

## **Restoring trust: How EU countries can ease the visa burden for Turkish citizens** *(Draft, 31 January 2013)*

After years of negotiations, the EU-Turkey visa liberalisation process was launched on 16 December 2013. Turkey accepted the EU's "[roadmap towards visa-free travel](#)" and the two sides signed a [readmission agreement](#), which was a prerequisite for the start of the process. Now Turkey has to meet the requirements that the roadmap sets out: a series of benchmarks concerning passport security, border management, readmission, asylum policy and respect for human rights, the fight against illegal migration and various forms of organised crime, and cooperation with the EU. Once the criteria are met, the EU has promised to abolish the Schengen short-stay visa requirement for Turkish citizens. This means that they will be able to enter as many as 30 European countries<sup>1</sup> without a visa.

The road to 16 December had been fraught with set-backs stemming from a lack of trust. Just three years ago, EU member states did not want even to consider visa-free travel for Turkey. When EU interior ministers discussed this issue at a meeting in February 2011, they only agreed on "practical improvements for Turkish visa applicants within the framework of the EU Visa Code."<sup>2</sup>

Now that a visa liberalisation process is underway, the promise to ease the visa application procedure is more relevant than ever. There are fears in Turkey that even if the country meets all the roadmap requirements, EU member states might not lift the visa requirement. This is why it is important that EU governments show their commitment by making the application procedure as easy and simple as possible while the visa obligation is still in place.

The EU is aware that this is a way to show that it is serious: the roadmap is embedded in a "broader dialogue and cooperation framework on justice and home affairs", which envisages "the promotion of the regular mobility of bona fide travellers between Turkey and the EU and its Member States" "by fully exploiting all possibilities provided by the EU Visa Code and other legal instruments to further facilitating the access of Turkish citizens to the EU."<sup>3</sup>

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<sup>1</sup> These 30 countries comprise the 22 EU countries that are also Schengen countries; Bulgaria, Croatia, Cyprus and Romania, which are not yet members of Schengen, but allow visa-free access to the citizens of the same countries as Schengen members do; as well as the Schengen associated countries Iceland, Norway, Liechtenstein and Switzerland.

<sup>2</sup> Council of the European Union, "[Council Conclusions on EU-Turkey Readmission Agreement and related issues](#)," JHA Council meeting in Brussels, 24 and 25 February 2011.

<sup>3</sup> "Broader Dialogue and Cooperation Framework on Justice and Home Affairs between the EU and its Member States and Turkey", Annex I of the Note from the General Secretariat of the Council to the Permanent Representatives' Committee, Council document no. 16929/12, 30 November 2012.

What has been achieved since February 2011 when EU member states first promised to facilitate the application procedure? And what should be done next to show Turkey that EU member states support the visa liberalisation process?

### **The visa rejection rate**

One of the important issues is the visa rejection rate. Rejected applicants not only have to cancel their planned trip, they also lose the money invested in trying to obtain a visa and might not even try next time. The costs of a visa include the visa fee of 60 Euro, possibly a fee of 10 to 20 Euro for a subcontractor receiving applications, the costs of a medical insurance during the trip, sometimes fees for documents and translations, and the costs of transport to the application centre.

It is often young people that have problems to receive a visa. Consular officials seem them as potential irregular migrant: they are usually unmarried, have no assets in Turkey and sometimes also no job. In this way, the young generation is prevented from experiencing the EU.

In 2012, the most recent year for which data is available, Turkish citizens applied for 668,835 Schengen short-stay visas.<sup>4</sup> They received 637,276 visas, while 31,559 requested visas were not issued. The overall rejection rate was thus 4.7 percent. However, there are wide variations: among the 12 EU countries that received the highest numbers of applications,<sup>5</sup> the rejection rates ranged from 13.2 percent by Belgium to below 1 percent by Greece, Italy and Hungary.

An average rejection rate of 4.7 percent is rather high. It is only 1 percentage point lower than the global rejection rate for Schengen visas, which is 5.7 percent.<sup>6</sup>

EU interior ministers consider rates of 3 percent or less as “low”. Other large countries that participate in visa liberalisation processes with the EU, such as Ukraine and Russia, have even lower rejection rates: Ukraine’s was 2.3 percent in 2012, and Russia’s 2.1 percent. There is no reason why Turkey’s could not be as low. This should be the goal.

The trend has gone in the right direction: the rejection rate for Turkey has dropped from 6.4 percent in 2010 to 5.2 percent in 2011 and then 4.7 percent in 2012. But this trend must be accelerated.

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<sup>4</sup> All data is taken from the visa statistics on the website of the Directorate-General for Home Affairs of the European Commission, section “[Schengen, Borders & Visas](#)”, subsection “Visa policy”. The visa statistics are at the bottom of the “Visa policy” page.

<sup>5</sup> In 2012, Germany received 167,263 applications; Italy 115,785; France 98,333; Greece 92,176; Netherlands 42,160; Spain 38,098; the Czech Republic 20,644; Austria 13,350; Hungary 10,394; Belgium 10,005; Sweden 7,926; and Poland 6,589.

<sup>6</sup> In 2012, Schengen countries issued more than 15 million short-stay visas.

**Rejection rates of short-stay visa applications (visa C) by Turkish nationals 2010 to 2012, for the 12 EU member states with the highest numbers of applications<sup>7</sup>**

<b>Visa-issuing EU MS</b>	<b>Rejection rate in 2010</b>	<b>Rejection rate in 2011</b>	<b>Rejection rate in 2012</b>
<b>Belgium</b>	34.3%	14.3%	13.2%
<b>Sweden</b>	10.7%	11.6%	10.2%
<b>Germany</b>	13.5%	9.6%	8.3%
<b>Netherlands</b>	7.3%	7%	7.4%
<b>Austria</b>	12.9%	9.7%	6.7%
<b>Czech Republic</b>	5.8%	7.2%	4.8%
<b>Poland</b>	7.6%	4.1%	4.6%
<b>France</b>	4.2%	3.4%	4 %
<b>Spain</b>	0.7%	2.4%	2.4%
<b>Greece</b>	0.7%	0.5%	0.9%
<b>Italy</b>	1.2%	1.2%	0.8%
<b>Hungary</b>	2.5%	1.4%	0.8%
<b>All Schengen countries (Turkish nationals)</b>	<b>6.4%</b>	<b>5.2%</b>	<b>4.7%</b>
<b>Global rejection rate for Schengen visas</b>	<b>6.7%</b>	<b>6.3%</b>	<b>5.7%</b>

### **Multiple-entry visas**

A short-stay visa can be issued either for one visit or for several visits. In the latter case, it is called a multiple-entry visa (MEV). Under the EU’s Visa Code, which regulates the procedures of issuing Schengen visas, a multiple-entry visa can have a validity of between 6 months and 5 years.<sup>8</sup>

For their holders, MEVs are convenient since they allow them to enter and leave the Schengen zone as many times they wish as long as they do not spend more than 90 out of 180 days in the Schengen area.

The Visa Code encourages the use of MEVs with the aim to:

“... lessen the administrative burden of Member States’ consulates and to facilitate smooth travel for frequent or regular travellers. Applicants known to the consulate for

<sup>7</sup> The visa statistics are available on the website of the Directorate-General for Home Affairs of the European Commission, section “[Schengen, Borders & Visas](#)”, subsection “Visa policy”. The visa statistics are at the bottom of the “Visa policy” page.

<sup>8</sup> [Regulation \(EC\) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas \(Visa Code\)](#), Art. 24 (2). The Visa Code entered into force on 5 April 2010.

their integrity and reliability should as far as possible benefit from a simplified procedure.<sup>9</sup>

Increasing the share of MEVs among the visas issued has been one of the measures discussed between the European Commission and consular member state representatives in Ankara in order to implement the February 2011 Council Conclusions, which promised improvements for Turkish applicants.<sup>10</sup>

In 2012, the percentage of MEVs among C visas for Turkish nationals was 50%. This is 8 percent above the average rate for citizens from all the countries in the world under visa obligation, and higher than the rates for Georgia, Moldova, Ukraine and Russia, countries with which the EU conducted visa liberalisation processes in 2012.

#### **Multiple-entry visas among short-stay visas issued by Schengen countries in 2012<sup>11</sup>**

<b>To Turkish nationals</b>	<b>50%</b>
To all third-country citizens in the world	42%
To Georgians	31%
To Moldovans	27%
To Ukrainians	39%
To Russians	49%

However, 50 percent rate for Turkish citizens is not enough. A closer look at the rejection rates of the individual member states reveals that there are wide variations. Austria issued almost exclusively MEVs (99 percent), while Spain is rather reluctant to issue MEVs (4.5 percent):

<sup>9</sup> [Regulation \(EC\) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas \(Visa Code\)](#), paragraph 8 of the preamble

<sup>10</sup> The improvements pursued by the Commission have been (a) a list of documents supporting the application that is harmonised between the member states; this has been achieved (see [Commission Implementing Decision of 13 October 2011 establishing the list of supporting documents to be presented by visa applicants in Bosnia and Herzegovina, Sri Lanka, and Turkey \(Ankara, Istanbul, Edirne and Izmir\)](#), C(2011)7192 final, Brussels, 13.10.2011); (b) a waiver of the visa fee for diplomats, children, and socially active young people; (c) multiple-entry visas for bona fide travellers; and (d) new application centres in Turkey's countryside. Non-paper from the Commission services, Possible ways of facilitation to be recommended for Local Schengen Cooperation (LSC) in Turkey, Follow-up to the Council Conclusions on Turkey, October/November 2011.

<sup>11</sup> The visa statistics are available on the website of the Directorate-General for Home Affairs of the European Commission, section "[Schengen, Borders & Visas](#)", subsection "Visa policy". On this "Visa policy" page, the statistics are at the bottom of the page.

**MEVs among short-stay visas issued to Turkish nationals in 2012  
for the 12 EU member states with the highest number of applications<sup>12</sup>**

<b>Visa-issuing country</b>	<b>Percentage of MEVs</b>
Austria	99%
Italy	97%
Greece	88%
Netherlands	77%
Poland	76%
Sweden	66%
Hungary	32%
Belgium	31%
Czech Republic	26%
France	19%
Germany <sup>13</sup>	17%
Spain	4.5%
All Schengen countries to Turkish citizens	<b>50%</b>

If Austria and other countries with restrictive immigration policies can issue high rates of MEVs, why can other EU countries not do the same? The goal should be to increase the rate of MEVs issued to Turkish nationals to more than 90 percent.

This would make Turkey stand out more among other countries with which the EU maintains a visa regime. Already now, the rate of MEVs has increased more for Turkey than for other countries (see table below). However, EU member states can and should send a stronger signal.

**Share of MEVs among short-stay visas issued by Schengen countries<sup>14</sup>**

	<b>2010</b>	<b>2011</b>	<b>2012</b>
To Turkish citizens	34%	37%	50%
To all third-country nationals	34%	39%	42%

<sup>12</sup> The visa statistics are available on the website of the Directorate-General for Home Affairs of the European Commission, section "[Schengen, Borders & Visas](#)", subsection "Visa policy". The statistics are at the bottom of the "Visa policy" page.

<sup>13</sup> Germany data includes only MEVs with a validity of more than 1 year.

<sup>14</sup> The visa statistics are available on the website of the Directorate-General for Home Affairs of the European Commission, section "[Schengen, Borders & Visas](#)", subsection "Visa policy". The statistics are at the bottom of the "Visa policy" page.

In that regard, it is also important that MEVs have a long validity. Some EU member states are reported to issue only short-term MEVs, valid for only half a year to a year. In order to make life easier for visa applicants, MEVs must have a validity of *several* years, preferably the maximum length of five years.

The European Commission, which collects statistical information, has so far not requested information on the length of the validity of the issued MEVs. It should start to do so as this is a very important piece of information.

### **Application by an authorised person**

In cases where consulates, for a valid reason, decide to issue a single-entry visa or a shorter-term MEV, they should not require the applicant to appear in person for subsequent applications, but allow the applicant to send a proxy. Applicants have to appear in person only for the first application because they need to submit their fingerprints. This is no longer necessary “when the applicant is known to [the consulates] for his integrity and reliability”<sup>15</sup>. The fingerprints in the system remain valid for 4 years and 11 months.<sup>16</sup>

In such cases, the Visa Code allows applicants to authorise somebody else to submit the application and to pick up the passport with the visa. All member states should offer this option in order to make life easier for applicants. To call the applicant for a personal interview always remains a possibility in cases of doubt.

### **Waiver of the 60 Euro visa fee**

The Visa Code lists the categories of persons for whom the visa fee *shall* be waived<sup>17</sup>, and the categories for which it *may* be waived. These include:

- “(a) children from the age of six years and below the age of 12 years;
- (b) holders of diplomatic and service passports;
- (c) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non-profit organisations.”<sup>18</sup>

All member states should waive the visa free for these three categories. In addition, the Visa Code stipulates:

“In individual cases, the amount of the visa fee to be charged may be waived or reduced when to do so serves to promote cultural or sporting interests as well as interests in the field of foreign policy, development policy and other areas of vital public interest or for humanitarian reasons.”<sup>19</sup>

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<sup>15</sup> Visa Code, article 20, paragraph 2.

<sup>16</sup> Visa Code, article 13.

<sup>17</sup> They include children below the age of 6, students, researchers, and NGO activists under the age of 25. Visa Code, article 16, paragraph 4.

<sup>18</sup> Visa Code, article 16, paragraph 5.

<sup>19</sup> Visa Code, article 16, paragraph 6.

This provision gives member states the possibility to waive the visa fee *for every applicant* since better relations with Turkey can be considered “an interest in the field of foreign policy”. A complete waiver would be a very strong signal to Turkey that a member state supports the end goal of visa liberalisation.

### Streamlined document requirements

Under the Visa Code, visa applicants have to submit the following documentation supporting their application:

- “(a) documents indicating the purpose of the journey;
- (b) documents in relation to accommodation, or proof of sufficient means to cover his accommodation;
- (c) documents indicating that the applicant possesses sufficient means of subsistence both for the duration of the intended stay and for the return to his country of origin or residence (...) or that he is in a position to acquire such means lawfully (...);
- (d) information enabling an assessment of the applicant’s intention to leave the territory of the Member States before the expiry of the visa applied for.”<sup>20</sup>

Each of these points may require applicants to provide several individual documents. To prove their intention to leave the Schengen zone before the expiry of the visa, for example, they may have to show that they possess, or have reserved, a return ticket, that they have financial means in the country of residence, that they are employed, that they own real estate and/or that they have family and other ties.<sup>21</sup> Which documents they have to supply in any one case is at the discretion of individual member states.

In 2011, following negotiations with member states, the Commission issued a Decision establishing a harmonised list of *specified* documents that Turkish citizens have to submit. Depending on the nature of the visit (tourism, family visit, business, etc.), applicants now need to submit 4 to 6 documents. Consulates should no longer ask for proof of real estate property or family ties (though they still can “in justified cases”<sup>22</sup>).

This was already a step forward. However, each member state can *further* reduce the list of required documents. The Commission’s Decision states:

“This harmonisation should not prejudice the possibility in individual cases either to waive one or more of the listed supporting documents for applicants known by the consulate for their integrity and reliability in accordance with Article 14 (6) of the Visa Code [...]”<sup>23</sup>

Member states should therefore strive to waive as many documents as possible.

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<sup>20</sup> Visa Code, article 14.

<sup>21</sup> Visa Code, Annex II.

<sup>22</sup> [Commission Implementing Decision of 13.10.2011 establishing the list of supporting documents to be presented by visa applicants in Bosnia and Herzegovina, Sri Lanka, and Turkey \(Ankara, Istanbul, Edirne and Izmir\)](#), C(2011) 7192 final, Brussels, 13 October 2011, preamble, paragraph 4.

<sup>23</sup> [Commission Implementing Decision of 13.10.2011 establishing the list of supporting documents to be presented by visa applicants in Bosnia and Herzegovina, Sri Lanka, and Turkey \(Ankara, Istanbul, Edirne and Izmir\)](#), C(2011) 7192 final, Brussels, 13 October 2011, preamble, paragraph 4.

## **New application centres**

Roughly half of the EU member states and Schengen countries offer consular services in Ankara and Istanbul, and a few, such as Germany, Greece and Italy, also have consulates in Izmir. The remaining ones just have one consulate in Turkey.

Turkey is a large country. Some visa applicants have to travel long distances to submit a visa application and later to pick up the visa. The Commission has urged member states to increase their presence. It has suggested the use of subcontractors which receive visa applications and bring the passport with the visa back to the applicants and which are located in different places across the country; the conclusion of agreements on representation (one member state represents another one for consular purposes) and co-location (one member state allows the consular staff of one or more other member states to use its offices and facilities) and the opening of common visa application centres.

Germany, for example, has three consulates – in Ankara, Istanbul and Izmir – and covers Bursa, Antalya and Gaziantep through a sub-contractor.<sup>24</sup>

Other member states should follow this example, making sure that Turkish visa applicants have the possibility to submit their application close to their place of residence.

## **Long-term visas for students**

The issuance of visas and residence permits that are longer than three months is conducted under national legislation, even though the EU has established some common rules. Among other things, it issued the so-called “Students Directive” in 2004 that should make it easier for university students, pupils participating in an exchange programme, interns and volunteers to obtain a visa to go to the EU.<sup>25</sup> It obliged member states to issue a long-term visa for these categories and specified the documents that the applicants have to submit.

However, in 2011 the European Commission evaluated implementation of this Directive and found that foreign students still experience difficulties to come to the EU to study. It observed that the Directive has been implemented unevenly or not at all, and that the provisions were quite weak anyway. In March 2013, the Commission therefore issued a recast proposal that will strengthen the rules and expand the rights of students. It will also merge the Students Directive with a Directive on third-country researchers coming to the EU. The European Parliament is expected to vote on the proposal in March 2014, after which it has to be adopted by the Council.

The exchange of students is one of the most effective ways to foster people-to-people contacts, and the Erasmus programme is one of the most successful and popular EU programmes. It is of particular relevance for EU-Turkey relations as Turkey has a large young population (31 million Turks are below the age of 26). EU member states should

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<sup>24</sup> See website of the German Embassy in Ankara, section [Visa](#).

<sup>25</sup> Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. EU member states should have transposed this Directive into national legislation by 12 January 2007.

therefore make sure that third-country students always receive visas and that they receive them in time for the studies to which they have been admitted. (The recast Directive sets a deadline of 60 days.) EU member states should also not request more documentary evidence than the current and future Directives on students specify.

### **What about the UK?**

Since the UK and Ireland are not full members of Schengen, they do not participate in the EU's common visa policy. They have their own, separate visa policies. They are therefore also not part of the EU-Turkey visa liberalisation process: if the EU lifts the visa requirement for Turkish nationals in a few years, this will not apply to the UK and Ireland.

However, these two countries should consider either to opt into the visa liberalisation process or to design their own lists of requirements that Turkey needs to meet so that the UK and Ireland abolish the visa requirement for Turkish nationals.

### **Conclusions**

In summary, each EU member state and each Schengen country should:

- Reject as few Turkish visa applications as possible, striving to achieve a rejection rate of less than 3 percent
- As a rule, issue *long-term* multiple-entry visas, preferably with a validity of 5 years
- Provide statistical information on the duration of the MEVs issued
- Allow proxies to submit visa applications
- As a rule, waive the Schengen visa fee of 60 Euro
- Waive individual document requirements wherever possible
- Establish a network of places across Turkey where applicants can submit their applications
- Issue timely long-term visas for Turkish students, exchange pupils, interns, volunteers and researchers

In addition, the UK and Ireland should specify under which conditions they will abolish the short-stay visa requirement for Turkish citizens.