

Changes in Schengen visa application process

As part of the worldwide introduction of the Visa Information System (VIS)¹, the Schengen States will launch the VIS in Sri Lanka (and in the neighbouring countries²) on 2 November 2015. Since October 2011, the VIS has been functioning in seventeen (out of 23) world regions³. All Schengen consulates worldwide will be connected to VIS by the end of November 2015.

The purpose of this global VIS introduction process is to better protect applicants against identity theft and to prevent document fraud and so-called "visa shopping". Fingerprints are widely used within the EU as a more secure means of identification. The use of biometric data for identification purposes of a visa holder is a faster and more accurate way to identify a visa holder by border police.

As from 2 November 2015, Sri Lankan citizens requesting a Schengen visa will have to appear in person in order to provide **biometric data** (fingerprints and digital photography). This concerns the applications for the short-term Schengen visas (max. 90 days in 180 days). For subsequent applications within next **5 years** the biometric data will be copied from the previous visa application included in the VIS⁴.

Apart from that, there will be no change in current procedures such as visa fee or forms. However, the applicants should be aware that due to provisions of biometric data, which might cause at the beginning some disruptions, the first visit to their respective Schengen State Consulate after 2 November 2015 might take a little bit longer.

- Exemptions from the obligation of fingerprinting are provided for the following categories of applicants only:
 - Children under 12,
 - Persons for whom the collection of fingerprints is physically impossible;
 - Sovereigns and other senior members of a royal family, Heads of State and members of the national Governments (with their official delegations and spouses) if they travel for official purposes.

FURTHER INFORMATION

European Commission

<http://ec.europa.eu/vis>

¹ The Visa Information System (VIS) is a system for the exchange of data on short-stay visas between Schengen States. The main objectives of the VIS are to facilitate visa application procedures and checks at external border as well as to enhance security.

² Bangladesh, Bhutan, Maldives, Nepal, Pakistan, and Sri-Lanka

³ It has been already introduced in Africa, the Middle East, the Americas, Australasia, South-East Asia, Central Asia, Western Balkans, Turkey, Eastern Europe and the Caucasus Region as well as East Asia.

⁴ However in some cases, such as reasonable doubts regarding the identity of the applicant, the consulates will still have to collect fingerprints within this period of time.

Visa Information System (VIS)

FAQs

1) What is the VIS?

The Visa Information System (VIS) is a system for the exchange of data on short-stay visas between Schengen States.

The VIS consists of a **central database**, a national interface in each Schengen State, and a communication infrastructure between the central database and the national interface. **The VIS is connected to the national visa systems of all Schengen States** via the national interfaces to enable competent authorities of the Schengen States to process data on visa applications and on visa issued, refused, annulled, revoked or extended.

The VIS is composed of two systems, first the VIS database with alphanumerical searching capabilities and an Automated Fingerprint Identification System (AFIS) that compares received fingerprints against database and returns hit/no hit response, along with matches.

The principal central VIS is located in Strasbourg (France) and a back-up central VIS, capable of ensuring all functionalities of the principal central VIS is located in Sankt Johann im Pongau (Austria).

The VIS processes continuously the information collected by Schengen States' consulates. For example, the information entered locally by the visa authorities can be available within a few minutes in the VIS. The VIS supports swift services for verification of visa holders at the border crossing points. For example, a verification takes only a few seconds.

The Commission was in charge of the development of the central database, the national interfaces and the communication infrastructure between the central VIS and the national interfaces. Each Schengen State is responsible for the development, management, and operation of its national system.

The Agency for the management of large-scale IT systems (eu-LISA) is since 1 December 2012 the Management Authority of the VIS.

2) What is the legal basis for the VIS?

The main acts constituting the VIS legal framework are:

- Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS), OJUE L 213, 15.6.2004, p. 5.
- Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the VIS and the exchange of data between Member States on short-stay visas (**VIS Regulation**), OJUE L 218, 13.8.2008, p. 60.
- Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the VIS by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of

terrorist offences and of other serious criminal offence, OJUE L 218, 13.8.2008, p. 129.

- Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code, OJUE L 35, 4.2.2009, p. 56.
- Regulation (EC) No 810/2009 of the European Parliament and the Council of 13 July 2009 establishing a Community Code on Visas (**Visa Code**), OJUE L 243, 5.9.2009, p. 1.

3) What are the consequences of VIS in practice for visa applicants?

First-time visa applicants will always have to appear in person when lodging the application in order to provide their photograph and fingerprints.

The photograph can be digitally taken at the time of the application or scanned from an existing one.

For subsequent applications within 5 years the fingerprints can be copied from the previous application file in the VIS.

Nevertheless it has to be underlined that in case of reasonable doubt regarding the identity of the applicant, the consulate shall collect again fingerprints within the 5 year period specified above. Furthermore, the applicant may request that they be collected if, at the time when the application is lodged, it cannot be immediately confirmed that the fingerprints were collected within this 5 years period.

Visa applicants' biometric data can be **collected by Schengen States' consulates and external service providers but not commercial intermediaries** (e.g. travel agencies).

Schengen States' border guards check the VIS using, systematically, the visa sticker number and, possibly, the verification of fingerprints of the visa holder. Since October 2014, the searches in the VIS are carried out using the visa sticker number in combination with the fingerprints, except in a limited set of circumstances (for instance due to the intensity of traffic).

When arriving at the external border of the Schengen area, visa holders will have to provide their fingerprints for comparison with those registered in the VIS, if requested by Schengen States' border control authorities.

Visa holders whose fingerprints were not collected at the time of application, either because they were exempted from this requirement or because the collection of fingerprints was not yet mandatory in the region concerned, will not be requested to provide fingerprints at the border.

4) What will happen to those people who refuse to provide fingerprints for various reasons?

Unfortunately, a person will not be issued a Schengen visa if he/she fails to provide biometric data. There are, however, In accordance with Article 13(7) of the Visa Code several categories of citizens, who do not have to provide this data:

- **children under the age of 12;**
- **persons for whom fingerprinting is physically impossible.** If the fingerprinting of fewer than 10 fingers is possible, the maximum number of fingerprints shall be taken. If the impossibility is temporary, the applicant shall be required to provide the fingerprints at the following application;
- **heads of State or government and members of a national government** with accompanying spouses, **and the members of their official delegation when they are invited** by Member States' governments or by international organisations **for an official purpose;**
- **sovereigns and other senior members of a royal family**, when they are invited by a Member State government or international organisation for an official purpose.

This list is mandatory and exhaustive. Holders of diplomatic passports are **not exempted as such from the fingerprinting requirement.** They may be exempted if they are members of the official delegation of heads of State/ members of a national government invited for an official purpose.

5) Are Schengen visas issued before 2 November 2015 valid?

Yes, they remain valid.

6) If I already have a biometric passport, do I also need to submit my fingerprints?

Yes, the owners of biometric passports also have to show up in person when applying for a short-stay Schengen visa after 2 November.

There are two different systems storing biometric data that are not linked to each other. The biometric passports with fingerprints are issued by Sri Lankan authorities. The VIS is issued by Schengen states' authorities, which have no access to the data stored in the chip of the Sri Lankan biometric passport.

7) Will the VIS procedure leads to an increase of visa fees?

No, the visa fees remain as they are.

8) Does this new requirement represent a new barrier for Sri Lankan applicants? Isn't it aimed against the Sri Lankan citizens?

No, the new measures are aimed to make the whole process safer. The fingerprints will be taken only the first time and then they would be used during the 5 years period for any subsequent Schengen visa application.

The same requirements will be soon applied all over the world. Sri Lankan applicants are treated equally like any other nationals.

9) Is there any additional advice for an applicant requesting a Schengen visa ahead of the launch of the VIS?

Travellers planning to apply in late October should be aware that few days before 2 November 2015 some of the Schengen States' consulates issuing visas might be closed and/or limit the collection of documents due to the installation works linked to the new system.

If you plan to travel in November, please consider submitting your documents a few weeks in advance.

Consulates and visa application centres will need to train their own staff, adjust and master new working procedures for which they might need extra time.

10) What would be the role of the visa application centres?

The role will remain unchanged, e.g., they will assist consulates of Schengen States, which are working together in the preparatory stage of the application process.

These centres will be equipped with electronic devices for collecting biometric data that will be directly sent to the consulate of the respective Schengen country and then stored in the VIS database.

11) What is the VIS deployment plan?

The VIS did not start operations on the same date in all Schengen States' consulates worldwide. The VIS is being progressively deployed, region by region, in the order defined by the Commission on the basis of three criteria defined by the VIS Regulation: the risk of irregular immigration, the threats to the internal security of the Schengen States, and the feasibility for collecting biometrics from all locations in the region.

The VIS first started operations in all Schengen States' visa issuing consulates in North Africa, on 11 October 2011, then subsequently in the Near East, Gulf region, West and Central Africa; East and Southern Africa; South America; Central Asia, South East Asia and the occupied Palestinian; then Central America, North America, the Caribbean, Australasia, Western Balkans, Turkey, the Eastern neighboring countries, and most recently in September 2015 in Russia, in October 2015 in China, Japan and neighboring countries, and finally in South Asia region in November 2015.

The precise dates for VIS go-live in each region were set by Commission Implementing Decisions, after consultations with Member States and notification of their technical readiness.

Schengen States have the possibility to start using the VIS, with or without collecting visa applicants' fingerprints, in any location ahead of the general planning, provided that they notify first the Commission.

12) How is my biometric data protected in the VIS?

Strict data protection rules are defined in the VIS-related rules and are subject to control of national and European data protection authorities.

Data is kept in the VIS for maximum 5 years starting from the expiry date of the visa, if a visa has been issued; or on the new expiry date of the visa, if a visa has been extended; or on the date the negative decision is taken by the visa authorities.

Any person has the right to obtain communication of the data recorded in the VIS related to him/her from the Schengen State which entered the data into the system. Any person may also request that inaccurate data related to him/her be corrected and that data unlawfully recorded be deleted.

In each Schengen State, national supervisory authorities monitor independently the processing of the personal data registered in the VIS by Schengen State in question.

The European Data Protection Supervisor monitors the data processing activities by the VIS Management authority.

13) Which data are registered in the VIS?

In each region where the VIS will be progressively deployed, Schengen States' visa authorities will register in the VIS **data relating to short-stay visa applications** (i.e applications for stays in the Schengen area up to three months). **Data on national long-stay visas will not be registered in VIS.**

On receipt of an application, the visa authorities of the competent Schengen State will create an application file in the VIS and will register **the alphanumeric data contained in the Schengen visa application form⁵, the digital photograph, and the 10 fingerprints taken flat of the applicant.**

If the applicant is travelling in a group the application files of the travellers will be linked in the VIS. If a previous application has been registered for the same applicant, both applications will also be linked in the VIS.

For each region, the Commission determines the date from which the use of the VIS and the collection of fingerprints is mandatory for all Schengen visa-issuing consulates in the region concerned. **Before that date, a Schengen State may decide to start operations ahead of the general roll-out planning with or without collecting the fingerprints** of visa applicants. If a Schengen State decides not to collect the fingerprints, the other data will be registered in the VIS.

When a **decision has been taken on the application** (issuance/ refusal of the visa) or subsequently (annulment, revocation, extension), **the information is registered in the VIS** by the visa authorities of the competent Schengen States. When the visa is issued and if all the applicant's data - including his/her fingerprints - was registered in the VIS, a code 'VIS' is inserted in the visa sticker.

⁵ including the applicant's name, his/her nationality, his/her place of residence, his/her occupation, the travel document's number, the type of visa requested, the main destination and the duration of the intended stay, the intended border of first entry, the details of the inviting person.

14) Which authorities have access to the VIS?

The **visa authorities** of the Schengen States have access to the VIS **both for entering and consulting the data**. The data on the application and on the decisions related thereto are entered in the VIS by the visa authorities of the Schengen State competent for examining the application or for taking the decision. **Data entered by one Schengen State may then be consulted by the visa authorities of all other Schengen States, for instance when examining another application from the same applicant.**

Other authorities from the Schengen States have access to the VIS for consultation only.

The **national border authorities** have access to the VIS for the purpose of **verifying the identity of the visa holder, the authenticity of the visa, and whether the conditions for entry to the territory of the Schengen States are fulfilled**. Checks in the VIS at the external borders of the Schengen area with systematic fingerprint verifications are compulsory since October 2014, except in a limited set of circumstances.

The national authorities responsible for carrying out identity checks within the territory of the Schengen States have access to the VIS for the purpose of **verifying the identity of the visa holder, the authenticity of the visa, and whether the conditions for entry, stay or residence on the territory of the Schengen States are fulfilled**.

The **competent national asylum authorities** have access to the VIS for determining the Member State responsible for examining an asylum application in accordance with Regulation (EC) n° 343/2003 and for the examination of such an application.

In the future, **Europol will have access for consultation to the VIS for the purposes of the prevention, detection and investigations of terrorist offences and of other serious criminal offences.**

The national law enforcement authorities may request access to VIS data for the same purposes, since 1.9.2013, providing that certain legal conditions are fulfilled: access to VIS data must be necessary in a specific case and there must be reasonable grounds to consider that the consultation of the data will substantially contribute to the prevention, detection or investigation of terrorist and other serious crimes.

As a rule, **VIS data cannot be transferred or made available to a third country or an international organization**. By way of derogation, certain data registered in the VIS (name, nationality, travel document number, residence) may be communicated to a third country or an international organization when necessary in an individual case for proving the identity of a third country national, including for the purpose of return.