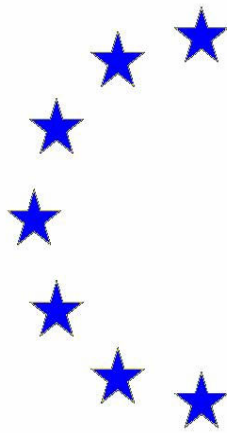


## *Briefing Report*



# **Does it really matter? Visa Facilitation in the Western Balkans**

European Movement in Albania (EMA) is a *think tank* devoted to improving the quality of the debate on the European Integration process. It is a forum for exchange of views on political, legal, economic and social challenges facing Albania in its path towards European Integration. EMA seeks to work with similar bodies in other European countries and elsewhere in the world. By analyzing different aspects of European Integration process, EMA therefore aims to promote new ideas for improving this process.

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## 1. Introduction

Travel to Schengen countries should have been easier for Albanian citizens starting from 1 January 2008 because of the Visa Facilitation Agreement with the European Community becoming effective. On 3 June 2008 the European Union gave to Albania the Visa Liberalisation Roadmap, which sets out specific benchmarks to be achieved by Albania.

European Movement in Albania, in cooperation with other non-governmental organisations from the Western Balkan countries and the Brussels based European Citizen Action Service, presented on 10 June 2008 a regional project with the theme: *“Does it really matter? Visa Facilitation in the Western Balkans”*. This launching activity was held simultaneously in Brussels (ECAS), Tirana (EMA), Sarajevo (VESTA), Skopje (MCIC), Podgorica (CCE) and Belgrade (The Citizens’ Pact for SEE). This initiative is supported by East-East Partnership Beyond Borders Program, the Open Society Institute and King Baudouin Foundation.

The launching of this project in Albania captured the attention of various interest groups and received wide coverage by the press and electronic media. Around 15 daily newspapers covered the launching of this initiative. Daily newspapers and their internet sites including “Shqip”, “Panorama”, “Albania”, “Shekulli”, “Tema”, “Koha Jonë”, “Agon”, “Telegraf”, “Zëri i Popullit”, “Integrimi”, “Republika”, “Metropol”, “Standard”, “55”, Revista “Mapo”, published the initiative. Television channels, including, Top Channel, Vizion Plus, TV Klan, TVA, Ora News, Top News, News 24, Koha TV, NTV, Alsat, A1-TV, broadcasted parts of the project launching event in their news editions of 10 and 11 June 2008.

The main goal of the project is to monitor the Visa Facilitation Agreement between Albania and the European Community, an agreement that is believed to bring about significant easier conditions for more than one category of Albanian citizens. It is aimed that, while implementing this project, the basis for having clear results about the sensitive visa situation in Albania will be created, especially among various groups of interest.

The activities undertaken in the framework of this project are<sup>1</sup>:

1. Setting up a telephone line and an E-mail address where Schengen visa applicants can consult.

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<sup>1</sup> This report focuses only on the first activity of the project.

2. Conducting a survey with various applicants in the consular offices of Schengen States.

The line of communication was opened to citizens for three weeks. During this period of time representatives of European Movement in Albania were invited to television and radio shows, at Vizion Plus, TVA, Ora News, BBC Radio programme in Albanian and Radio Tirana programme, with a view to explain the goals of the project and the importance of the whole process towards a full visa liberalisation.

During this period European Movement in Albania has distributed broadly **posters** and **leaflets** in various locations of the capital city in order to inform citizens better on the goals of the project and the contents of the Visa Facilitation Agreement. These posters and leaflets were posted and distributed in exposed places near consular offices accredited in Tirana and near buildings of Albanian public institutions. All channels of communication that were chosen had an almost equal impact in the implementation of the first stage of the project, which was the establishment of a line of communication (telephone and e-mail) for citizens, who encountered problems in their Schengen visa applications, because all callers were asked about their sources of information about the existence of such telephone line and project.

European Movement in Albania established a land line (04-2253184) and opened an E-mail address ([info@em-al.org](mailto:info@em-al.org)). These were made available to citizens at communication costs reduced to the maximum in order that they express their concerns about visa issues. The website of European Movement in Albania ([www.em-al.org](http://www.em-al.org)) was transformed into a key portal of information regarding this project.

European Movement in Albania received and answered to **104 phone calls**, that means **15 calls per day**, and **17 e-mail messages** at the address assigned for this purpose. European Movement in Albania invited 12 other persons to its offices so that they could consult and present their documents regarding their visa applications. The number of phone calls, e-mail messages and visits indicated in practice that a number of applicants were not only informed about this initiative, but also established a channel of trust with European Movement in Albania.

## 2. Main problems

The problems that citizens talked about can be grouped for study purposes as it follows:

## **First group: Concerns arising from lack of knowledge of the Visa Facilitation Agreement**

Although the Visa Facilitation Agreement has been effective for seven months the results show that there is no adequate information regarding it. People do not know the essence of what this agreement offers especially to the so-called “agents of exchange”. The general perception concerning this agreement, which in some cases was created also as a consequence of an unjustified propaganda of the high levels of Government, was that this agreement would enable, at least certain categories of society that because of this quality need to travel more, to move freely to the European Union. But in fact the reality is a different one.

Having no knowledge about the agreement, citizens cannot distinguish the situation before from that after this agreement became effective. Many people have asked about the details of this agreement, what does it cover and is left out of it, as for example:

- visa rejection
- duration of visa application
- proof of adequate financial means for the entire travel period
- family reunion procedures

A narrower group within this category were visa applicants who asked about the procedure and the documents that are required by various consular offices accredited in Tirana for visa issuance purposes.

It seems that the Ministry of Foreign Affairs was indifferent throughout this process about the concrete problems that citizens and other beneficiaries of this agreement face. The Ministry of Foreign Affairs has an obligation to inform citizens about the Visa Facilitation Agreement, but no special structure in this institution functions as a conduit for citizens concerns to the Joint Committee under the Visa Facilitation Agreement. In the beginning there was a telephone line and a mail box in the Ministry of Foreign Affairs to help Albanian citizens, but the reasons why this ministry withdrew from this practice are unknown.

Moreover, the Ministry of Foreign Affairs does not play its role as the guarantor for various groups of interest and trusted persons (*bona fide*). The ministry has not issued yet a list of the trusted tourist agencies that operate in Albania.

Considering the limited role that the Ministry of Foreign Affairs in Albania plays in the process, the consular offices of various countries may interpret the Visa Facilitation Agreement the way they think more appropriate.

## **Second group: Procedures continue to be the same**

### **a) Problems with the duration of procedures**

A large number of callers belonged to the category of those complaining about their applications, especially about the duration of the processing, which in some cases take months. For example, at the consular offices of Greece or Italy, it takes two to three months to fix an appointment from the day they have received telephone calls. This is one of the main problematic issues, on which the Visa Facilitation Agreement does not contain any solution.

At the same time, this reality serves as a “golden excuse” for consular offices, because they have an obligation to issue a verdict within 10 working days from the interview with the concerned person; this time limit is respected in general. There were people who called to complain exactly about the late time in which an appointment with the consular office was fixed, which often happened to be a time after that during which the visit to the other country was planned. But consular offices usually defend their work with the number of visa applications that they process is too high to deal with. This number exceeds 100 applications per day in the Greek and Italian consular offices.

“My son is an artist and missed the concert in Greece, because the earliest possible day for interview was only the day before the concert. My son got the visa, but it was not useful anymore”<sup>2</sup>. This is what a parent told us about his son’s visa application, complaining also about the mail service, which delivers a passport with a visa, a service that had not informed him timely.

### **b) High cost telephone calls**

The high costs for calls to value added phone numbers of some of the Schengen consular offices is of concern to Albanian citizens; visa applicants have to make telephone calls to fix the date of the interview.

### **c) Is it easier or more difficult for personalities of public life?**

Monitoring results indicate that the most problematic categories are people travelling for tourism or health purposes and those visiting relatives, children, cousins, maybe because of previous migration experiences of their relatives they are subject to prejudice. Many citizens have knocked on the door of

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<sup>2</sup> Telephone call to the European Movement Albania on 11.06.2008.

European Movement in Albania to show that their documents for obtaining a Schengen visa were complete, but their visa applications were rejected by various consular offices.

A retired couple of 79 and 76 years old<sup>3</sup>, who had previously been issued Italian visas that they had respected strictly, could not get visas this year, which should have been easier with a Visa Facilitation Agreement in force. The children of this couple live in Italy, but they could not learn the reasons for having their visa applications rejected.

Ylli Popa's visa application, the former chairman of the Academy of Sciences, and one of the most distinguished personalities of public life in Albania, was rejected by the Italian consular office. Furthermore, as it was reported to us by a caller<sup>4</sup>, who was present in the consular office to submit her visa application, the Albanian personnel of the consular office said to him when he was handing the visa application documents "Will you sleep under a bridge in Italy?".

Indrit Fortuzi, a football player of the Albanian national team and a beloved person among sports' fans in Albania, could not get a Schengen visa from the German consular office this year, even though he presented all the documents required by the consular office, together with the original invitation from his hosts. Fortuzi was granted visas several times and had strictly observed previous time limits. Having played football for long periods of time in Greece and Austria, he was also a holder of residence permits in those countries.

"I have had no such problems even in those times when getting a Schengen visa was a difficult mission. I don't know if I make my point clear, but it should be easier instead of more difficult for people involved in sports to get a visa, especially when this is provided for by the Visa Facilitation Agreement" – says Fortuzi in his sent e-mail message<sup>5</sup>.

But unfortunately although the most famous, the Popa and Fortuzi cases, are not the only ones. There are also a considerable number of people from the business community who complain about the fact of being issued only short-term visas, or sometimes about having their visa applications rejected by consular offices. These persons have positive visa precedents, have respected all required time limits, and submitted financial guarantees for their return to Albania; but there are always problems whenever they apply for visas.

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<sup>3</sup> These persons came to the European Movement Albania offices on 16.06.2008.

<sup>4</sup> Telephone call to the European Movement Albania on 12.06.2008.

<sup>5</sup> E-mail message of 12.06.2008 sent at: [info@em-al.org](mailto:info@em-al.org).

The above mentioned cases defy even the most optimistic thesis about the efficiency of this agreement, which in its essence is aimed at creating easier conditions for movement towards the Schengen area, at least for the “agents of exchange”.

### **Third group: Unresolved problems with the security of documents**

There is matter for concern by the consular offices accredited in Tirana as there is matter for frustration of Albanian citizens when facing the “Schengen wall”. Forged and unlawful documents are an issue of particular importance for visa issuance. The Albanian Government has not issued identity cards or passports with biometric data to its citizens yet. Practice shows that personal and family status certificates can be forged, which lowers the level of credibility of these documents that Albanian visa applicants have to file with consular offices of the Schengen countries.

### **Fourth group: Other problems**

During this monitoring period, European Movement in Albania identified some persons that went to a consular office of a Schengen Agreement Member State with a view to travel after that to another Member State. In other words, it was evidenced the so-called “visa shopping” phenomenon. This situation is not in the best interest of visa applicants and rejection in these cases as well as in cases of forged documents is justified.

## **3. Recommendations**

### **To: Albanian Government**

- In order to achieve a better implementation of the Visa Facilitation Agreement, the Albanian Government should create a system of data for the 18 beneficiary categories of this Agreement, as it is difficult for a Schengen consular office in Tirana to identify in reality which are the credible non profitable organisations registered in compliance with Albanian legislation, associations of politically prosecuted persons, associations of journalists, tourism operators and others.
- The Ministry of Foreign Affairs should undertake a raising awareness campaign and provide in its annual budget a specific item to deal with citizen information about the Visa Facilitation Agreement and about

realistic expectations in connection with visa liberalisation. Only this way we can bridge communication with citizens and increase their confidence in this process.

- The Ministry of Foreign Affairs should create a special structure for verifying claims of visa applicants in cases of visa rejection. Thus, those claims that are founded may be channelled to the Joint Committee of the Visa Facilitation Agreement.
- The Albanian Government should act quickly to finalise the process of creating a digitalised civil status registry, issuing identity cards and passports with biometric data to Albanian citizens. At the same time, the Albanian Government should end the practice of issuing identity documents to citizens without their being present at the civil status offices, police commissariats or Albanian consular offices in various countries of the world.

**To: Consular Offices of Schengen countries**

- The consular offices of the Schengen countries should observe with rigorousness the obligations arising from this Agreement, because in the opposite case the authority of the European Community as signatory party of this agreement would be put into question.
- The consular offices of the Schengen countries should increase the transparency of this process by making public the number of visa applications, the rejection rate and causes thereof, in order that the Albanian Government and other actors involved in this process address them in the proper way.
- The consular offices of the Schengen countries, in cooperation with the Albanian Government, should replace the value added lines of telephone communication with land lines, which would significantly lower the visa application costs for Albanian citizens.
- The consular offices that receive a large number of visa applications, as for example those of Greece and Italy, should increase their human resources and processing capacities in order that the time for processing a visa application be as short as possible.