

SCHENGEN VISAS - Frequently Asked Questions

- 1 ***What is Schengen?***
 - 2 ***Which countries are part of Schengen?***
 - 3 ***How does it work?***
 - 4 ***What is a Schengen visa?***
 - 5 ***Do I need a short stay visa for a 90-day within 180 day period in the Schengen area?***
 - 6 ***Where should I apply for my short stay Schengen visa (Schengen Visa Code, Art.5)?***
 - 7 ***How do I apply for a Schengen visa (Regulation EC No 810/2009)***
 - 8 ***How long does a business visa take to be issued?***
 - 9 ***How should I read the visa sticker?***
 - 10 ***I do not need a visa for short stays. What do I need to check before I leave? What papers can I be asked for by the border authorities?***
 - 11 ***What should I do when I arrive at the Schengen border?***
 - 12 ***Can I be refused entry? In this case, what can I do (Article 13 Schengen Borders Code)?***
 - 13 ***Will I be denied entry if I have a past criminal record?***
 - 14 ***Once I am allowed into Schengen, am I still subject to any formalities?***
 - 15 ***How often can I travel without a long term Schengen visa/permit in the Schengen area?***
 - 16 ***I have a valid long stay visa/residence permit for a country that is part of the Schengen area. Do I need another visa to travel to other Schengen states?***
 - 17 ***What happens if I overstay (Schengen Visa Code, Art.96)***
 - 18 ***How can I extend my Visa (Schengen Visa Code art.33)?***
 - 19 ***What is the SIS and SIS II?***
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1. What is Schengen?

Schengen is a little town in Luxembourg that gave name to the agreement that was signed there on 14 June 1985 by five of the ten member states of the then European Economic Community. The Schengen agreement established an area where the free movement of persons is guaranteed. The signatory states have abolished all internal borders in place of a single external border. There are shared common rules and procedures with regard to visas for short stays, asylum requests and border controls.

Main rules about Schengen visas are set forth in the **Schengen Borders Code** (*Regulation (EC) No 562/2006*) and the **Visa Code** (*REGULATION (EC) No 810/2009*).

2. Which countries are part of Schengen?

Today, the Schengen area is comprised of 26 countries: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland

3. How does it work?

The Schengen area allows people to travel freely within its borders, without the need for a passport. Anyone from a Schengen Member State is automatically allowed to travel freely. Citizens from certain countries are allowed to travel within the Schengen area for up to 90 days every 180 days without requiring a visa. (See the list below). Any period of stay longer than 90 days requires a visa to be issued before travelling to any of the Schengen member states.

4. What is a Schengen visa?

A Schengen visa is a short stay visa allowing its holder to circulate in the Schengen area with a view to:

- ✓ transit through or an intended stay in the territory of the Schengen States of a duration of no more than 90 days in any 180 days period ("short stay visa"),
- ✓ transit through the international transit areas of airports of the Schengen States ("airport transit visa").

5. Do I need a short stay visa for a 90-day within 180 day period in the Schengen area?

There is a common list of countries whose nationals are exempt from short stay visa requirement (Regulation No 539/2001 and its successive amendments):

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Bahamas, Barbados, Bosnia Herzegovina, Brazil, Brunei, Darussalam, Canada, Chile, Colombia, Costa Rica, Dominica, El Salvador, Former Yugoslav Republic Of Macedonia, Grenada, Guatemala, State Of The Vatican, Honduras, Israel, Japan, Malaysia, Mauritius, Mexico, Moldova, Republic Of Monaco, Montenegro, New Zealand, Nicaragua, Palau, Panama, Paraguay, Samoa, San Marino, Seychelles, Serbia Singapore, South Korea, St Kitts and Nevis, St Lucia, St Vincent and The Grenadines, Taiwan, Timor-Este, Tonga, Trinidad and Tobago, United Arab Emirates, United States Of America, Uruguay, Vanuatu, Venezuela, Special Administrative Regions Of The People's Republic Of China (Hong Kong, Macao) British citizens who are not nationals of the united kingdom of Great Britain and Northern Ireland for the purposes of union law (British Nationals (Overseas) British Overseas Territories Citizens (Botc) British Overseas Citizens (Boc) British Protected Persons (Bpp) British Subjects (Bs).

There are also national exceptions to the visa requirements for certain travelers. Member States may grant exceptions to the visa requirement or the visa waiver to certain categories of persons such as, for example, holders of diplomatic, service and special passports, civilian air and sea crews or flight crew and attendants on emergency/rescue flights. Complete information can be found here:

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/apply_for_a_visa/docs/visa_lists_en.pdf

6. Where should I apply for my short stay Schengen visa (Schengen Visa Code, Art.5)?

As a general rule, you must apply for a visa at the Consulate with jurisdiction on the country in which you legally reside. You must file the application at the Consulate of the country that you intend to visit, or – if you intend to visit more than one Schengen State, at the Consulate of the country of your primary destination (i.e. main purpose of stay or longest stay). If you intend to visit several Schengen States and the stays will be of equal length, you must apply at the Consulate of the country whose external borders you will cross first

7. How do I apply for a Schengen visa (Regulation EC No 810/2009)

Applications can be filed no more than three months before the start of the intended trip. It is advisable to apply at least 15 calendar days before the intended visit.

Documents needed:

- ✓ a passport with at least two empty pages issued within the last 10 years, valid for at least 3 months beyond the date on which you intend to leave the Schengen territory, or, in the case of multiple journeys, the date on which you intend to leave after the last stay.
- ✓ a visa application form completed and signed.
- ✓ a recent identity photograph conform to ICAO standards
- ✓ in the countries where the Visa Information System is operational your fingerprints will be collected when you submit your application (exemptions exist for specific categories of applicants).
- ✓ a visa fee non refundable
- ✓ a travel medical insurance covering emergency medical, hospitalisation and repatriation (including in case of death). The minimum cover should be of 30.000 EUR. This insurance must be valid for the entire Schengen area and throughout the duration of the stay.
- ✓ various documents relating to the purpose of your stay, evidence of means of support during your stay and your accommodation.

During the processing time the consulate may ask to submit additional information or documents or you may be contacted for an interview.

8. How long does a business visa take to be issued?

Normally, a Schengen business visa takes around 15 calendar days 10 working days to be issued.

However, the process can take up to 30 days or 60 days if there is something extraordinary about the case, or if a political situation is underway.

9. How should I read the visa sticker?

DURATION OF STAY: indicates the number of days you may stay in the Schengen area. The days should be counted from the date you enter the Schengen area (the entry stamp) to the date you exit the Schengen area (the exit stamp), i.e. both days included.

VALIDITY: The period of time between "FROM ...UNTIL" provides the window in which you can travel to the Schengen area. This is usually longer than the number of days printed in the "DURATION OF STAY" field. The difference in period is meant to give flexibility to plan entry into and exit from the Schengen area. Be careful: your stay in the Schengen area must never exceed the exact number of days in the "DURATION OF STAY ...DAYS" field. Also, regardless of how many days you have stayed in the Schengen area, you must leave no later than the date printed in the "UNTIL" field."

The period of validity of a visa for one or two entries includes an additional 15 days grace period which does not affect the length of stay indicated on the visa: the 15 days are added to the period of validity but not to the "duration of stay" section on the visa (Article 24 OF Schengen Visa Code)

NUMBER OF ENTRIES:

- ✓ "MULT" you may enter the Schengen Area as many times as you wish
- ✓ "1" that you may enter the Schengen Area once only
- ✓ "2" you may enter the Schengen Area twice

10. I do not need a visa for short stays. What do I need to check before I leave? What papers can I be asked for by the border authorities?

In general, border control officials will check your identity on the basis of your travel documents. They may also ask you to show evidence that you meet all entry conditions. These include:

- ✓ A valid travel document, usually a passport valid at least 3 months AFTER your **planned departure date**. If your passport does not meet the criteria, you may be refused boarding on the plane, or you may be refused when you arrive in a Schengen State. NOTE: Some Schengen States assume you will stay the full 90 days allowed, and so require 6 months validity, regardless of the actual duration of your stay. Therefore, **it can be safer to simply have at least 6-months of validity left on your passport from the planned departure date**

(some Schengen states will also require your passport to be valid for 3 months, even if you are only transferring through a Schengen State airport to a non-Schengen state)

- ✓ A short-stay Schengen visa (if you are a Visa National and intend to stay for up to 90 days within 180 days);
- ✓ A long-stay visa (if you intend to stay for MORE than 90 days within 180 days);
- ✓ Documents to show the purpose of your stay; You must be able to explain why you want to enter the Schengen area and to prove the conditions of your stay.
- ✓ Documents to show that you have enough money for your stay and return.
- ✓ You must not be considered to be a threat to public policy, internal security, public health
- ✓ You must not have an alert issued in the Schengen Information System for the purposes of refusing entry.

11. What should I do when I arrive at the Schengen border?

When you first cross any external border of the Schengen area, present your passport for entry. An immigration official will determine if you qualify for entry into the Schengen area.

You must demonstrate to passport control officers that you are entitled to the stay or visa you were issued.

Even if you possess a valid visa, actual entry may still be denied/refused if you are unable to satisfy the border officer's questions and/or requests to see documents.

Make sure that your passport is clearly stamped both when you enter and leave the Schengen Area and that the stamp has the dates visible. Without an entry stamp, you may be treated as an overstayer when you try to leave; without an exit stamp, you may be refused entry the next time as you may be considered to have overstayed on your previous visit. For visa nationals a future visa application may be refused or the processing of your application may experience further prolonged processing. If you cannot obtain a passport stamp or is not too visible, make sure that you retain travel documents (boarding passes, stamps of passports from other countries, transport tickets, financial documents, etc. which may help to show that you have stayed in Schengen legally.

12. Can I be refused entry? In this case, what can I do (Article 13 Schengen Borders Code)?

You can be refused entry if:

- ✓ You do not have the right documents;
- ✓ You are considered a threat to public policy or security.
- ✓ You are flagged with a security alert in the SIS – see below

Please note, you are financially responsible for leaving the Schengen area.

In case of visa nationals, they may have the visa application refused. In this case:

- ✓ You can re-apply again. However, it is recommended that you take note of the reasons for the earlier refusal
- ✓ Note that the visa fee is not refunded if the visa is refused.
- ✓ Applicants who have been refused a visa shall have the right to appeal according to Article 32 of the Schengen Visa Code: appeals shall be conducted against the Member State that has taken the final decision on the application and in accordance with the national law of that Member State. Member States shall provide applicants with information regarding the procedure to be followed in the event of an appeal.

13. Will I be denied entry if I have a past criminal record?

Questions about criminal convictions are not asked when applying for a Schengen visitor/business visas, and border agent don't ask this either. Unlike most other countries, incoming passengers are normally not required to fill-in any additional paperwork to present to passport control officials.

If any officials or forms ask you about past criminal record, you must answer truthfully, but in general if its not more than 3 years of imprisonment, or crimes involving alien smuggling or drug offences that resulted in more than 2 years of imprisonment, then generally they will not refuse you entry or visa on that ground. Some countries have specific but are generally more concerned with offences committed in their country, rather than outside of the EU.

14. Once I am allowed into Schengen, am I still subject to any formalities?

Once into the Schengen zone, you can generally travel to any member state without having to accomplish any particular procedures. However in certain circumstances, some countries require foreign nationals to declare their presence to relevant local authorities even if they arrived from another Schengen member state. In addition, Please also expect random passport checks when crossing borders at any time, as well as when boarding a plane at the airport, therefore you are strongly advised to carry your passport with you at all times. Also your travel documents may be examined during routine identity checks even while you are within a Schengen country

15. How often can I travel without a long term Schengen visa/permit in the Schengen area?

Regulation (EU) No 610/2013 of 26 June 2013, defined the concept of maximum duration of authorised "short stay" for third-country nationals in the Schengen area– irrespective of being visa nationals or visa exempt – as "90 days in any 180-day period [...]". Also, "The date of entry shall be considered as the first day of stay on the territory of the Member States and the date of exit shall be considered as the last day of stay on the territory of the Member States. Periods of stay authorised under a residence permit or a long-stay visa shall not be taken into account in the calculation of the duration of stay on the territory of the Member States."

"Any" means that a "moving" 180-day reference period applies. In order to verify if the 90 days / 180-day requirement continues to be fulfilled, one must look backwards at each day of the stay (be it at the entry or at the day of an actual check) into the last 180-day period,

It also means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days.

A short-stay calculator can be used for calculating the period of allowed stay available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/schengen_calculator_en.html

This does not apply to the visa waiver agreements concluded between the EU and Antigua and Barbuda, The Bahamas, Barbados, Brazil, Saint Kitts and Nevis, Mauritius, and Seychelles

16. I have a valid long stay visa/residence permit for a country that is part of the Schengen area. Do I need another visa to travel to other Schengen states?

No. A long stay visa or a residence permit issued by a Schengen State allows you to travel or stay in other Schengen States, while respecting the maximum duration of a "short stay" (a stay of "90 days in any 180 day period") in any case, you must:

- ✓ justify the purpose of your stay;
- ✓ have sufficient financial resources for your stay and return;
- ✓ not be considered a threat to public policy, public security or public health.

17. What happens if I overstay (Schengen Visa Code, Art.96)?

- You face being fined if you overstay even 1 day.
 - Certain countries are much more strict. Germany, for example, is notorious for catching-out people who have overstayed.
- If the overstay is significant, you may be banned from travelling within the Schengen area for a period of time (can be several years).
- You run the risk of being put into the SIS (see question 15) for overstaying.
 - You must first be de-listed before you have the possibility of reentering the Schengen Area.
 - It also means that all Schengen authorities will be able to find you in the SIS.

18. How can I extend my Visa (Schengen Visa Code art.33)?

The EU has very strict rules as to how a visa can be extended:

It **must be extended** if :

- the visa holder has **provided proof of force majeure or humanitarian reasons** preventing him from leaving the territory of the Member States before the expiry of the period of validity of the visa.
 - Examples of reason of force majeure: last minute change of flight schedule by the airline –
 - Example of humanitarian reasons: sudden serious illness of the person concerned (meaning that the person is unable to travel) or sudden serious illness or death of a close relative living in a Member State.
- It is mandatory to extend only for reasons of "force majeure" and not for "humanitarian reasons".

It (the period of validity and/or duration of stay) **may be extended**:

- If the visa holder provides proof of serious personal reasons justifying the extension of the period.
- For business reasons, if these are urgent or unpredictable (although these cases are at the discretion of the local authorities)

19. What is the SIS and SIS II?

The Schengen Information System (SIS) is an information system that supports external border control and law enforcement cooperation in the Schengen States. It enables authorities to enter and consult alerts on certain categories of wanted or missing persons and objects. An SIS alert contains information about a particular person or object but also instructions on what to do when the person or object has been found.

The second generation Schengen Information System (SIS II) is an enhanced system meant to replace the current one.

The main purpose of the SIS is to help preserving internal security in the Schengen States in the absence of internal border checks.

The SIS is defined in three legal instruments: Regulation (EC) No 1987/2006 (Border control cooperation); Council Decision 2007/533/JHA (Law enforcement cooperation); Regulation (EC) No 1986/2006 (Cooperation on vehicle registration)

Data listed in the SIS includes:

- set of data for identifying the person or object subject of the alert
- reason for the alert (this can be a prior overstay in the Schengen area or a warrant for arrest or extradition);
- action to be taken when the person or object has been found.

The SIS only contains alerts on persons or objects within the following categories:

- ✓ Refusal of entry or stay (Article 24 of Regulation (EC) No 1987/2006) This alert category covers third-country nationals who are not entitled to enter into or stay in the Schengen Area.
- ✓ Persons wanted for arrest (Article 26 of Council Decision 2007/533/JHA) This alert category covers persons for whom a European Arrest Warrant or Extradition Request (Associated Countries) has been issued.
- ✓ Missing persons (Article 32 of Council Decision 2007/533/JHA) The purpose of this alert category is to find missing persons, including children, and to place them under protection if lawful and necessary.
- ✓ Persons sought to assist with a judicial procedure (Article 34 of Council Decision 2007/533/JHA) The purpose of this alert category is to find out the place of residence or domicile of persons sought to assist with criminal judicial procedures (for example witnesses).
- ✓ Persons and objects for discreet or specific checks (Article 36 of Council Decision 2007/533/JHA) The purpose of this alert is to obtain information on persons or related objects for the purposes of prosecuting criminal offences and for the prevention of threats to public or national security.

- ✓ Objects for seizure or use as evidence in criminal procedures (Article 38 of Council Decision 2007/533/JHA)
This alert covers objects (for example vehicles, travel documents, credit cards, number plates and industrial equipment) being sought for the purposes of seizure or use as evidence in criminal proceedings.

The SIS has strict requirements on data quality and data protection and the state that entered the alert is responsible for its content. A person has the right to request access to data and make sure that they are accurate and lawfully entered. If this is not the case, the person has the right to request correction or deletion. If you believe your personal information has been misused, needs to be corrected or deleted, you can request access to and rectification of your data. Guidelines on the national procedures for access requests have been set by each nation Data Protection Authorities.