



Council of the
European Union

022964/EU XXVI. GP
Eingelangt am 25/05/18

Brussels, 25 May 2018
(OR. en)

7116/06
DCL 1

SCH-EVAL 42
COMIX 242

DECLASSIFICATION

of document: ST7116/06 RESTREINT UE/EU RESTRICTED
dated: 9 March 2006
new status: Public

Subject: Schengen evaluation of the new Member States
- Additional general question presented by the Finnish delegation on
the issuing of visa - Reply by HUNGARY

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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COUNCIL OF
THE EUROPEAN UNION

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SCH-EVAL 42
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NOTE

from : the Republic of Hungary

to : the Schengen evaluation Working Party

No. prev. doc. : 6358/06 SCHEVAL 16 COMIX 160

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74. In answers (Statistics) to this Question it can be noted that in some of the new Member State Embassies inside the Schengen Area the rejection rate is 5 - 10 %. The same Member States have a rejection rate of 1 – 2 % in Kiev, Ukraine. The average rejection rate of the Schengen Embassies in Kiev is 15 %.

a) Is it possible to specify the reason for this, i.e. why the rejection rates of applications received from the Schengen Area is bigger than those concerning applications received from outside the Schengen Area?

b) Do your Embassies follow the rejection rates of the other Member States and are they aware of the reasons to the rejections of the other Member States?

c) Do you follow the exchange of statistical information on the issuing of uniform visas

(Doc. 9749/05 VISA 134 COMIX 377 of 3 June 3 2005 + COR 1 of 2 August 2 2005).

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Hungary closely follows the statistical tables presented by the Secretariat General regarding refusal rates and other data contained therein, too.

Hungarian missions abroad regularly receive the statistical information presented in the framework of the LCC and are encouraged to study them, detect and find answers to unusual sharp changes in the statistical data.

We have taken note of the differences in refusal rates, analysed the phenomenon and have come to the following conclusions.

It can not be stated in general terms that the refusal rate at Hungarian missions in the Schengen Area is higher than that outside the Schengen Area. Contrary, the average refusal rate outside the Schengen Area is higher, of course. Comparing the refusal rate of Kiev to some of our missions in the Schengen Area, we can find lower and higher numbers as well.

When comparing the total Hungarian refusal rate to that of the Schengen countries we can see that the Hungarian figure is lower. The reasons could be summarised as follows.

Theoretically, we can speak about two negative decisions in the visa issuing procedure: rejection of the application and refusal to issue a visa. The Common Consular Instructions as well as the Hungarian Visa Manual in force is quite laconic as regards the delimitation and the division of competencies on this matter. For instance, the CCI says, 'passports which do not have space free for affixing the sticker (...) shall be refused'. However, it does not say in which part of the procedure shall this decision be taken. On the one hand, in a client friendly way we can authorise even our local staff to give back the application in such cases, but on the other hand we could also say that since the criteria of application are noted on the notice board and elsewhere, consequently the applicant has to know the rules, the application shall be taken in and then refused. Practice differs from one Schengen/EU country to the other and it applies not only to the passport but also to supporting documents.

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Traditionally our visa administrators at the counter have had wider authorization to reject an application than some Schengen missions' administrative staff. In such cases the administrator does not enter the application into the IT system and consequently it is not added to the rejection rate, thus we can speak about a 'hidden rejection'. We have learned from the previous Schengen evaluations and the statistical analysis that the existing Hungarian practice of rejection shall be altered and client friendliness shall not overshadow the need to prevent any possible misuse of information provided by the mission.

The new Hungarian Visa Manual (supposed to enter into force 1 April, 2006) regulates this matter as follows:

The application shall be rejected if

- 1.) the mission is not responsible to take in the application;
- 2.) the foreigner did not appear in person and his/her trust deed is not accurate or his/her family status – in case of family members travelling together - can't be verified;
- 3.) the application form is incompletely filled in or is not signed by the applicant and after the call from the administrator/consul the applicant fails to do the necessary corrections;
- 4.) the passport is not valid, does not have space for the sticker or damaged.

In all other cases, as a general rule the application shall be taken in. However, in case some supporting documents are missing, the consul, on a case-by-case basis, may reject the application.

After the entry into force of the new Manual, an increase of the refusal rate can be expected. A higher refusal rate is of course not a goal, but it will be the consequence of the clarification of this issue.

Hungary hopes that the recast of the CCI will cover this question, too, in a more detailed way.