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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Local Schengen cooperation between Member States' consulates
(Article 48(5), first paragraph, of the Visa Code)
- Compilation of annual reports covering the period 2018-2019

Delegations will find attached the annual reports drawn up in the local Schengen cooperation (Angola and Tunisia), as transmitted by the services of the Commission.



UNIÃO EUROPEIA

DELEGAÇÃO NA REPÚBLICA DE ANGOLA

Luanda, 24 May 2019

LOCAL SCHENGEN COOPERATION (LSC) in ANGOLA 2018-2019 REPORT¹

1. Introduction

Thirteen Schengen Member States are present (Belgium, France, Germany, Hungary, Italy, the Netherlands, Portugal, Poland, Romania, Spain, Sweden, Switzerland and Norway), all have their consular services centralised in the capital Luanda, except for Portugal which has a second Consulate in the town of Benguela. Spain has a vacant position for Honorary Consul in Lobito (Benguela) and Portugal has a designated Honorary Consul in the province of Cabinda. In terms of local representation of non-resident Schengen: Norway also represents Denmark, Finland, Iceland, Sweden, and Switzerland; Belgium represents Luxembourg; Poland represents Slovenia and Latvia; Germany represents Estonia; Italy represents Malta; and Portugal represents Austria, Slovakia, Czech Republic and Greece. There are also 6 Honorary Consuls for unrepresented MS (Austria, Croatia, Estonia, Finland, Greece and Malta).

2. LSC meetings held in 2018-2019

Five meetings were held during the reporting period, all in 2018. These meetings were well attended. LSC meetings convene roughly each trimester and are chaired by the EUDEL, which is also responsible for distributing the agenda and the minutes of each meeting to all the participants. MS share the LSC common report with their capitals. Germany is responsible for collecting visa statistics.

There has not been any coordination with the LSC in locations outside the capital but all MS are in permanent contact and whenever the need arises the LSC network works fairly well.

3. State of play

3.1 Application of the Visa Code

The tasks foreseen for Local Schengen Cooperation under the Visa Code are being ensured by MS and EU Delegation.

Document fraud and the reliability of certain official documents submitted by applicants were referred to as obstacles to the proper implementation of the Visa Code.

¹ April 2018 – March 2019

3.2 Assessment of the need to harmonise the lists of supporting documents

In order to better reflect the practices adopted by EU MS in Angola and to reinforce controls against document and identity fraud, the LSC group agreed in February 2017 that the common list of supporting documents should be updated. The proposal was submitted to the Visa Committee but following questions raised by the committee a new version was elaborated. The LSC answered the questions of the Visa Committee and commented the harmonised list of documents in December 2018.

The harmonisation of practises is considered as acquired by the MS present and the MS agree on the importance of some practices to fight the use of forged documents.

The LSC is waiting for the new comments coming of the Visa Committee.

3.3 Harmonisation of practices

Each LSC in a good opportunity for the MS present to exchange about the problems they face and the useful information concerning the local immigration institutions and authorities. Regular lunches were also organised in order to exchange informally and to reinforce the good cooperation between the MS.

An estimation of the length of validity of multiple entry visa was asked but it is impossible for some MS to have access to this figure.

3.4 Exchange of information

The following elements are discussed and exchanged within the LSC:

- statistics;
- cases of fraud;
- refused visa applications;
- specific situations of minors and asylum seekers;
- useful contacts within the Angolan administration;
- requests for political asylum.

3.5 Any other initiative taken in LSC

Nothing to report.

4. Challenges

Angola continues to face important economic and financial difficulties. It is difficult to predict what sort of direct impact the crisis will have on the number of Schengen Visa requests. MS register different trends. It is likely that attempts to obtain Schengen Visas based on fraudulent documents will continue to occur. These two challenges are regularly discussed in the LSC meetings and useful information is exchanged.

Trafficking of minors has been signalled as a concern by some MS.

5. Other issues

Nothing to report.



29 May 2019

LOCAL SCHENGEN COOPERATION (LSC) in TUNISIA 2018-2019 REPORT²

1. Introduction

In Tunisia there are eighteen EU Member States present with fully fledged Embassies and Consulates (Austria, Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Hungary, Italy, Malta, Netherlands, Poland, Portugal, Romania, Spain and Sweden and United Kingdom). 15 of those deliver Schengen visas, the other three, being Bulgaria, Romania and United Kingdom, do not. One non-EU Member State also delivers Schengen visas (Switzerland).

Five Member States hold representation agreements in relation to visas: Austria represents Slovenia; Belgium represents Luxembourg; Switzerland represents Slovakia; Germany represents Lithuania and Latvia; and Finland represents Sweden, Denmark, Estonia, Iceland, and Norway.

Compared to the previous reporting period and despite a general increased number of Schengen visa applications, we notice a global 15% reduction of visas issued. Tighter controls and increasing number of unjustified or irregular applications explains the reduced number of visas issued. The slight increase of visa requests can be explained by the sluggish economy, persisting unemployment and the raising desire to search for job opportunities in the EU.

Consulates are facing increasing number of visa requests based on fake or forged documents, particularly concerning the university certificates or invitations, bank accounts, hotel reservations and business invitations. The trend for the months to come is expected to be closely linked to the economic situation in the country. At the same time, the number of applicants complaining about alleged unjustified refusals and lengthy or difficult procedures to obtain visa remains high. This, despite the fact that the Consulates have improved the speed and the efficiency of the processing mechanism.

Concerning the number of visas issued by each Member States during the reporting period, it varies from 446 to over 113.527 requests processed. The average refusal rate ranged between 7% and 25%. Refusals are generally motivated by lack of justifications, lack of supporting documents and fake/forged documents. The Member States are fully engaged in reducing as much as possible the processing period which ranges between 2 and 12 days for non-complicated cases. The processing exceeds the 15 days deadline only in limited and complex cases requiring special investigation and research.

² The reporting period is April 2018 – March 2019

The updated list of harmonised documents was agreed by the LSC Group and adopted by the Commission on the 6th of May 2019. EU Member states have been requested to start implementing the new list and to publish it widely in order to avoid complaints.

Certain Member States also issue visas for Libyan nationals as an exceptional measure taking into account the closure of their Embassies in Tripoli.

2. LSC meetings held in 2018-2019

Five LSC meetings took place in the reporting period. All the meetings were well attended by Member States. They were chaired by the Political Section of the EUDEL. EUDEL drafted reports after each meeting and circulated them to the Member States. There is no coordination with the LSC in other locations besides Tunis as the general consulates are only located in the capital. The LSC meetings served as a good opportunity for the consuls to have brainstorming on the topical issues related to their daily activities. For practical reasons, EUDEL organizes the LSC meetings back to back with the Local Consular Group meetings.

On September 2018 and February 2019, EUDEL called meetings with the LSC Group to provide debriefs by the visa facilitation and readmission agreement negotiators. During the ordinary LSC meeting of 15 February 2019, EUDEL invited the chairman of the national Tunisian notary association to brief about the new legal framework on the apostille. During the same meeting the Romanian Consul presented the main points of the Romanian presidency agenda.

3. State of play

3.1 Application of the Visa Code

In general, the Member States did not encounter major problems in the implementation of the Visa Code and have been implementing it appropriately. Some problems have been detected in relation to the requirement of issuing visas within the 15 day period as some consulates have limited resources, with the seasons being the most challenging ones. One Member State complained about the recurrent malfunction of the Vision service which had caused delays in issuing the visas and therefore led to non-respect of the 15 days deadline. To be noted that some Member States, also referring to the Visa Facilitation Agreement negotiations, affirmed that the 15 days timespan should not be reduced.

14 Member States are using the services of an external service provider to handle visa applications and are generally satisfied about their performance and efficiency.

All Member States collect biometric data, either directly in their consulates or via the contracted external service provider.

The number of frauds and forgeries aiming at illegally obtaining a Schengen visa remains high. This trend continues in spite of the fact that the Member States have been improving their knowledge and capacities on these matters and despite the extra efforts put in place to prevent and detect the phenomenon. Most frequent frauds relate to: fake bank statements, fake hotel reservations, forged insurance certificates, and invitation letters from unreliable institutes, and false declarations on the social security coverage (CNSS).

The Member States use additional resources to scan and detect visa requests supported by false documentation. They share information about fraudulent cases and best practices to counter such cases to avoid reoccurring fraud schemes. The LSC meetings are the best opportunity for all consulates to exchange openly on those matters and address the problems jointly.

EUDEL has been sharing with the Member States latest information on the incumbent new visa code and exchanged views on the possible impact that this will have in Tunisia.

3.3 Harmonisation of practices

No other initiatives on harmonisation of practices have been elaborated; however the Member States are open for new harmonisation propositions on Schengen visas on the basis of Art. 48.1 of the Visa Code.

The Member States only issue multiple entry visas (MEVs) for periods of 1 to 2, 3 or 4 years. 5 year MEVs are not issued as the Tunisian passport only has validity for a maximum 5 years.

3.4 Exchange of information

The exchange of information was done through email, telephone, bilateral ad hoc meetings or through the regular LSC meetings. Statistics are also circulated by email or shared during tours de table in LSC meetings. This information exchange touches upon a large variety of subjects related to the different challenges the Member States are confronted with in their daily work. Information exchange focuses in particular on specific fraud cases, visa statistics, interview procedures, visa shopping, and travel medical insurances.

All Schengen consulates have access and are using the Visa Information System (VIS) as it is an integral and essential part of the vetting process.

As of the VisMail, the LSC Group unanimously reported that it does not work. This being an old, unresolved problem, no Consulate tries to use it anymore.

3.5 Any other initiative taken in LSC

Visa facilitation negotiations (in parallel with the readmission agreement negotiations), led by the EUDEL, are following their course with the Tunisian authorities. These negotiations are advancing in a constructive manner and the Tunisian authorities have finally supplied, their list containing the categories of workers that should benefit from the agreement. However, this list could still be modified until the negotiations are formally closed.

The LSC Group discussed this issue since the result will have an impact on the activities carried out by the MS consulates. Issues subject to facilitation are: list of documented evidence justifying voyage; reduction of visa fees for certain categories; facilitation of the possibility of obtaining long-term multiple entry visas (5 years for certain categories); a reduction to 10 calendar days of the visa request procedure; and exempt holders of diplomatic/official passports of requiring a visa.

As previously underlined, the LSC Group has expressed its scepticism to the idea of reducing the number of calendar days to process a visa request. As to the visa exemption for diplomatic and Service passports holders, all the Member States, excluding Latvia, are already applying it. Very few Member States do not provide the visa exemption for special or service passports.

After the refusal of MFA's Director General for consular affairs to attend one of the LSC regular meetings, the EUDEL sent a formal Note Verbal asking for a joint meeting in the MFA premises. The purpose of this meeting was to discuss about common challenges and building confidence. Following the MFA suggestion, the EUDEL attached to the NV a list of points to be discussed, notably related to the unclear regulations relating to the rights and obligations of foreign citizens living in Tunisia. Regrettably, the MFA ignored this request and instead replied with a very limited number of information. The LSC Group decided to insist for a joint dialogue with the Consular Department of the MFA since outstanding issues also linked to visa issues are still pending and need to be addressed

4. Challenges

EU Consuls have encountered the same type of problems compared to the previous reporting period. In particular, besides the usual challenges (frauds, visa shopping, proof of financial means, issuing Schengen visas to Libyans living in Tunisia), the LSC raised the unabated problem of white/fake marriages. Several MS reported that in many cases the marriages between an EU citizen and a non EU citizen (often an EU woman) are clearly not motivated by the perspective of a common life but by the perspective to obtain a Schengen visa followed by a long term visa and ultimately the EU nationality. The Member States are often asked to certify marriages between two persons who do not know each other or do not speak the same language. The majority of the Member States explained that despite indisputable evidences, national laws do not allow the consulate to refuse the requests since this could lead to discrimination. Only two Member States declared that when they are confronted with a clear case of white marriage, they reject the marriage endorsement and consequently the linked Schengen visa request.

5. Other issues

none.

This report has been prepared by the EU Delegation in Tunisia and approved by the Schengen Member States represented in Tunisia.