

# **Presentation of the new EU Visa Code National experience of Hungary**

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# Evaluation of the first years of Hungary in the Schengen Area

# Preparation for the accession to the Schengen area I.

- Hungary accessed to the Schengen Area on the 21st of December 2007 with 8 other Member States of the EU.
- Hungary had been preparing for the accession for a long time. As of the 1st of May 2004 Hungary has been applying **Category I** achievements of the Schengen acquis (positive and negative visa lists, uniform format of visas, rules on the control of external borders, police and judicial co-operation)
- From 21 December 2007 **Category II** achievements of Schengen acquis have been implemented (lifting of internal border control, issuing Schengen visas, SIS)
- As part of the preparation visa issuance of HU was evaluated by the SCHEVAL Com in autumn 2006 in Belgrade and Kiev and was esteemed to be suitable for the SCH membership

# Preparation for the accession to the Schengen area II.

- As part of the preparation, **further steps** were also taken **before the accession**: Schengen conform **security** measures of the consular posts had been constantly developed, **new Aliens Acts** and their implementation decrees entered into force in July 2007 in accordance with the Schengen rules (Act I of 2007 on the entry and stay of Persons with the Right of Free Movement and Residence and Act II of 2007 on the entry and stay of third – country nationals); a **new Visa Manual** was elaborated for the diplomatic and consular missions containing regulations of the CCI
- **Most important changes in connection with HU's Schengen membership:**
- Short stay visas and residence permits issued by HU are valid for the whole SCH Area, and short stay visas/residence permits issued by other Schengen MSs are valid for HU;
- Internal border control has been lifted

# Schengen in numbers

## Statistics

2007

- Total A, B, C visas issued: 466.503
- Refusal rate: 1,86%
- A, B, C visas issued in Chisinau: 1209
- Refusal rate for A, B, C visas in Chisinau: 11,43%

2008

- Total A, B, C visas issued from 21/12/07 until 31/12/08: 317.519
- Total LTV visas issued: 3616
- Refusal rate: 3,6%
- A,B, C visas issued in Chisinau: 7522 (not issued rate: 6,6%)



## Schengen experiences on internal and external borders

- The number of criminal offenses related to illegal migration decreased by 19 %:
- The number of illegal migrants at the internal border decreased by 78 %, but increased by 28% at the external borders – after the accession, these types of crimes occurred at the Ukrainian, Romanian and Serbian borders;
- Although the number of Ukrainian, Romanian and Serbian persons, who crossed the border illegally, decreased, the number of illegal migrants from Pakistan, Somalia, Bangladesh and even from Iraq has increased;
- Number of persons with false travel documents significantly has decreased (30%)
- Number of intercepted persons under EU entry ban and also the number of illegal migrants apprehended have increased;  
→there is no security risk
- The earlier fears concerning delinquency have not been proven – In Austria, the number of crimes decreased by nearly 10 % compared to the same period of the previous year

# Challenges in Schengen practice

- Gaps in the community law + the different interpretation and implementation by MSs (i.e.. D+C visas, question of D visas, residence permits issued by Italy)
- Political problems (in Arab states, Nigeria, etc.; Hungarian nationalities beyond the borders)
- Software problems
- Refusal rate
- LTV-s
- Introduction of the VIS

# The Visa Code

- **form:** regulation
  - 1st pillar area
  - Regulation of the European Parliament and of the Council
  - Qualified majority (Council)
- **reason:**
  - Disputed legal status of CCI
  - New challenges in the visa policy – changing external environment
  - Making the EU „more open”, enforcing the procedure rights
  - Further harmonisation of MSs' visa application process



# Adoption of the Visa Code

- A draft was submitted during the summer 2006, the discussion started in November 2006 in the framework of the Visa Working Party (VWP);
- Informal meeting of VWP in Slovenia, January 2008
- End of first reading discussion, further discussion started during summer 2008
- Second reading discussion was finished at the VWP meeting, 22 October 2008
- Questions of high importance that could not be settled at the level of experts by the reason of different point of views, were negotiated by SCIFA (Strategic Committee of Immigration Frontiers and Asylum on 27-28 October 2008
- For the purpose of political consent, several JHA Council meetings had been held before the COREPER in December
- Political decision has been made during the Czech Presidency
- The European Parliament and the Council adopted the Regulation (EC) No 810/2009 on 13 July 2009
- The Regulation was published in the Official Journal on 15 September 2009
- The rules of the new Visa Code will enter into force on 15 April 2010

# General characteristics of the Visa Code

## I.

### Main directions:

- Extends the client's rights during the procedure, allows for a shorter, more regulated process
- Gives floor to the COM at many points in taking part in the regulation of visa procedure
- Reduces room of manoeuvre of the MSs in the framework of national legislation (subsidiarity principle)
- Avoids independent solutions, aims at harmonised practice
- Puts the so called „Bona Fide” applicants in a favourable position by giving multiple entry visas to them

# General characteristics of the Visa Code

## II.

- **Eliminates the distinction between B and C visa**
- Transforms the regulation on A visas (transit visa) – MSs' decreasing role
- the right to appeal will be obligatory under the terms of the new Visa Code, however the concrete implementation lies in the hand of the MSs.
- Defines uniform refusal reasons- obligatory refusal decision
- Shortens the general visa procedure– 15 days
- Defines the exclusive cases of refusal of the application's collection

# General characteristics of the Visa Code

## III. .

- Applications shall be lodged no more than three months before the start of the intended visit.
- Regulates the forms of cooperation among the MSs, and the legal possibility of outsourcing as well
- Distinguishes visa fee from other service fees
- Gives a transparent regulation of MSs' organisational tasks and their cooperation with external partners (ie. Honorary consuls)
- Gives a more important role to the local Schengen cooperation
- Modifies the decision making process when a MS issues visa in the framework of visa representation

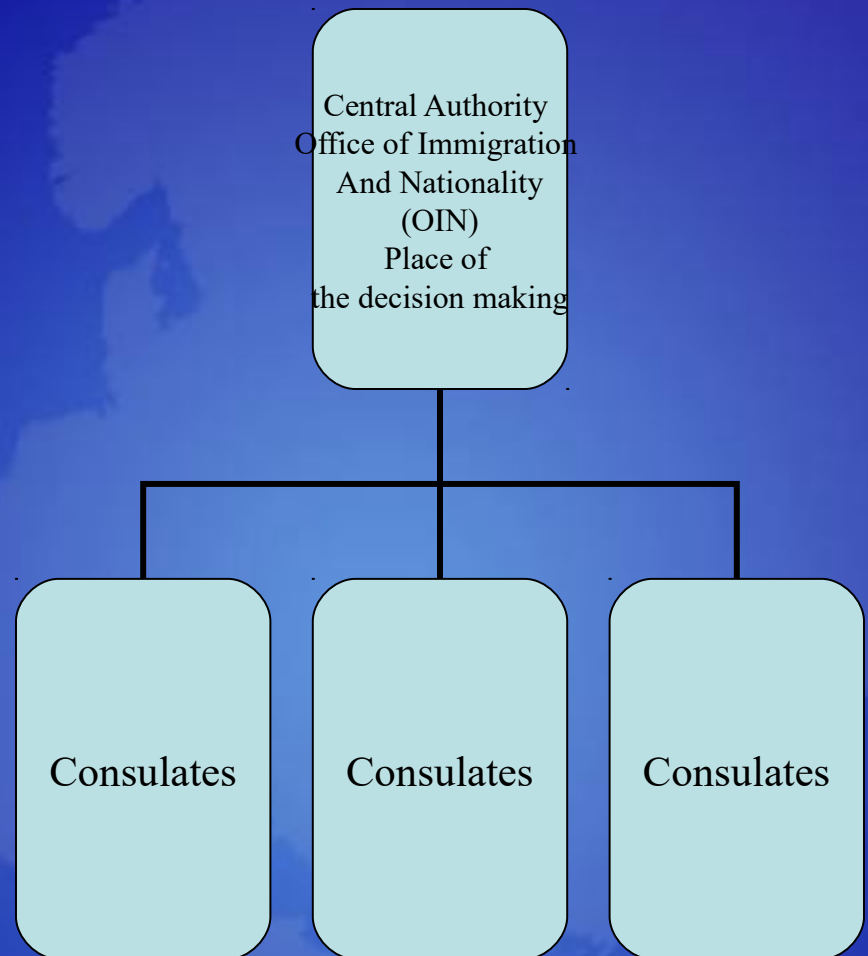
# Challenges of the new Introduction of the Visa Code

- Introduction of the VIS (Software, Hardware problems)
- The new Architecture in comparison to the old and the recent one

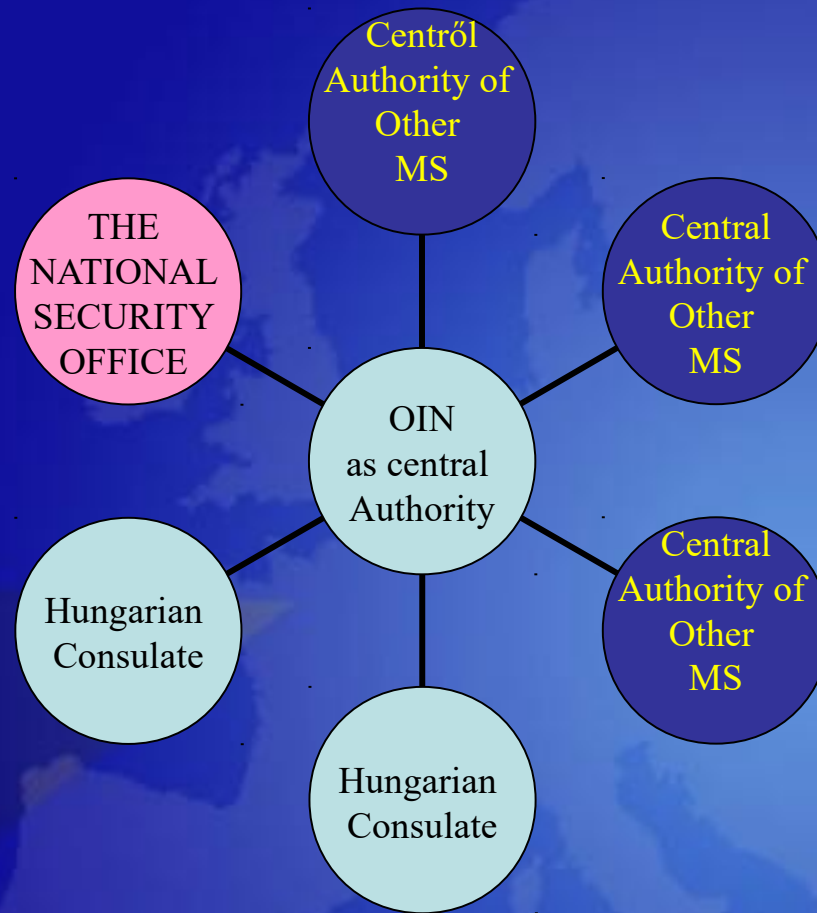


# 1. The Hungarian Model of the Vision Consultation

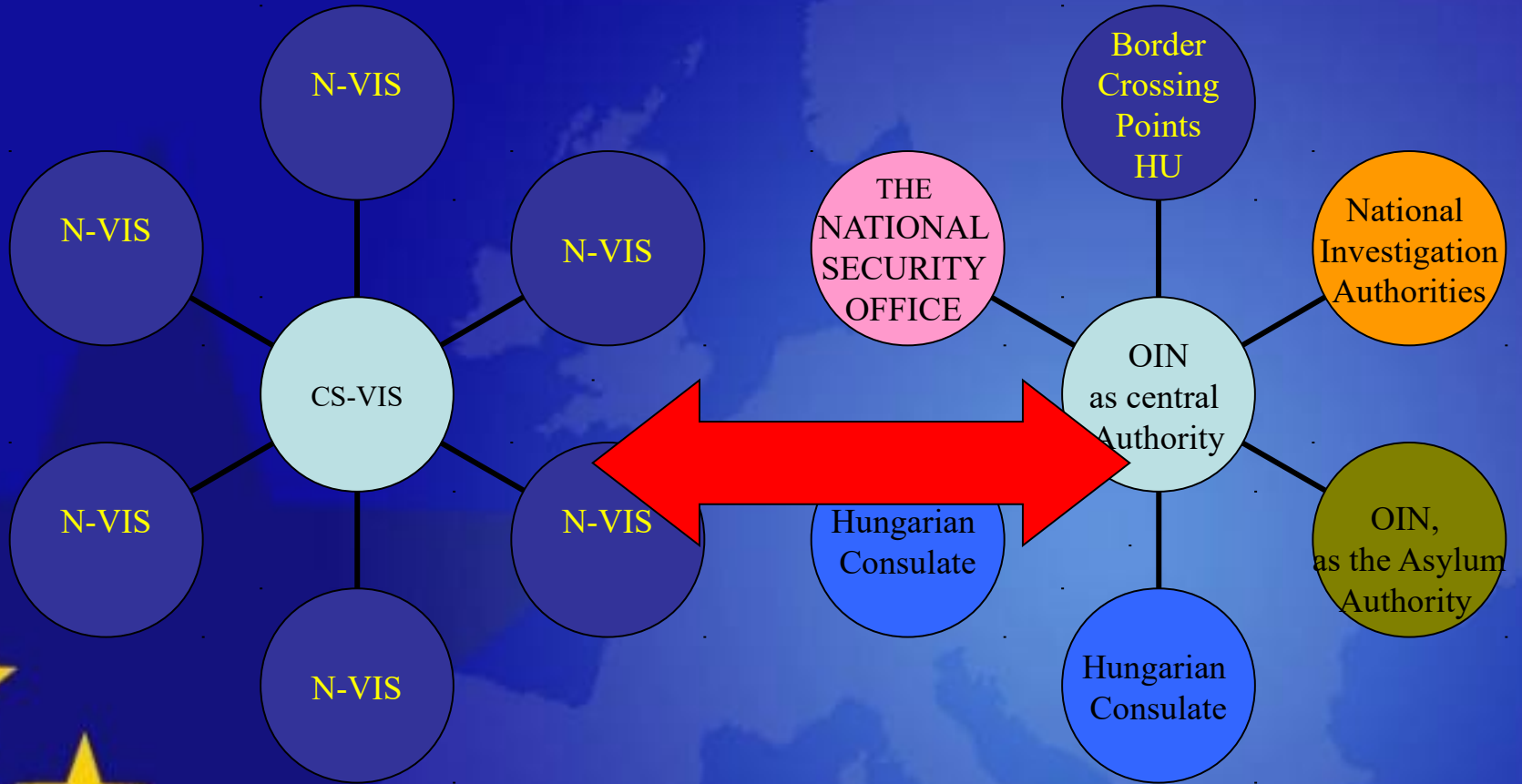
- The first model before the Schengen-accession



# The model of the communication channels after Schengen



# VIS+VIS MAIL



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**Thank you for your attention!**