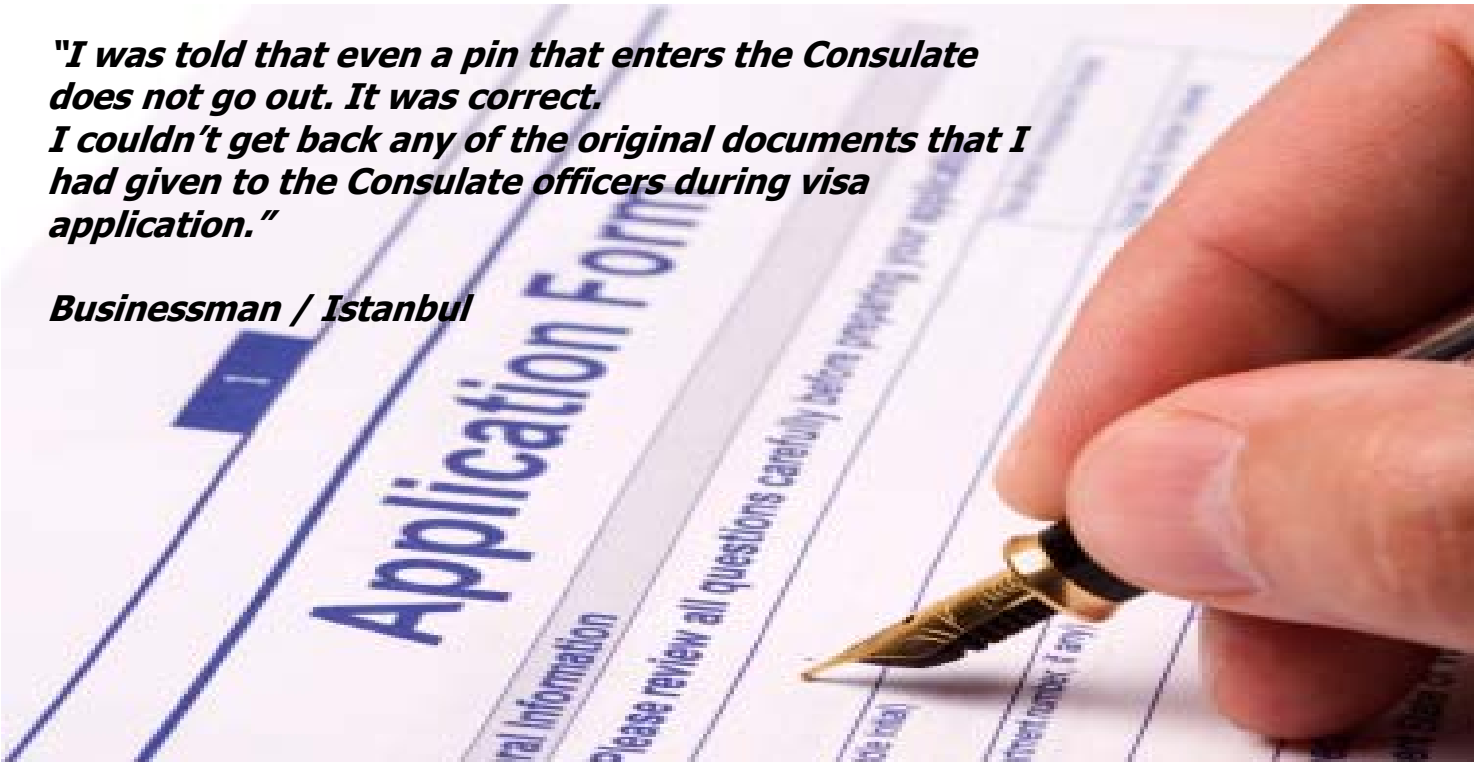
Some consulates insist on having the original of some documents and do not accept copy, which makes it more difficult for the applicant to obtain (like demanding the one tax registration certificate of a public body which has hundreds of branches and thousands of workers around Turkey). Furthermore, if original documents are presented, there are cases that these documents are not given back.

Apart from all these, the majority of the complaints under this heading concern the "invitation letter from the sponsor institution" issue. The complaints of the participants reveal that the applicant is usually told to produce the original of the invitation letter and in most cases the "sponsor" person or institution is asked to send the invitation letter directly to the Consulate, testing in a sense the reliability of the applicant, or in fact, acting with the prejudgment that the applicant is not reliable. Among the complaints are also the requirements of very hard to get documents or documents that do not even exist.

Other important areas of complaint are the followings having to fill in the application forms in a foreign language and as pointed out by some of the participants having to endure "humiliating and offensive" questions and treatment.

Questioning of the verity of the submitted documents by the Consulate officials; the need to have plane ticket reservations and travel insurance before the issuance of the visa appear as problems also.

"Bank letter of guarantee" demanded by some Consulates for student visas is another important area of complaint. Some Consulates do not ask letter of guarantee if the student has a scholarship but asks the scholarship documents. Whereas some other Consulates demand that a certain amount of money is *monthly blocked* in a bank as a guarantee regardless of the existence of a scholarship (including the Erasmus students).



"I was told that even a pin that enters the Consulate does not go out. It was correct.
I couldn't get back any of the original documents that I had given to the Consulate officers during visa application."

Businessman / Istanbul

Every member state has different criterion for **biometric** photographs and the need to have a biometric photograph taken in the last 6 months compatible with these differing criteria poses another difficulty and increases the visa expenses. Besides, the ambiguous criterion concerning the photographs make the rejection of visa applications easier claiming that the photographs do not meet the standards.

Source: http://www.focanjazz.com/

A musical protest to the visa torture

In his new album "**36mm Biometric"** jazz guitarist Önder Focan criticizes the photograph crises he had to live in a Consulate during his visa application.

Önder Focan's song "36mm Biometric" also his new album's title was written upon a visa adventure he lived two years ago: "*I waited for a long queue in the Consulate, all the documents ready in my hand. When it was my turn they told me that my photograph was not biometric the way they require. I went back, had my photograph taken again, queued the long queue again... had to live all the problems twice. All the EU countries ask a Schengen visa but there is no standard to it. Each time you have to do it all over again. They said it had to be 36mm biometric. If we divide the word biometric; "bios" means life "metre" is a measurement unit. I can not comprehend how they can measure life with a 36mm passport photograph*."

Source: Hürriyet newspaper
http://www.hurriyet.com.tr/gundem/12747498.asp
Access date: November 2009

- **Visa exemption document:**

As stated above, Germany made an amendment in its administrative procedure after the EJC's *Soysal* ruling of February 19, 2009. According to this amendment, Turkish citizens, only with the below mentioned travel purposes and for a maximum period of two months can enter Germany **without a visa**.[6]

1. With the purposes of temporary service providing on behalf of an employer operating in Turkey:

1.1. Trans border travelling person and driver in freight business and ship or plane crew;

1.2. Persons responsible for the assembly, maintenance and repair of the systems and machinery delivered on behalf of the employer abroad.

2. Those who travel to supply services against payment:

2.1. Those who will make a presentation or perform a show with a very high degree of artistic value (internationally known artists and artist groups, so that in an international comparison, the presentation or performance of these persons must be considerably better than the others);

2.2. Those who will make a very important scientific presentation or perform a demonstration; or

2.3. Those who will perform sports (only those whose livelihood mainly comes from this line of work).

[6] http://www.istanbul.diplo.de
(Access date: January 2010)

"Visa exemption is very ambiguous: You have to present as many documents as a visa application to get an exemption (...) Besides, the border police knows nothing about a visa exemption document (...) Although I had my exemption document with me, I was sent back by the border police of the country I was travelling to."

Academic / Istanbul

This new administrative procedure that Germany started to implement after the Soysal ruling, gives visa exemption only to service providers and as stated above, only to some specific groups within service providers. Besides, the right to stay in Germany without a visa is limited to the duration of service providing and it is only valid for Germany; other Schengen countries do not fall under this system. This procedure does not cover people who want to travel to Germany or stay there to receive services.[7]

The extend of this new practice as well as its consistency with the *Soysal* case is arguable. In addition, it is advised that the people within the above mentioned categories should take a visa exemption document from Germany's representative offices in Turkey before they travel to Germany. Moreover, people who fall under the abovementioned categories 1 and 2 and who will travel to Germany should present numerous documents alongside the passport copies to those representatives[8].

[7] Berlin Administrative Court rejected the application of a Turkish national in November 2009, to bring a lawsuit in order to enter Germany to see his children and to receive passive services basing on the Soysal ruling. However, Berlin High Court annulled the decision; gave an opinion that the application should be evaluated and Turkish national's expenses should be covered during the lawsuit.

[8] http://www.istanbul.diplo.de/Vertretung/istanbul/tr/07/VisaMerkblaetter/Allgemeine__Informationen/Visa__Erleichterung__DD,property=Daten.pdf access date February 2010

The calls received via e-mail or telephone during the project clearly demonstrated the practical difficulties of the new procedure Germany launched after the *Soysal* ruling. First of all there is ambiguity regarding the visa exemption criterion. For example a person considers that she / he pertains to one of the categories listed above and that it would be enough to have a visa exemption document to enter Germany without a visa. Thus she / he goes to the Consulate having all the necessary documents ready, but she / he may be told at the Consulate that she / he is not exempted and has to get a visa. This, not only complicates the application process, but also creates a massive loss of time for the person who has to start all over again to prepare visa documents and may end up endangering the planned/scheduled visit. There are also examples in which a person is met with a refusal at the border and has to turn back although she / he has a valid visa exemption document.

It is understood through the visa hotline project that this new application put into practice by Germany after Soysal ruling, to facilitate the visa procedures of Turkish citizens, has unforeseen complications and the visa problems of the Turkish citizens can not be eradicated. On the one hand, it is not clear who would qualify for an exemption, and on the other, even for the people qualifying for an exemption, a number of documents are also required. Consequently, although it has been a short span of time since the application started, the experience did not live up to optimistic expectations. Furthermore, a dual system (visa and exemption document) – so far – created ambiguity and confusion.

3 Visa application fee (visa fee / fee of the intermediary agency and other fees and commissions);

"**Visa Hotline Project**" shows that the visa fee paid to consulates / intermediary agencies and also "other costs" are important complaints.

Complaints under this category are the following:

- **Excessive visa fee;**
- **Service fee demanded by the intermediary agency;**
- **Fee for the PIN code to schedule an appointment with the consulate or the intermediary agency;**
- **Bank commissions due to the fact that the visa fees are paid to the banks;**
- **Costs related to the requested documents;**
- **Differences in visa fees demanded by different Consulates, due to different exchange rates applied;**
- **Some Consulates accept the visa fee in Euros only;**
- **Amount paid to "facilitators" during the visa application process (filling in the application form, travel insurance, etc.);**
- **Extra amount paid in case the applicant requests information regarding the status of her / his application (especially by telephone);**
- **If the visa application is rejected, no refund of the visa fee;**
- **As the long stay/multiple entry applications end up as short stay/single entry approvals, the need to apply for visas in short intervals.**

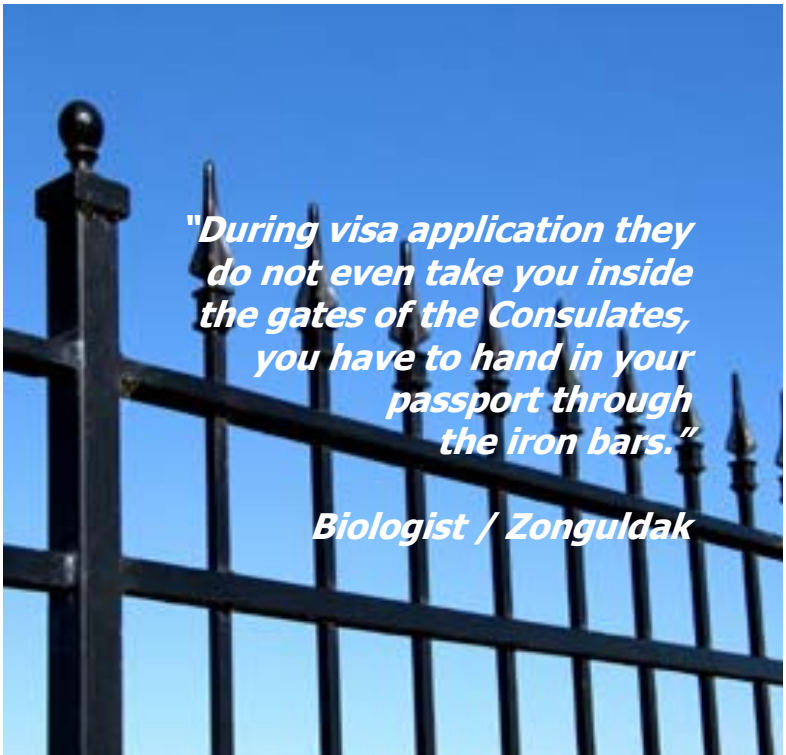
Schengen *Acquis* and the Member State Practices

From a normative point of view Schengen area is – like other areas in the EU – a set of standards which has rules of its own (Schengen *acquis*). In other words, Member States that choose to be in the Schengen area are bound to apply uniform rules towards third countries. Thus, although Turkey is at the stage of accession negotiations, technically it is a third country (a non-EU member), and according to EU Council regulation

539/2001[9], Turkey is in EU's black list. This means that Turkish nationals are in the category of people who has to have a visa in order to enter the EU. As this is the case today, if the Schengen system is to work efficiently, the Schengen countries have to adopt common procedures and apply them homogenously. According to the Community Code for Visas (**Visa Code**[10]) applicable towards third country nationals for short stays not more than 3 months up to 6 months; common standards will be set, practices will be harmonized and the system will become more transparent. The main provisions of the code are as follows;[11]

- A standard fee (the visa fee is set as 60 Euros for persons from the age of twelve and older);
- Standard application documents (an application form, a valid travel document, a photograph, a document indicating the purpose of the journey, proof of sufficient means to cover accommodation and subsistence, proof of travel medical insurance as well as information enabling an assessment of the applicant's intention to leave the Schengen territory before the expiry of the visa);
- A decision should be taken within **15** calendar days.
- In case of a refusal, **Member States are obliged to give a motivation of their decision** and refused applicants have the right to appeal against the particular member state under its national law. To facilitate this task, Member States have to provide applicants with information regarding the procedure to be followed.

The actual situation is quite the opposite. For instance 60 Euros Schengen fee increases considerably when expenses like fee of the intermediary agency, PIN code fee to get an appointment, bank commission fee etc. are added. There are also differences as regards fees among the EU Member States (Table – 26).



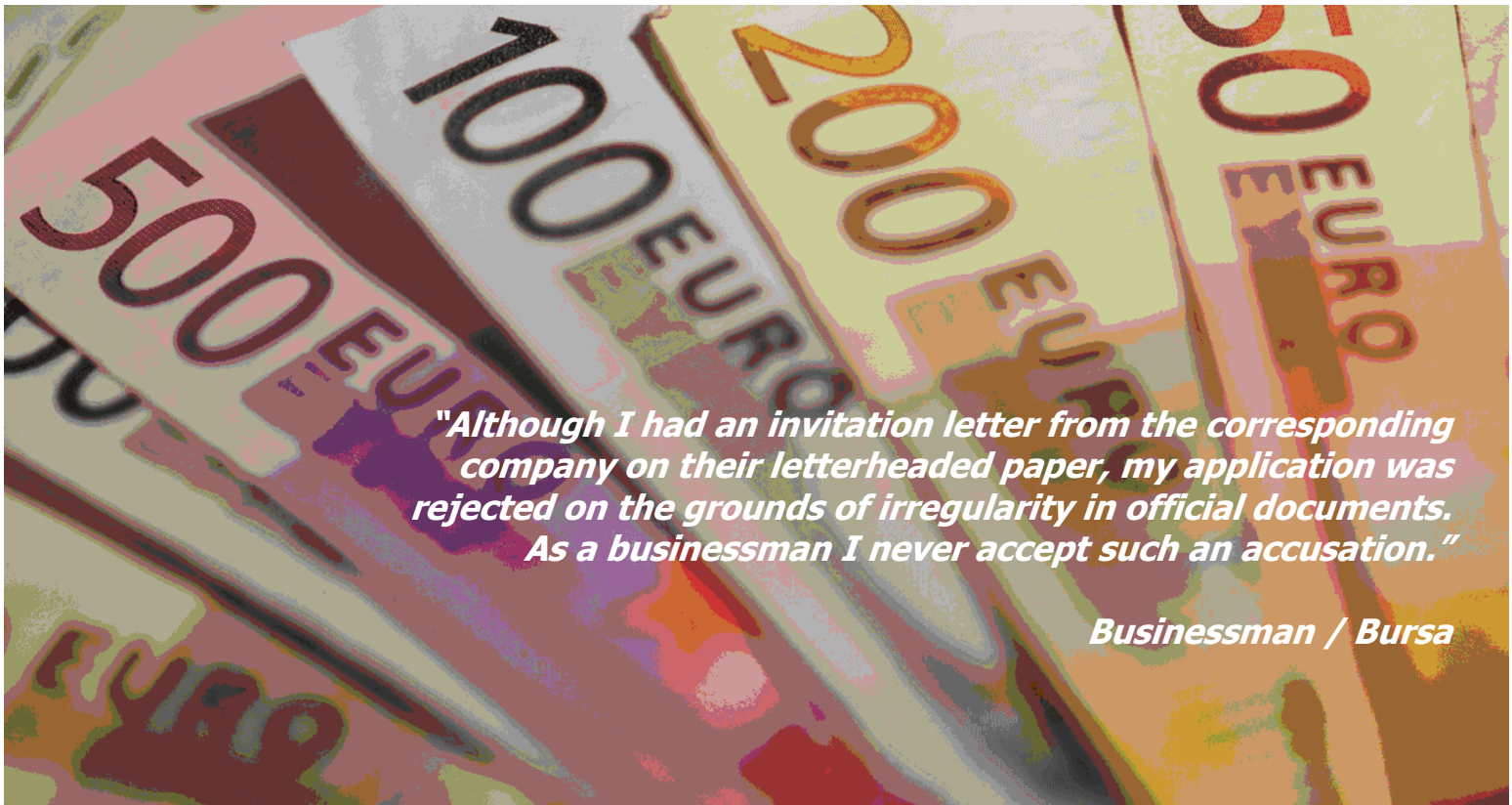
[9] *Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (consolidated version of 19 January 2007.*

[10] *Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 Establishing A Community Code On Visas (Visa Code).*

[11] Visa code will be applicable as of April 5, 2010

Table – 26: Fees for Commercial / Tourist Visa
(*) Fees have been updated in January 2010.

	Accepted currency	Visa fee	Intermediary agency / appointment centre fee+ cargo expenses (in TL)	Bank commission / PIN code fee (in TL)	Total in TL (€60=130TL)
Belgium	TL	138 TL	45	9-11	192-194
Finland	€	€ 60			130
France	€	€ 60	21	9-11	160-162
Sweden	TL	125 TL			125
Germany	€	€ 60	23	9-11	162-164
Italy	€	€ 60	40	9-11	179-181
Netherlands	TL	130 TL	23		153
Luxembourg	TL	138 TL	45	9-11	192-194
Greece	TL	130 TL			130
Portuguese	€	€ 60			130
Spain	€	€60=130,80TL			130,80
Austria	€	€ 60	26	9-11	175-177
Denmark	TL	130 TL	28	9-11	167-169
Poland	TL	130 TL			130
Estonia	€	€ 60			130
Lithuania	€	€ 60			130
Latvia	€	€ 60			130
Malta	€	€ 60			130
Czech Rep.	€	€ 60			130
Hungary	€	€ 60			130
Slovakia	€	€ 60			130
Slovenia	€	€ 60			130



As a result:

As it is explicit in the table above, alongside with the openly pronounced charges like fees, there are the "**disguised**" charges as well. In addition to the expenses accrued by the documents the Consulate and the intermediary agency demand (e.g. notarized translation); there are also charges paid to third persons and institutions (e.g. filling in of the application forms, translation costs etc.) and these increase the overall expenditure of obtaining a visa.

Furthermore, the visa fee is not paid back even if the application is turned down, and this is another major area of complaint. Usually the visa applications of long stay/multiple entry are approved – when approved – as short stay/single entry. This creates a second and/or third visa application in short intervals, which in turn doubles or triples the expenses as well as the burdensome process of document collection.

4 Attitude of the Consular personnel / the physical environment of the consulates;

Another issue of complaint is the treatment by the Consular officials as well as the inadequate conditions of the physical environment.

Complaints under this category are as follows:

- **No answer to information requests made by telephone to the Consulate / intermediary agency;**

As different documents are demanded for different visa types and information requests by telephone are often turned down, there is a great confusion at the side of the applicants and makes it very hard for them to receive "case specific" information. In other words officials of Consulates or the intermediary agencies ask the applicants basic questions to orient them to the suitable visa type; they refrain from answering any further questions which in fact would have helped the applicant and ease the process (visa type, document collection). There are standard patterns for visa types, and any question outside these patterns can not find a respondent. Another important point is that it is not possible to call the Consulates or the agencies for informative purposes during the visa process. Even to get answers to the general questions the applicant has to have a PIN code. To get that code you either have to give your credit card number on the phone or pay a fee to the bank. In the absence of a PIN code, the automatic answering system steps in, making it impossible to ask questions and get general information.

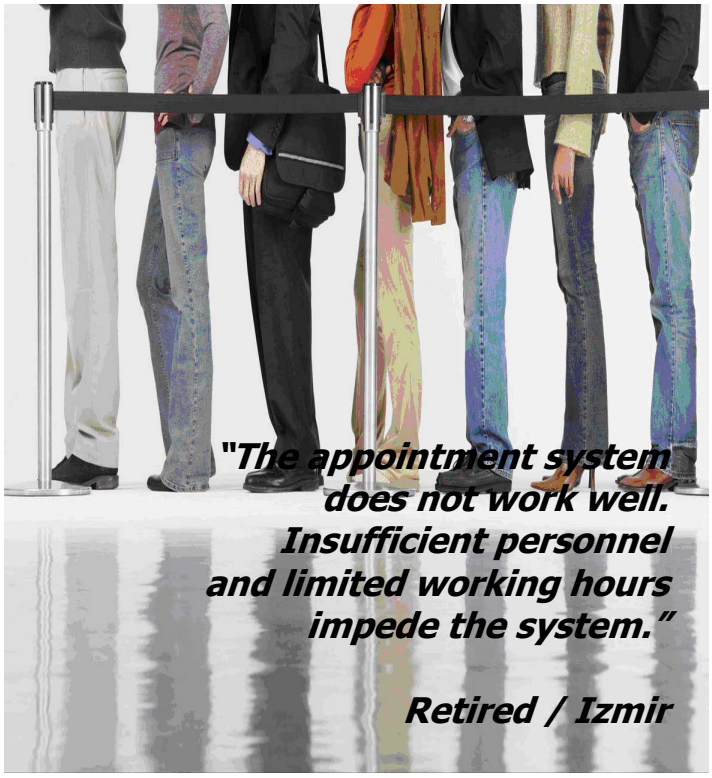
- **Communication problems with the Consular officials (lack of common language between the applicant and the officials);**

The language problem poses an important obstacle during visa procedures, creating communication hardships, not only further complicating the already difficult process but creating a basis for misunderstandings and confusions as well.

- **Problems regarding the appointment system (troubles in functioning, delays, etc.);**

In spite of the well defined and clear working hours of the Consulates on paper, the appointment system does not function

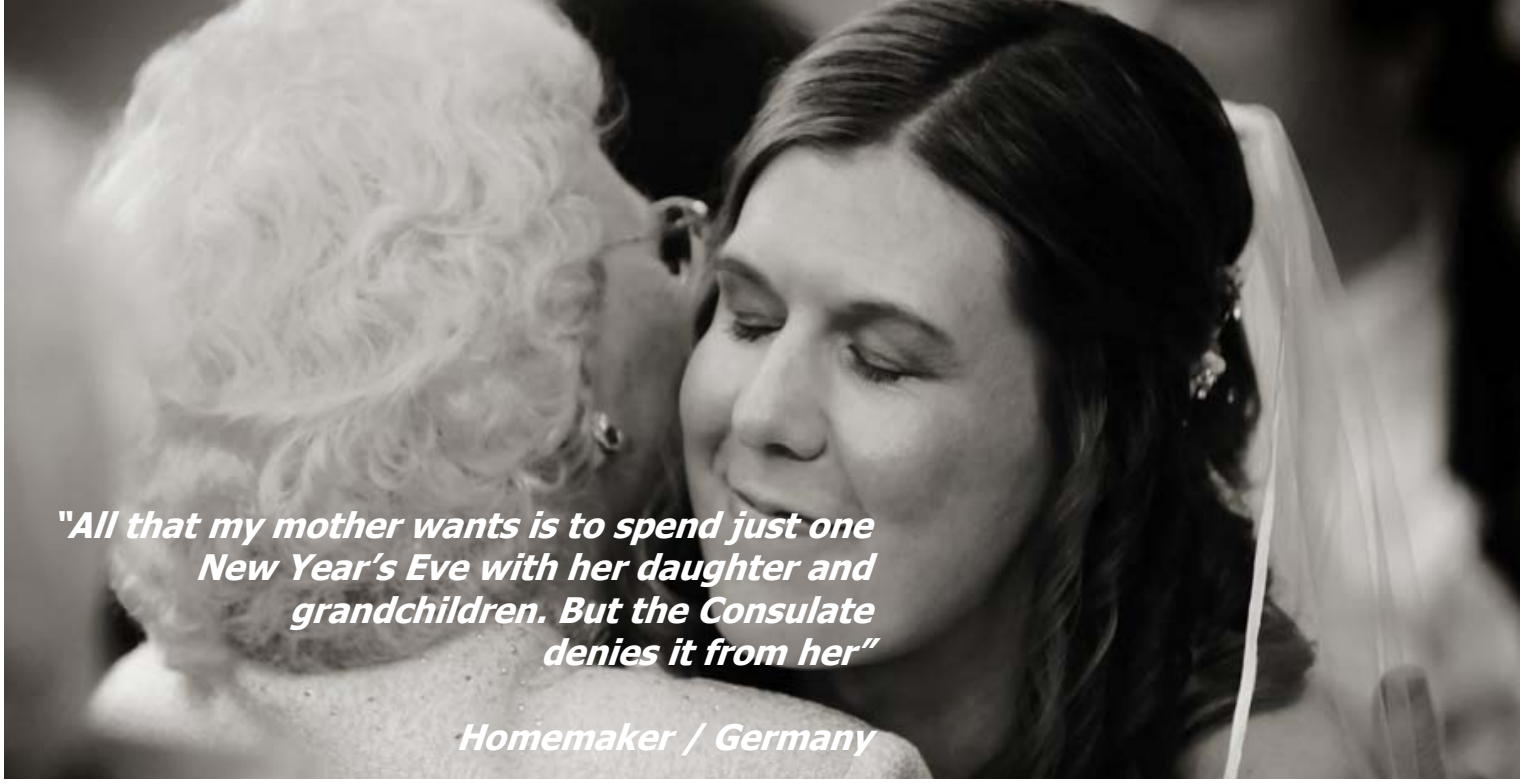
well. Thus, the applicant who has taken an off time from her / his job or other responsibilities does not know when her / his appointment is, and as appointments delay, towards the end of the closing time, they pile up creating disturbances. As the system does not operate well, people have to queue very early in the morning and sometimes wait until very late. These ambiguities engender losses of time and energy.



The Consulates and the intermediary agencies have insufficient personnel and limited working hours, and these factors hinder the system. During periods preceeding public holidays, the problems double due to the increase in the applications.

- **Delayed appointment date (especially a problem for urgent visa requests);**

Another frequent complaint concerns arbitrary appointments. Although the applicant has made plans and expects to set a near date for appointment, the Consulate of intermediary agency personnel may fix a highly delayed appointment date than foreseen. This is a common practice and many people miss occasions impossible to repeat (wedding, funeral, graduation etc.) or have to revise their plans. Some participants mention that the appointment date was fixed at a later date than the planned travel activity. Especially when people buy their plane tickets with early reservation options (suitable prices, fixed tariffs) and make their travel insurances accordingly, face enormous financial losses when the officials set a delayed appointment date. There is no method to reimburse those who miss important occasions and the psychological reflection of such events are described by the project participants as "**wearing**" and "**traumatic**".



- **Treatment by the consular / intermediary agency personnel and security guards (private security firms);**
  - Low manners
  - Humiliating manners
  - Arbitrary manners
  - Insolent manners

The attitude of the Consular and intermediary agency officials are usually described by the project participants as "insulting", "injurious" and "menacing". The manners of people whose job is to evaluate visa applications and mediate the process are regarded unacceptable and lead to reactions. The participants convey that as they are at the Consulates out of necessity and the officials, knowing this, abuse the authority they have on the applicant. The demonstration of this asymmetric power creates anger and growing reactions. It is also reported that the Consular officials discriminate among applicants and act arbitrarily. The Consulate and intermediary agency officials are said to be helping some applicants and treating them as they should treat everybody, whereas purposefully make life miserable for some other applicants. The Turkish citizens, in the calls and e-mails we receive through hotline, complain that they are treated like "2nd class", "3rd class" or even "5th class" citizens at the Consulates.

Complaints concerning the physical environment and the infrastructure of the Consulates concentrate on the following headings:

- **Excessive security measures (e.g. x-ray; conversation behind bulletproof glass, etc.);**
- **Poor physical infrastructure in the waiting lounges;**
- **Lack of minimum facilities (lockers, toilets, etc.).**

The physical environment of the Consulates and the intermediary agencies are poor. Especially when applicants want to comply with the warning of: "do not carry any personal belongings with you except the visa documents", the need to have lockers arises. This is another point that creates problems during visa applications. Apart from this, the excessive security measures and circumstances like having to talk with the Consular officials behind bullet-proof glass give the impression to the visa applicant as if she / he is a "threat to the security", and regarded as insulting.

"The excessive security measures in the Consulate made me uncomfortable as soon as I walked in to apply for a visa. You are only allowed to hold the paper given by the intermediary agency in your hand while in the Consulate, no metals. And when you go inside you have to talk to the Consular official behind bullet proof glasses. I leave it to you to decide what it means (...) Okay, I understand security is more important than everything but I am only a university student; and I already prove it with the documents.
What threat can I possibly pose?"

Student / Antalya

In order not to be subject to the abovementioned troubles, a number of institutions have separate agreements with various consulates, but this is not common. In some of the complaint forms that we receive, it is stated that some institutions wanted to cooperate with the Consulates to reach an understanding but could not due to the lack of interest on the Consulate side. However, chambers of commerce and industry generally have agreements with the Consulates through TOBB. Examples of this sort are TOBB's agreement with Italy "Italy visa procedures agreement" and with the Netherlands "Orange Carpet" practices.

Besides, Balıkesir Chamber of Commerce has commercial visa protocol with Romania; Gaziantep Chamber of Commerce with Italy's Izmir Consulate General. A reference letter by Kayseri Chamber of Commerce has a facilitating effect in German, France and Italian Consulates. Nevertheless, it should be emphasized that these agreements, apart being in limited numbers do not have a general effect to eradicate the existing inconveniences and inherent problems.

"I received an invitation from high ranking bankers of an EU member country to discuss credit issues. In the invitation letter, although the sponsor institution expressed that it will cover all expenses of my travel and stay; the Consulate officials gave me a list of required documents containing 23 entries. I protested the situation and cancelled the meeting and communicated the situation to the other party. My respondents, of course, were shocked and regretted what happened. (…) Something has to be done about these countries that deprive business people of their right to equal opportunities."

Businessman / Istanbul

5 Complaints about financial / moral costs;

The project results reveal that Turkish citizens are concerned with the financial / moral losses regarding the visa refusal or delays on visa application (especially business world, academia, students).

Complaints under this category are as follows:

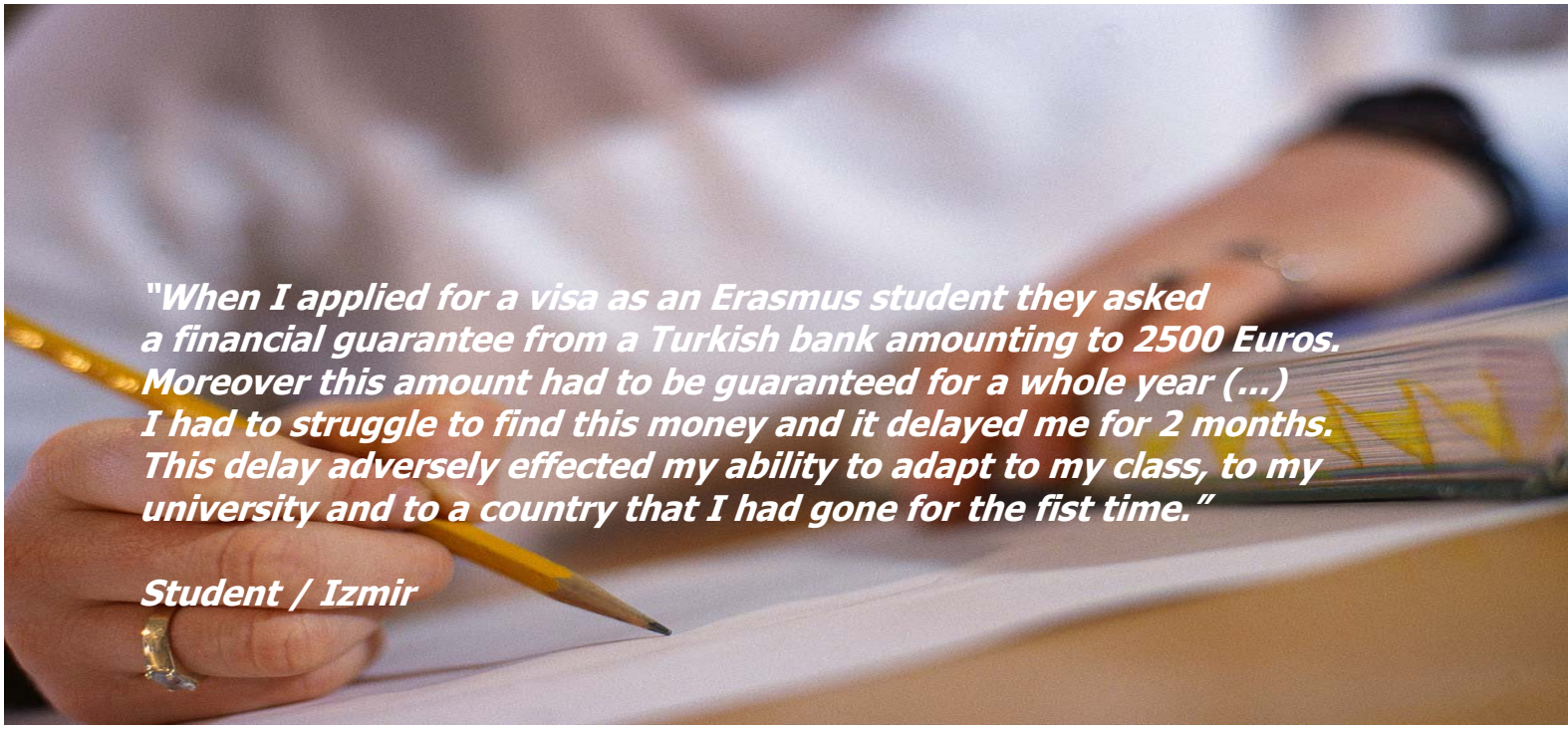
- **Non-refunded costs (e.g. insurance, transportation, accommodation etc.) due to delayed visa procedures or rejection;**
- **Costs related to the necessity of applying in person (travel cost to the cities where the consulates are located, transportation / accommodation and interruption of work, school etc.);**

The necessity of applying in person not only incurs financial cost; it also constitutes for the business people an important loss of time. Apart from this, especially the people living in cities where there are no Consulates find it hard and costly (travel, accommodation, etc.) to have to travel to Istanbul, Ankara or Izmir. A person as such has to leave her / his occupation (work, school, family) and travel intercity, and when the procedure is over has to travel again to get her / his passport back. What we understand from the complaints in our hotline is that, there is usually a third travel if the Consulates demand further documents or wish to speak to the applicant in person again.

- **The additional charges (form fee, translation costs, etc);**
- **Missed opportunities due to delayed approval or rejection of the visa application (business interview, fair, meeting, seminar, courses, university education, etc.).**

Among frequent complaints are: Erasmus students losing their rights or starting their courses with a month's delay; failing to go to research trips due to lack of visa; delayed participation of academic / doctors in international congresses and seminars; delayed participation of chamber members in international fairs or no participation at all.

In spite of being invited, being accepted or having a scholarship or having registered in the courses, having booked a fair-stand, having enlisted in a seminar programme, etc, people are deprived of all their (academic and professional) acquired rights because visa is either delayed or rejected. Such are the financial and moral losses of Turkish nationals. In addition, there are the alternative and consequential losses for business people failing to participate in fairs or to meetings that could have had fruitful perspectives. Such losses are impossible to reimburse.



- **Missed opportunities regarding once-in-a-lifetime events (wedding, funeral, graduation, etc.) due to delayed or denied visa;**
- **As the passports are held longer than normal in the Consulates, prospects of future travels become problematic.**

Even if a person withdraws her / his application due to a lengthy delay, she / he can not reclaim her / his passport immediately as the passport is "in procedure", thus any alternative programme or travel prospects disappear and the person can not leave the country until the Consulate chooses to give the passport back to the owner.

6 Complaints concerning the discrepancies between visa demanded and visa issued;

There are usually differences between the demanded visa and the visa issued by the consulate. The related complaints concentrate around the following:

- **Duration related problems;**
- **Visa type problems (single entry / multiple entry);**
- **Problems due to the D type visa issued for students that blocks their entrance into any other Schengen country.**

There is generally a difference between the visa applied for and the visa issued especially in relation to the duration of the stay. Besides, it is almost the rule, say many of our project's participants, for the Consulates to issue a single-entry visa even if the application demanded multiple-entry. This impedes free movement of people within the Schengen area. As for the students, the D-type visa that only allows for entry into the country of the planned study is clearly in contrast with the spirit of the Erasmus exchange programme. In addition to all these, the project participants disclose that the Consulates demand residence permit from Erasmus students and a work permit (Spain) from those who would go for internship.

Thus, as stated above, the EU countries have made it a general application or even a rule to issue single entry C type visas to Turkish nationals. Issuance of short stay single entry visas in stead of long stay multiple entry ones engender excessive costs; for a person who travels frequently will have to apply for visas and pay visa, insurance and other fees every time she / he travels Europe. Especially for the business people who apply for commercial visas, it is even a bigger problem, as their goods move freely due to the Customs Union but they have to go through burdensome procedures every time they want to go to places their goods go easily. This constitutes a point of rightful criticism. Limiting the freedom of movement of a business person who manufactures goods for EU markets is against all sorts of commercial logic and ethics. As for the tourist visas, or for people travelling for academic purposes, the same restrictive implementation seems to serve the purposes of delimiting the

people's stays in Europe and deter them applying for visas.

Some of the participants conceive that the short stay single entry visa practices stem from **commercial** concerns. For, they argue, there are examples of business people who had acquired a long stay multiple entry visa previously; who has various Schengen visas, USA visa, and whose wealth and business status had not changed since, still gets a short stay single entry visa in her / his new applications.

Regardless of the motives behind this practice, it is a fact that, visa has a **discouraging**, deterring effect. For it is stated by the participants that for tourist visas, people in order "not to go through the same torment again" choose to spend their holidays in countries where there is no visa for Turkish nationals or where the visa procedures are easier. Press news stipulate that now Turkish tourists tend to travel without a visa especially for short vacations, and new preferred routes are Morocco, Bosnia Herzegovina, Croatia, Tunisia and Syria[12]. As the people travelling with academic or commercial purposes can not shift their destinations as easily as the tourist, the said practices of EU countries create serious reactions and anger. A striking example is a complaint form received from an important university in Turkey. The complaint section of the form was left blank and a note was written at the end of the form stating that they have no complaints concerning visa issues with the EU countries as they have terminated all contacts with their EU counterparts and have been keeping their relations with the EU at a minimum, due to the demoralization and discouragement the EU visa practices created. The EU's visa practice which is described as "torture", "infliction", "ordeal" by the project participants, directly effect the travel decisions of Turkish citizens.

[12] Please refer for the said news; http://www.sabah.com.tr/Ekonomi/2009/11/28/vize_cilesinden_bikan_tatilcinin_gozdesi_fas_tunus_ve_suriye (access date: January 2010).

General complaints about the visa;

Complaints under this category are as follows:

- **"Facilitators" promising an easy-way during the visa application process (visa shopping);**
- **Visa request for grey-type passports (for service providers);**
- **Visa request for green-type passports ;**
- **No response from the Consulates when visa problems are addressed;**
- **To be obliged to cancel plans when passports remain with the Consulates for excessive periods (please refer above).**

The multi layered complex Schengen system has created its own players as is the case with all problematic systems. These people whom the participants refer as "facilitators", promise longer terms and easier visas over other countries through their "acquaintances". If this promise is fulfilled, a person having a visa from another Schengen country can enter any Schengen country of her / his choice as Schengen rules dictate. So, the applicants can get visas for longer stays but with higher fees (the longer the demanded stay, the higher the fee) over facilitators' acquaintances.

In fact this is the very thing that the Schengen acquis is trying to eradicate. When the internal borders are abolished by Schengen, the protection of external borders became even more important. So the Schengen states decided to work in coordination under common rules. On the other hand, fortifying the legal practices and different Member States applying different rules, brought alongside the

irregularities, arbitrary actions and at the final stage the illegalities. As stated above, for example a person who could not get a visa for Belgium by ordinary methods; could get a French visa by the help of the "facilitator" and enjoys her / his stay in Belgium. This is called "**visa shopping**". It is completely contradictory with the Visa Information System –VIS which envisages a common visa policy, cooperation between consulates and consultation between visa authorities[13]. The Schengen visa procedures being so laborious and inconvenient in Turkey, practically encourage such malpractices which are totally against the Schengen spirit. In order to get a visa, people agree to give credit card numbers, ownership documents, and all other confidential information to a total stranger. Such exercises are certainly not approved but they are important to note as they demonstrate the degree of desperation and helplessness of the Turkish nationals against the existing visa regime.

As stated in the complaints, there are some "professionals" waiting outside the Consulates and offering their "expertise" as to "guaranteeing a visa in a short time". They, in fact, try to deceive people. In addition, some of the participants claim that some Consulates work in secret cooperation with some agencies. According to these claims, some Consulate officials complicate the application procedure on purpose and direct the applicant to those agencies (for a commission or some kind of financial benefit in return). These allegations indicate the seriousness of the problems in the Schengen system, a series of complications which lead even to corruption.

There are different types of passports used in Turkey: dark blue, green, grey and red. Excluding the diplomatic passport -the red one; majority of the project participants carry dark blue passports i.e. the segment of the society who face the most difficult problems. Grey passport owners (service providers) consider they should not be asked for visas and complain about that. The owners of green passports (mainly doctors and academics) have two main areas of complaint: First; some EU countries do not ask visa for green passport, whereas some other EU countries do, and the owners of these passports do not understand this discrepancy.

[13] Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation).

The second complaint of the green passport holders which is issued for high ranking civil servants is that they are not offered any convenience concerning the document list or the waiting period.

On the next page there is a table showing the visa regimes of the EU countries and some other European countries applicable for Turkish citizens (Table – 27).

"As a professor I should have the right to travel to the EU without a visa even for tourist purposes. Many associate professors and professors in state universities are given green passports and they enjoy visa free access to EU countries. Being a member of private foundation university the Consulates only issue visas for 3 or 6 months as if mocking (...) So, I feel humiliated and do not travel to EU countries unless I really have to."

Academic / Istanbul

Table – 27: Visa regimes of European countries for Turkey according to passport type

	General Passport (Dark blue)	Diplomatic Passport (Red)	Service Passport (Grey)	Special Passport (Green)
Albania	X			
Austria	X			
Belgium	X			
Bosnia Herzegovina	X			
Bulgaria	X	* max. one month	* max. one month	X
Croatia	X			
Czech Republic	X			
Denmark	X			
Estonia	X			
Finland	X			
France	X			
Germany	X			
Greece	X			X
Hungary	X			
Iceland	X			
Ireland	X	X	X	X
Italy	X			
Latvia	X			
Lithuania	X			
Luxembourg	X			
Malta	X			
Netherlands	X			
Norway	X			
Poland	X			
Portuguese	X		X	X
Romania	X			
S.Cyprus	X	X	X	X
Serbia	X			
Slovakia	X			
Slovenia	X			
Spain	X			
Sweden	X			
UK	X	X	X	X

* '**X**' visa required
* The said passport holders are exempted from visa for maximum 3 months within 6 months
* This information is taken from Turkish Republic Ministry of Foreign Affairs (www.mfa.gov.tr) access date: January 2010

As the above table indicates Bulgaria, S. Cyprus, the UK, Ireland, Portuguese and Greece ask visa from Turkish citizens holding grey and green passports.

As mentioned before, the absence of an authority to communicate the hardships faced during visa procedures is a repeated complaint of the Turkish citizens. And when the complaints are addressed to the Consulates in question, no feedback is received. Besides, there is a general perception that the visa problem is not addressed enough even by the Turkish authorities. The calls and forms we received at visa hotline and **vize@ikv.org.tr** show that the Turkish citizens demand high level authorities to find a solution to the visa problem. The "ordinary people" regarded the **"Visa Hotline Project"** as an opportunity to share their feelings both verbally and in written form, as a platform to utter their reactions and demands; and this alone displays that the project focused on a very important and chronic problem.

8 Family reunions;

Although the issue of family reunions did not lie within the scope of the Visa Hotline Project, numerous complaints were received in this field. This, we believe, shows the multitude of the problems faced. Complaints under this heading were mainly on: rejection of visa application (especially Germany); delayed application outcomes (one year); and the injurious inquiries concerning private life.

Regarding rejection **Germany** leads **(36)**, followed by the **Netherlands (5)**, **France (4)** and **Belgium (4)** (Table – 28).

Table – 28: Family reunions

Country	Number of complaints
Germany	36
Netherlands	5
Belgium	4
France	4
Bulgaria	3
UK	3
Austria	1
Total	**56**

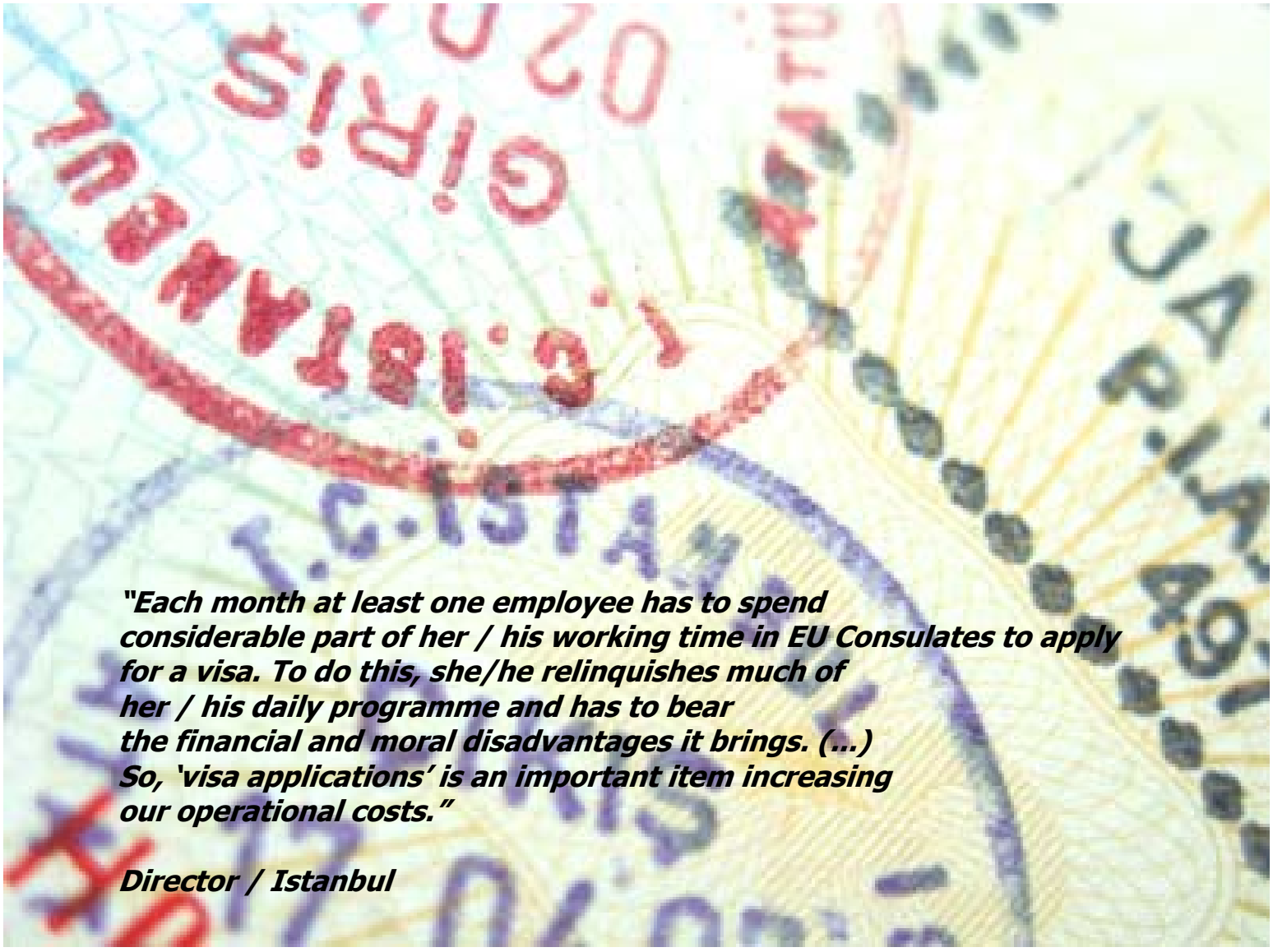
The complaints under this heading concentrate on the following subjects:

- **Rejection of the application for reasons of fictitious marriage;**
- **The humiliating nature of the demanded documents (wedding photographs, wedding video recordings, invitation cards, wedding ring pictures, written statements from 2-3 people invited to the wedding);**
- **Rejection of the application although the couple has children.**

The ones forwarded to IKV personnel during the project form only a small portion of the complaints concerning family reunifications. In recent years, a new set of harder and harsher rules are introduced pioneered by the Netherlands and quickly adopted by leading EU countries like Germany. Language exam, cohesion test and other strict and preventive barriers have negative effects on the Turkish nationals resident in the EU countries.

We will not dwell on this subject much longer as it is beyond the scope of our project, however one last point is worth mentioning: it does not come as a surprise that the majority of the complaints on areas like family reunion, long stay visa or residence permit concentrate mainly on Germany, the Netherlands and Belgium.

The fact that the number of applications to these countries is relatively higher compared to the other EU countries (Portuguese, Latvia, etc) increases the number of complaints. On the other hand, different factors stemming from long standing bilateral relations between Turkey and the countries like Germany, the Netherlands, France and Belgium also play roles in today's picture.



"Each month at least one employee has to spend considerable part of her / his working time in EU Consulates to apply for a visa. To do this, she/he relinquishes much of her / his daily programme and has to bear the financial and moral disadvantages it brings. (...) So, 'visa applications' is an important item increasing our operational costs."

Director / Istanbul

Past and Present: EU's Turkish Origin Citizens

The agreement signed between Turkey and Germany on September 30, 1961, was followed by agreements with the Netherlands, Belgium and France. Within the framework of these agreements, the said countries asked Turkey to send labour force for their employment markets in order to stimulate economic growth and to supply for the demographic imbalances they had. Upon Turkey's consent, a flow of "guest workers" started. In the first years of this flow, a liberal approach was adopted; thus the workers were received heartily, residence and work permits were issued easily and family reunions were handled with care and speed. However by the economic stagnation of 1967, work permit issuances were ceased, and finally, following the oil crises of 1973, European countries declared that they abolished all kinds of immigrations with work purposes.

In this framework, after the year 1973, Germany put an end to demanding foreign labor and many Turkish workers who went to Germany after 1973, first entered the country as tourists (then Germany did not ask visa from Turkish tourists) and than in order to stay longer and work, introduced themselves as refugees. It is usually stated that the visa requisition from Turkish citizens that entered into force in 1980, was not only a product of the term's political and economic environment but also was an attempt to prevent Turkish nationals from abusing Germany's asylum policy. The then Foreign Affairs Minister Hans Dietrich Genscher announced in his memorandum of July 4, 1980 the reason of launching visa requisition from Turkish citizens as of October 5, 1980 as "securing social peace". "Genscher did not settle for Federal Germany's visa application but talked other European countries into visa requirement for Turkey, even though at that time there were still border controls between the European states. As a result, Benelux countries (as of November 1, 1980) and France (as of October 5, 1980) launched visa applications and thus, European countries closed their doors to Turkish nationals one by one" (Aksoy, 2007). Subsequently, Helmut Schmidt, as the Chancellor in Germany's social-liberal coalition brought about restrictions to family reunions in an attempt to force the immigrants to return to Turkey. And a law enacted on December 2, 1981 brought down the age of family members that are allowed into Germany from 18 to 16 first and than to 6 (Herbert, 2001).

Immigration which was encouraged in line with the economic conjuncture of the time in 1960s; started to be portrayed as a source of instability and fear by the western nation states in recent years (Kaya and Kentel, 2001:17). All these fear and anxieties of the past are reflected in the immigration policies of the said states and lead to establishing more stringent policies towards Turkish nationals. The problems faced with in family reunions depict this fact.

However, shaping today's circumstances on the basis of yesterday's fears is a grave mistake. Today, the "third generation" Turkish immigrants in Germany are far ahead of the "first generation" considering their level of education, knowledge of the language; they not only adapt to the host country but contribute to the national economy as well. In a report published by Turkish Research Centre (TAM) Foundation on the Turkish immigrants in Germany (*); it is stated that in Northern Rhine Westphalia province the ratio of people with no education among over-60 year olds is 67,1 %, whereas 6,4 % among over-30s. Besides 16,4 % of over-30 hold a *Gymnasium* (**) diploma. When 30% of over-60s knowledge of German language is very good/good; this ratio is 75,9 % for younger than 30 year olds. The number businesses established by Turks were 22.000 in 1985, it became 61.000 in 2003. In the said province there are 20.500 enterprises and 67.500 business places under Turkish ownership. This is a solid indication that Turkish nationals in Germany are important contributors of labour market and economy.

(*) http://www.zft-online.de (access date: January 2010)

(**) "*Gymnasium*"'s academic curriculum is university education oriented and has a successful student profile compared to "*Realschule*" for middle-degree students and "*Hauptschule*" for vocational education. Students graduating from "Gymnasium" acquire the right to enter a university after passing the high school graduation certificate exam called "*Abitur*".

Visa Hotline Project
How Should We Read the Reactions?

The reactions are directed both to Turkish politicians and decision makers as well as the EU. Especially after the EU lifted visa application for Serbia, Macedonia and Montenegro in recent months, the feelings of **injustice** and **discrimination** in the Turkish people deepened. The expectations of project participants from the Turkish politicians and decision makers are twofold: First; improving relations with Syria and Libya, and lifting visa applications with these countries are positive steps, but, it is the Schengen visa procedure where the major problems lie, thus it should be taken as a priority to eradicate the grievances of the Turkish nationals concerning visa procedure that has long become a torment. Second is a measure against the EU nationals. *The calls to the Turkish authorities to implement the reciprocity principle are manifold. In a considerable number of e-mails, it is strongly argued that a visa scheme similar to Schengen should be implemented for the EU nationals who easily enter Turkey with only a few documents and moderate fees.* Consequently, the EU nationals who want to travel to Turkey will have to collect many documents like the Turkish nationals; will only be able to get a visa after passing through many hardships and paying high fees. It is apparent that those (numerous participants) who defend establishment of such measures tend to correct the **asymmetric relation** between Turkey and the EU by practical reciprocity. **Certainly such suggestions are not rational**, but it is important to note them as they demonstrate the psychological dimension of the problem. It will not be an exaggeration to say that approaches like "*let them experience what we have been living through"* and *"an eye for an eye"* are gaining increasing support in the society.

On the other hand, the feelings of anger and resentment towards EU visa policy have started to turn into an opposition against Europe or the EU. Some participants, who regard the visa application as humiliating and patronizing, reflexively start looking down on Europe. *This is a reactive and emotional EU opposition not a rational one; and is dangerous as it carries the risk of creating ultra-nationalistic tendencies. Tendency of minimizing the "European values", building a hierarchy with reference to the past ("these values were imported from the*

Ottoman Empire"), and at the final stage, establishing superiority over Europe which is aspired as a homogeneous block grow widespread. These attitudes, triggered by the unfair visa applications of the EU, as extreme as they are, should be taken as a serious warning for they signal a pro-withdrawn mentality. And this outcome totally contradicts with the EU's goals. The EU attaches great importance to people to people contacts and civil society dialogue; allocates considerable resources for the expansion of European values. For example according to the report "*The Hard Sell: EU Communication Policy and the Campaign for Hearts and Minds*" published by a UK based think-tank *Open Europe* in December 2008; the EU spent 2.4 billion Euros for all its communication activities in the year 2008. This amount is almost the triple of the annual global advertisement expenses of *Coca-Cola*[14].

It is a fact that the EU allocates a considerable budget to communication activities. However, on one hand the freedom of movement of persons – which is virtually the same thing as EU membership for many Turkish people – not being established, and on the other, the visa problem reaching levels to practically damage human dignity; create deep concerns among the Turkish public. Considering the decreasing levels of support given to EU membership in recent years, the current situation as it is, will strengthen the hands of those in Turkey against country's EU membership. As long as the totally unfair visa practice continues; the effects of it will be far beyond personal hardships and will reach a point to jeopardize the target of enhancing civil society dialogue.

[14] http://www.openeurope.org.uk/research/hardsell.pdf (access date:February 2010)

Visa Hotline Project
General Evaluation and Remarks

Turkey is a country that has an association relation with the EU since 1963; a candidate to the EU membership since 1999 and a negotiating candidate since 2005. So today, it is even more important than ever for Turkey and the EU to have good relations. It is of utmost importance that the prejudices and misunderstandings between Turkish and EU people are eradicated. One of the most important methods to do it is to establish freedom of movement or persons. Lifting the obstacles hindering free movement is an effective tool of "Europeanization" of a country and merging the civil societies. It is critical for social integration. A quick reminder at this point would be explanatory: When the accession negotiations were launched, the European Commission published a report on November 6, 2005. In the report the Commission proposed a three pillared strategy regarding Turkey. In the third pillar the Commission, in order to establish an understanding between the peoples of Turkey and the EU countries encouraged political and cultural dialogue to be created and sustained by the civil societies[15]. Today, in the fifth year of the accession negotiations, if the parties really want to reach that aim, the visa enforcement should be abolished. As the EU has established a visa exception for Serbia, Montenegro and Macedonia; as an associate country since 1963 and a negotiating candidate since 2005; it is Turkey's most natural right to demand the same treatment.

On the other hand, however, there are steps that Turkey has to take. Concrete moves should be made to secure document safety and to establish the usage of biometric passports (passports with chip). These moves would constitute important steps towards "visa free Europe" as well as Turkey's EU harmonisation works. The preparations for biometric passport have been postponed as the related tender was cancelled due to problems generating from the contracting firm. But the works should be speeded up. While the western Balkan countries enjoy visa exemption, Turkey still has not done the homework concerning biometric passports; and this strengthens the arguments of parties claiming that Turkey

[15]http://www.ikv.org.tr/icerik.asp?konu= degerlendirmeler&baslik=DEGERLENDIRMELER (Access date: February 2010)

is far away from the target of "visa free Europe".

Similarly, the EU watches closely the efforts undertaken by Turkey to adopt EU's integrated border control standards; for Turkey has long and problematic border lines with countries that EU considers politically risky. The fact that Turkey is in the middle of transition routs of illegal immigration (Asia, Africa and Europe);and that every year an approximate number of 500.000 – 1 million irregular immigrants enter Europe makes the issue even more important for the EU. Fight against illegal immigration to Europe over Turkey will become more effective once Turkey shows progress in the area of border control. In connection with this, within the framework of the reintroduction of Readmission Agreement negotiations that have been long suspended, Turkey assumes a different approach compared to previous negotiations observed in the declarations of related Turkish authorities like, "even sharing of the burden" and "signing readmission agreements with the source countries synchronically with the EU". When the three conditions are met (namely readmission, border controls, biometric passport) the reasoning used by the EU against Turkey's demands regarding visa free movement of persons would be eradicated and Turkey will be in a stronger position to defend its case.

Political sphere is the place where the final solution lies. The legal gains, administrative and technical preparations and the social environment are all necessary factors, but cannot make a decisive impact on the current situation with regards to visas. The final word will be uttered by politics. The practical reflections of Turkey's attainments in the legal sphere so far depend on solely the political environment and Turkey's success within this environment. And in the meantime, serious actions in legal, diplomatic, technical spheres as well as inter-civil societal initiatives to help Turkish citizens in their struggles with the unjust visa practices should continue and be supported.

Thus, the "**Visa Hotline Project"** implemented by **IKV** with the cooperation of **TOBB** and **ECAS**, not only examined the problems regarding visa imposition systematically and categorically, but also underlined the human factor in the problem. The recording and documentation of the "**real stories**" which usually are only worth as much as statistical data; underlined the "**human dimension**" which is virtually overlooked in today's global and hasty world. We believe this will also be instrumental in

getting the civil society support at the EU level.

An important particularity to emphasize at this point is the confidential nature of the project. The participants' names as well as the names of institutions are kept anonymous. Thus, we believe we examined the problem with all its dimensions and repercussions, and made balanced assessment using the data from the project participants but without causing allegations against any institutions and without damaging anybody's personal rights.

We believe the **"Visa Hotline Project"** is a pioneering and significant civil initiative towards diminishing visa problems. We trust the information we collected in the project and shared with you with this report will form a valuable source for the subject to be debated not only by the EU institutions and Member States but by the Turkish public as well. We received more than 1000 calls during the two months the hotlines were open, and even after the lines were closed the e-mails continued to come to **vize@ikv.org.tr**. This is an important indicator that shows the extent of the visa problem as well as the need for such a project. Thus, we decided to establish a **monitoring mechanism**, by which we will continue to collect and classify the data that still come as e-mails and standard mails after January 18, 2010 the closing date of data collection period for the project; and we will evaluate these data to form bases for our future studies. We will follow-up the project, will be the watchdog of Turkish nationals' rights with regard to visa application; and share the developments (legal, political, diplomatic) and the incoming complaints with you.

As a last word; it is obvious that this project will not be able to put an end to the long queues in front of the Consulates or eradicate the injustices that Turkish nationals face in their visa procedures. But, our project which managed to build awareness in the eyes of the decision takers and policy makers regarding the visa issue; is a correct starting point for the long-lasting legal and political process thereafter. We hope that the **"Visa Hotline Project"** is regarded as a serious source of reference that fulfils a gap in this area and that it contributes to the positive steps to be taken to eradicate the visa related problems in the future.

Visa Hotline Project
Afterword

We would like to extend our **deepest gratitude** to the following personalities; without their encouragement, support and contribution "**Visa Hotline Project**" would have never been realized:

Mr. M. Rifat Hisarcıklıoğlu, the Chairman of the Board of Directors of Union of Chambers and Stock Exchanges of Turkey; and all Chairmen of Chambers and Stock Exchanges;

Mr. Haluk Nuray, IKV's Brussels Representative who took the first steps to initiate the project and contributed to it all through the process;

Mr. Tony Venables, the Director of European Citizen Action Service who shared all his expertise in this area with IKV;

Ms. Selen Akses, Ms.Damla Cihangir, Mr.Çağdaş Özdemir, IKV researchers, who worked full time in "Visa Hotline" for two months;

Ms. Leyla Tunç Yeltin who translated the report in a very short time;

Members of the press and the media who were kind enough to help us to announce the project;

And **all project participants** who contributed our project with their complaints.

Prof. Haluk Kabaalioğlu, Chairman of IKV Board of Directors
Assoc. Prof. Çiğdem Nas, IKV Acting Secretary General

Within the framework of the "**Visa Hotline Project**", we will continue to pursue the problems encountered by the Turkish citizens during visa applications and the complaints collected will be periodically shared by the public by "follow-up reports". By this, we aim to understand and share the improvements or deteriorations regarding the problems summarized in this project report.

In the upcoming months you can deliver your observations concerning the visa practices and the problems you face to **0212.270.93.00** or to **vize@ikv.org.tr.**

Besides you can follow the current developments concerning the "**Visa Hotline Project**" and the visa issues from our web site; or you can subscribe to IKV's weekly bulletin: **http://www.ikv.org.tr** and follow activities and researches of IKV on this subject as well as on issues related to EU and Turkey-EU relations.

Cordially,

Economic Development Foundation (IKV)