



MARRI MEMBER STATES' VISA SYSTEMS

MARRI Regional Centre (October 2009)

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INTRODUCTION

According to approved international migration standards, visa issuance is considered the first protection line against the international movement of persons who might represent a security risk. Efficient control of migration is a key prerequisite imposed by the EU on MARRI Member States as a strategic interest in terms of their visa policies. To this end, in accordance with MARRI Priorities in the area of visa and consular cooperation, MARRI Regional Centre organized Study Visit/Workshop “Best practices in management of visa systems in Skopje on 22-23 June 2009. Its objective was to assist MARRI Member States’ national institutions responsible for managing overall visa issuing process in their efforts to achieve Schengen standards and provide some guidance and examples of establishing and maintaining a visa issuing system.

As an additional product of the study visit/workshop, MARRI Regional Centre based on input of the participants prepared the following overview of MARRI Member States’ visa systems with particular emphasis on priorities of visa regimes.

REPUBLIC OF ALBANIA

LEGAL FRAMEWORK

- 1- The visa regime was set forth by the Law on Foreigners no. 9959, date 17.07.2008, based on and in reliance with articles 78 and 83 point 1 of the Constitution, on the proposal of the Council of Ministers.

In order to harmonize the visa issuance procedure with EU regulations and to reconcile Albanian visa regime with the EU MS and Schengen countries, i.e. the regulations of EU Acquis that regulate this field, the new Law entered into force on 01 December 2008.

The core changes in terms of visa issuance prescribed by the new law are seen in the replacement of the existing visa types with new ones. This law prescribes 4 types of visas:

1. Airport transit visa (visa A)
2. Transit visa (visa B)
3. Short-term stay visa (visa C)
4. Long-term stay visa (Visa D)

In extraordinary cases, due to emergency, disasters, humanitarian, foreigners mariners or high state interests, a short-term stay visa (visa C) up to 15 days, transit visa (visa B) up to 5 days, or airport visa (visa A) may be issued at the border by the Border Police.

Visa C (short-term stay visa) enables a foreigner single or multiple entries with undisturbed stay or more consecutive days in the country for up to 90 days over a period of six months. Visa D (visa for long-term stay) enables a foreigner to enter and stay in Albania for a period of six months with the validity up to one year. Possession of his type of visa is a mandatory condition if the foreigner wants to apply for Albanian residence permit.

Before the visa is issued, the Consular Department of Albanian MFA is obligated to request a consultative approval from the Department of Border and Migration in the General Directory of State Policy. But the final decision for issuance of a visa is competence of MFA.

- 2- Decision of Council of Ministers no. 362, date 01.04.2009, “Determining the Criteria, Procedures, and Documentation for Entry, stay and Treatment of Foreigners in the Republic of Albania.

In reliance on article 100 of the Constitution and articles 13, point 1 and 2, 14 point 5, 15 point 1 and 3, 16 point 4, 19 point 6, 24 point 1 and 4, 30 point 3, 32 point 1, letter “dh”, 36 point 3, 37 point 4, 67 point 1, 93 point 2, 94 point 5, 104 point 2 and 108 of law no.9959 of 17th July 2008 “On foreigners”, on proposal of Minister of Interior and Minister of Foreign Affairs, the Council of Ministers.

This Decision of Council of Ministers has specified a total of 52 countries whose citizens, holders of regular travel documents, do not need a visa to enter Albania. The Decision partially harmonises the visa regime with the White Schengen List. In addition to the countries listed on the White Schengen List, the following countries are in the free visa regime with Albania: Montenegro, Macedonia and Turkey, Kosovo. Due to bilateral agreements, these countries are in the free visa regime with Albania. An agreement on abolishment of visa regime is negotiated with Bosnia-Herzegovina.

- 3- Decision of Council of Ministers no. 431, date 27.04.2009, “An Additional on the Decision no. 362, date 01.04.2009, Determining the Criteria, Procedures, and Documentation for Entry, stay and Treatment of Foreigners in the Republic of Albania.

This decision allows foreigners that have a “Schengen” visa or a “Residence Permit” in member Schengen country to enter Albania without visa. This regulation is valuable only for short stay periods. In cases of long stay period foreigners need to have a visa “D”, which can allow them to apply for Albanian residence permit.

- 4- Decision of Council of Ministers no. 603, date 10.06.2009, “An Additional on the Decision no. 362, date 01.04.2009, Determining the Criteria, Procedures, and Documentation for Entry, stay and Treatment of Foreigners in the Republic of Albania.

This decision allows foreigners, citizens of Serbia, Russia, and Ukraine to enter Albania without visa during the period 01 May- 31 October.

INSTITUTIONAL FRAMEWORK

There are four Albanian institutions that are committed on visa procedures. First one is Ministry of Foreign Affairs with all its Diplomatic Missions, Ministry of Interior, specially the General Directory of State Policy, Ministry of Labor (in cases of issuance of work permits for foreigners that want to come and work in Albania) , and the last one is the Informative Service.

All these institutions, have directly and mutually participated in making legal, regulatory and institutional frameworks for migration and visas in harmony with the EU principles. Now the implementation of all legal frameworks, in practice is a challenge.

VISA ISSUANCE PROCEDURE

I. The MFA, i.e. Albanian Diplomatic Missions, are permitted to issue visas to foreigners. Albania has 51 missions but four of them are still in process of opening. Visas are issued in 41 diplomatic and consular offices. In exceptional circumstances the Border Police, in accordance with “Law on Foreigners”, can issue visas at the border. Each visa application is sent from the Diplomatic Missions to the Consular Department by fax and e-mail. After processing and review the applications this department sends them to the Ministry of Interior for inspection.

Consular Department (CD) with the response of Ministry of Interior inspection's, decide to approve or not the issuance of visa. In all the cases notifies the Diplomatic or Consular Missions (DCM) for the decision. CD also distributes the visa stickers to the DCM. Ministry of Interior is responsible for producing and administrating the visa stickers.

In line with the EU standards a trend of decrease in number of visas issued at border-crossings continues. There are 18924 visas issued at the border crossing in 2006. In 2007, 7704 are issued at border crossing followed with 8122 visas issued at border-crossings in 2008 (Including visa for Macedonian citizens that came in Albania as tourists last summer. Visa regime with Macedonia has been a border visa one.). Now after a free visa regime with Macedonia and entered in force of the new "Law on foreigners" for the six months of 2009 are issued 375 visas at the border crossing. I

Issuing of visas at border-crossings is conducted about 26 border-crossings but not all of them have the same influx of issuing border visa. The biggest, which have the most cases of issuing border visa, is the border point of national airport "Mother Teresa".

PRIORITIES OF VISA REGIME

- Establishment of new e-visa system (E-VISA).
- To harmonize the visa regime with those of the EU Member States and signatories of the Schengen Agreement
- Improving the capacity of the MFA and diplomatic mission.
- Equipment of Albanian missions with devices that can detect the false documents.
- To strengthen Border Police in order to enable efficient border control when implementing the visa regime;
- Improved information and access for foreigners to obtain information;
- Keeping a register with generalities of all foreigners that enter Albania (National register of foreigners);

BOSNIA AND HERZEGOVINA

LEGAL FRAMEWORK

1. International conventions and their significance to migration:
 - European Convention for the Protection of Human Rights and Fundamental Freedoms
 - Geneva Convention on Refugees Protection from 1951 and Protocol from 1967
 - New York Convention on Stateless Persons from 1954
 - UN Convention on the Rights of Child
 - Protocols in relation to the prevention of organized crime
2. Law on Supervision and Control of State Borders (Official Gazette of BH No. 56/04);
3. Law on Movement and Stay of Aliens (Official Gazette of BH No. 36/08);
4. Law on Border Control (Official Gazette No. 53/09)

- Development of visa policy system in BiH

I. The visa regime was set forth by the Law on Movement and Stay of Aliens (Official Gazette of BH No. 36/08).

- Article 23 of the Law stipulated that a visa is a permit that allows entry, stay and transit through BH territory within a certain period. A series of other by-laws that regulate this matter have been passed based on this law.
- The conditions and procedures for the entry and stay of aliens in BiH, as well as other issues significant for the entry of aliens and visa issuance at the border, have been additionally regulated by the Rulebook on the Conditions and Procedures for Entry and Stay of Aliens (Official Gazette of BH No. 4/05).
- Visa issuance or visa extension, types of visas, the form and content of visa sticker, as well as other issues relevant for visa issuance, is regulated in detail by the Rulebook on the Conditions and Procedures of Visa Issuance to Aliens, Visa Extension, Visa Annulment, Visa Types and Records of Issued Visas, approved in 2004. The approval of this Rulebook was followed by the approval of the Instruction for Visa Issuance Procedure in Diplomatic Consular Missions of BH.
- Upon entering into force of the new Law on Movement and Stay of Aliens of BiH¹, the obligation to stipulate procedures on issuing visas in the BiH diplomatic and consular network through by-laws in a more detailed manner has been determined and with that regard the following by-laws have been passed: the Rulebook on Issuing Long-Stay Visas (Visa D) and on Procedures for Issuing Such Visas² and the Rulebook on Issuing Visas in Diplomatic and Consular Missions of BiH and Technical Issues on Conditions for Issuing Airport Transit Visa (Visa A) and Transit Visa (Visa B)³.
- The Council of Ministers of BiH⁴ has adopted a Decision on Visas⁵ specifying a total of 66 countries whose citizens, holders of regular travel documents, do not need a visa to enter BiH. The Decision fully harmonises the visa regime of BiH with the, so called, White Schengen List. In addition to the countries listed on the White Schengen List, the following countries are in the free visa regime with BiH: Serbia, Montenegro, Macedonia and Turkey. Due to the reasons being justified by national interests, these countries are in the free visa regime with BiH, although they are not on the White Schengen List.

II. In order to harmonize the visa issuance procedure with EU regulations and to reconcile BH visa regime with the EU MS and Schengen countries, i.e. the regulations of EU Acquis that regulate this field, the new LMSAA (Official Gazette of BiH No 36/08) entered into force on May 14th 2008.

The core changes in terms of visa issuance prescribed by the new law is seen in the replacement of the existing eight visa types with four. The LMSAA prescribes 4 types of visas: 1. Airport transit visa (visa A), 2. Transit visa (visa B), 3. Short-term stay visa (visa C), 4. Long-term stay visa (Visa D).

In extraordinary cases, due to security, humanitarian, professional or personal reasons, a short-term stay visa (visa C) for single entry up to 15 days or transit visa (visa B) or airport visa (visa A) may be issued at the border by the Border Police. Visa C (short-term stay visa) enables an alien single or multiple entry with undisturbed stay or more consecutive days in the country for up to 90 days over a period of six months. Visa D (visa for long-term stay) enables an alien to enter and stay in BiH for a period of six months with the validity up to one year. Before the visa is issued, the DMCP of BH is obligated to request approval from the Office of Aliens in case a long-term visa D is to be issued, as well as in other foreseen cases.

INSTITUTIONAL FRAMEWORK

All BH institutions, including MFA, Ministry of Security and its organizational units, The Border Police and the Service for Foreigners have directly and mutually participated in making legal, regulatory and

¹ Official Gazette of BiH No 36/08

² Entered into force on 7 January 2009 (Official Gazette of BiH No. 104/08)

³ Entered into force on 12 April 2009 (Official Gazette of BiH No. 26/09)

⁴ At the 62nd session held on 23 October 2008

⁵ Entered into force on 25 December 2008 (Official Gazette of BiH No. 100/08)

institutional frameworks for migration and visas in harmony with the EU principles. In terms of the current migration and visa situation, besides existing cooperation between BH institutions, MFA, MoS and BP – a prerequisite for efficient implementation of obligations set forth by the rules and regulations – there is a need for permanent coordination, monitoring of regulations and their harmonization with EU regulations.

VISA ISSUANCE PROCEDURE

I. The MFA, i.e. BH DMCPs, are permitted to issue visas to aliens. Visas are issued in 35 diplomatic and consular offices. In exceptional circumstances the Border Police, in accordance with LMSAA, can issue visas at the border. Each visa application is sent electronically to the Ministry of Security for inspection. Visa stickers are printed out and include a machine-readable space for sticker validity control. All BH DMCPs are connected to the system. The State Border Office of BH may check each visa electronically. It is possible for the MFA to monitor electronically the work of DMCPs.

II. As far as technical prerequisites for visa issuance are concerned, as of November 2004, an electronic visa issuance system was established at the time when the Migration Information System (MIS) was completed, which enabled efficient, accurate and reliable maintenance of central records with the personal data of foreign citizens staying in BH for different purposes. The MIS system was upgraded in September 2007 by linking four existing visa, stay, border and asylum modules (not yet fully operational). The MFA issued a User Manual for the application of the visas module and initiated activities for the implementation of a new MIS system in the BH DMCPs.

In line with the EU standards a trend of decrease in number of visas issued at border-crossings continues. In 2008, 684 visas were issued at border-crossings which amounts to 6.94% decrease as compared with 2007 when 735 visas had been issued. In the first quarter of 2009 the trend of decrease continues as for the number of issued visas at the border-crossing (47.32% decrease) as compared with the same period of 2008. Issuing of visas at border-crossings is conducted at 14 border-crossings which are connected by the Register of Certain Foreigners database.

PRIORITIES OF VISA REGIME

- To establish a legal and institutional framework and create technical and personnel prerequisites for services and persons who participate in visa regime implementation;
- To strengthen Border Police in order to enable efficient border control when implementing the visa regime;
- To harmonize the visa regime with those of the EU Member States and signatories of the Schengen Agreement;
- To upgrade and implement the Migration Information System (MIS);
- Cooperation with BH DMCPs with the relevant institutions of the receiving state for migration flow control;
- To intensify cooperation with neighboring countries, to coordinate the activities of visa regime liberalization for the so-called Western Balkan countries and to have joint position towards the EU and its Member States in relation to issues of common interest on visa policy;
- To improve and to formalize the cooperation of all relevant bodies, especially those dealing with migration: Ministry of Security, Office for Aliens, Border Police and MFA by concluding Protocols for Cooperation;
- To conclude an agreement on the simplification of the visa issuance procedure with the third countries;

- To introduce biometric data in travel documents; visas and other personal documents; (A new system for biometric passports issuance was put into operation as of July 1, 2009 in its test phase. A new system for registers for JMB, permanent and temporary residence of the citizens, as well as a register for driving licenses was put into operation on the same day.
- To educate staff in DMCPs at destinations which record migration flows and prepare diplomats in advance in learning the languages of the receiving country;

REPUBLIC OF CROATIA

LEGAL FRAMEWORK

On the basis of the provision of Article 211 of the Act, the Minister of Foreign Affairs and European Integration issued three implementing regulations, with the consent of the Minister of the Interior, which entered into force on 1 June 2008:

- Ordinance on visas (Official Gazette 49/08) regulating the procedure of issuing visas in diplomatic missions/consular posts of the Republic of Croatia abroad;
- Ordinance on visa forms (Official Gazette 49/08), which sets out the application forms for issuing visas, sticker visas, and visa entry forms. In accordance with the provisions of the Ordinance, the new visa application form has been used in diplomatic missions/consular posts since 30 June 2008 and the visa entry form since 1 August 2008. The visa form will start to be used in diplomatic missions/consular posts at the beginning of 2009. The new sticker visa includes additional protective features, in line with the technical specifications laid down in the Annex to the Ordinance, which is confidential and is not published in the Official Gazette. The form complies with ICAO standards and relevant regulations of the *acquis*.
- The Ordinance on the Croatian Visa Database (Official Gazette 49/08), which regulates the contents and function of and authorisation for using the Croatian Visa Database, along with the conditions and procedures for exchanging data among competent bodies in charge of visas in order to facilitate the processing of visa applications and making decisions regarding applications.
- The Act on Amendments to the Administrative Fees Act (Official Gazette 60/08), which entered into force on 27 June 2008 and which completed the first phase of alignment of fees charged for visa applications with the *acquis*. A single fee (EUR 35) has been introduced for applications for all kinds of visas, and possible exemptions have also been aligned with the *acquis*.

A Proposal of the Act on Amendments to the Aliens Act, expected to be passed at the beginning of 2009, is under legislative procedure. In the area of visas, proposals such as introducing the requirement of travel insurance and the taking of biometrical data from applicants are being considered.

IT system

In February 2008, the Ministry of Foreign Affairs and European Integration adopted the Revised Plan for Full Computer Linking of Diplomatic Missions and Consular Posts of the Republic of Croatia Abroad.

The IKOS system is in full operation in 71 of 72 (73) Croatian diplomatic missions and consular posts. The last remaining location that needs to be connected to the system is the Embassy of the Republic of Croatia in Tripoli. This had to be delayed due to objective difficulties.

The system has undergone minimum technical adjustments pertaining to the printing of the new sticker visa and additional information.

The Ministry of Foreign Affairs and European Integration has made arrangements with the Ministry of the Interior for the implementation of IT infrastructure for the setting up of the Croatian Visa Database and work has begun on developing the necessary software.

As part of the activities of the Interdepartmental Working Group for the Establishment and Development of the Croatian Visa Information System and the Preparation for Joining the Visa Information System of the European Union (set up by the Decision of the Government of the Republic of Croatia of 2 November 2007), the Project "Support to the Setting up and Development of the Croatian Visa Information System and the Preparation for Joining the Visa Information System of the European Union" was proposed and approved within the PHARE assistance programme 2006.

INSTITUTIONAL CAPACITY

On 9 July 2008, the Minister of Foreign Affairs and European Integration and the Minister of the Interior issued an Implementation Plan for the Preparation of the Services of Foreign and Internal Affairs for the Alignment of the Visa Regime, which includes an assessment of the financial impact on the State Budget.

The Proposal of the Act on Amendments to the Aliens Act, which introduces the institute of travel insurance and defines the legal person in charge of collecting biometric data from applicants, is under legislative procedure. The legislative procedure is due to be completed soon and it is expected that the Act will be passed at the beginning of 2009.

Upon the passing of the Act, it will be necessary to introduce amendments to the implementing regulations adopted on the basis of the Aliens Act (the Ordinance on visas, and the Ordinance on the Croatian Visa Database). These activities are planned for the second quarter of 2009.

Pursuant to the Plan of Full Alignment of the Croatian Visa Regime with the EU Visa Regime, it is planned to conduct bilateral consultations and reach an agreement on regulating the regime of the mutual rights of travel of nationals with the countries on the EU "negative" list which do not require an entry visa for the Republic of Croatia.

According to the Ordinance on the Croatian Visa Database (Official Gazette 49/08), bodies in charge of visas will begin to collect and enter data into the CVD by no later than 1 June 2009.

The IKOS system continues to be systematically upgraded and developed with a view to establishing an IT connection between all competent bodies involved in the procedure of issuing visas and bodies competent for the control of border crossings.

An Interdepartmental Working Group for the Establishment and Development of the Croatian Visa Information System and the Preparation for Joining the Visa Information System of the European Union continues to work intensively on the development of new software so that it may be ready by the above deadline.

Within the activities of the Interdepartmental Working Group, the Project "Support to the Setting up and Development of the Croatian Visa Information System and the Preparation for Joining the Visa Information System of the European Union" will be implemented.

The Interdepartmental Working Group and project teams in the competent bodies continue to work intensively on the development and setting up of the Croatian Visa IT System and on preparations for joining the EU Visa Information System.

In the mid-term period, and in line with the alignment of the Croatian visa regime, work will continue on the project of developing and setting up the Croatian Visa Information System and on preparations for connection to the EU Visa Information System.

INSTITUTIONAL FRAMEWORK

In 2009, the Ministry of Foreign Affairs and European Integration will completely take over the role of the central state body competent for matters of visa policy and visas, which includes active participation in the procedure of issuing visas.

For the purpose of the uniform and consistent application of the package of legal regulations pertaining to aliens, in the course of the second quarter of 2009 appropriate training will start for consular officers in diplomatic missions/consular posts, all with a view to setting up a single and consistent visa issuing system at diplomatic missions/consular posts and at border crossing points.

In addition, with a view to easier adjustment to EU standards regarding visa policy, additional training in the visa acquis is planned for consular officers. The said training will continue to be provided in the mid-term as a continuous measure.

In the first quarter of 2009, it is planned to provide special training for consular officers from diplomatic missions and consular posts in order to familiarise them with the new regulations pertaining to aliens and to ensure that they are applied in practice appropriately and efficiently.

Training in the detection and recognition of forgeries continues as a continuous measure provided for civil servants posted to diplomatic missions/consular posts.

In 2009, implementation will begin of the Plan of Further Alignment with EU Standards in Diplomatic Missions/Consular Posts, relating to the organisation of the admission area and work with clients, and with regard to meeting security standards.

VISA ISSUANCE PROCEDURE

Aliens who are subject to visa requirement are obliged to apply for a visa prior to their entry into the Republic of Croatia, at the responsible Croatian diplomatic mission/consular post.

If there is no Croatian diplomatic mission or consular post in the applicant's country, application for visa may be submitted to the nearest Croatian diplomatic mission/consular post.

As a general rule, an alien shall lodge a visa application personally. Exceptionally, an alien need not lodge the application personally, but he/she shall present him/herself when called upon by the diplomatic mission/consular post.

A visa application for an alien minor or an alien deprived of his/her business capacity shall be submitted by his/her legal representative.

A visa application shall be lodged no sooner than three (3) months prior to the date of the intended trip.

Aliens shall enclose the following documents with the application:

valid travel document

the period of validity of the travel document should exceed that of the visa's by three months

colour photo 35x45 mm

supporting documents that prove:

the purpose of the journey to the Republic of Croatia,

ensured accommodation,

means of subsistence to cover their stay in the Republic of Croatia and the return to their country of origin or to a third country have been provided,

means of transport and their intention to return to their country of origin or to a third country

PRIORITIES OF VISA REGIME

Despite the fact that in September 2008 negotiations were finalised on concluding an Agreement between the Government of the Republic of Croatia and the Government of the Russian Federation on the Mutual Travelling of Their Nationals, we are still awaiting final confirmation from the Russian side to allow arrangements to be made for its conclusion.

In order to facilitate the entry of foreign tourists, on 9 April 2009, Government passed the decision on a temporary suspension of the visa regime for nationals of the Russian Federation and Ukraine. The temporary suspension of the visa regime applies from 1 May to 31 October 2009.

Regulation amending the Regulation on the Visa Regime (Official Gazette No. 56/09 of 13 May 2009) entered into force on 21 May 2009. The following states are included in the list of countries whose nationals, if holders of valid diplomatic and official passports, do not require a visa for Croatia: Republic of Columbia, Republic of Kazakhstan, Republic of Kosovo, and Republic of Peru. Nationals of the People's Democratic Republic of Algeria who are holders of valid diplomatic passports are also exempted from the visa requirement.

Act on Amendments to the Aliens Act (OG 36/09) entered into force on 31 March 2009. In the field of visas, requirements for travel insurance and for collecting biometric identifiers from visa applicants were introduced. Provision on collecting biometric identifiers shall enter into force from the date of Croatia's accession to the EU. Relevant amendments to the Ordinance on visas and the Ordinance on the Croatian Visa Database will be adopted in the second quarter of 2009.

New Croatian visas, in line with the Ordinance on visa forms (OG 49/08 and 50/09), were introduced in Croatian diplomatic missions and consular posts on 14 April 2009. As a result of the need to adjust the IT system, from 14-30 April 2009, the old and new visa stickers were in use simultaneously. However, from 1 May 2009, only new stickers are used. The IT system of the Ministry of Foreign Affairs and European Integration, IKOS, which provides the basis for the Croatian Visa Database. Croatian Visa Database is currently being developed and put in place, and will provide an IT connection for all visa authorities. The project reached its final stage and testing of the new IT system is underway.

The end of June 2009 will see the completion of the project "Support to the Setting up and Development of the Croatian Visa Information System and the Preparation for Joining the Visa Information System of the European Union", which is part of the Phare 2006 programme. Both the MFAEI and the Ministry of the Interior have taken part in it.

On 20 and 21 March 2009, a consular symposium on "The Visa Regime of the Republic of Croatia and the EU" was held in Zagreb. The purpose of the symposium was to familiarise consular staff with Croatian regulations concerning aliens and also with the *acquis communautaire*. Consular officers from 40 diplomatic missions and consular posts of the Republic of Croatia took part in this event.

REPUBLIC OF MACEDONIA

LEGAL FRAMEWORK

The procedure for visa issuance is regulated by:

- Law on Foreigners (Official Gazette of the Republic of Macedonia No 35/2006, 66/2007 and 117/08),
- Rulebook on the manner of issuance of visas for foreigners, extension or reduction of their validity, withdrawal and cancelation as well as for visa format and records keeping (Official Gazette of the Republic of Macedonia No 71/2007) and
- Rulebook on Foreigners (Official Gazette of the Republic of Macedonia No 27/2008).
- The requirements for visa issuance to foreigners in the Republic of Macedonia are in compliance with the Common Consular Instructions for visas (2005/C 326/01).

INSTITUTIONAL FRAMEWORK

Visa Regime of the Republic of Macedonia is determined and stipulated by the Government of the Republic of Macedonia. The Ministry of Foreign Affairs proposes and implements the visa policy and visa regime of the Republic of Macedonia upon prior opinion supplied by other competent institutions. The Ministry of Foreign Affairs simultaneously manages the Visa Centre and Visa Information System NVIS that ensures connection of all segments in the process of implementation of the Visa Regime of the Republic of Macedonia, according to Article 8 of the Law on Foreign Affairs (Official Gazette of the Republic of Macedonia No 46/2006) applicable as of 1 January 2007.

National Visa Information System (NVIS) and Visa Centre in MFA

Project for establishing National Visa Information System in MFA was one of the priority projects in the Republic of Macedonia, defined based on the 2003 Strategy for Integrated Border Management and National Visa Module (common document of the Republic of Macedonia and the European Union of 2005). The Project is supported by the 2006 KARDS Programme – EUR 1.2 million for procurement of hardware and software. Establishing NVIS and operationalisation of Visa Centre in MFA as one of the requirements for commencing the process of full visa regime liberalisation of the Republic of Macedonia with EU started in February 2008, when a pilot-connection of the first DCM of the Republic of Macedonia followed by a successive connection so that by 31.12.2008 a total of 33 DCMs were connected. The Unit for Foreigners and Readmission in MoI, the Employment Agency of the Republic of Macedonia as well as the most frequent border crossings, which by exclusion may issue a visa, are integrated in NVIS. At the same time, during 2009 it is planned to successively link the remaining (mainly new open) DCMs of the Republic of Macedonia as soon as adequate technical preconditions have been provided for NVIS functioning.

Under current situation all 33 DCMs of the Republic of Macedonia (90% of the total number) production is running meaning actual functioning and use of all phases of the operation of the visa system including printing of new visa stickers with integrated, scanned photography.

The Visa Centre is currently operating as organisational unit within the Directorate for Consular Affairs with 10 employees, of which 5 persons are visa approvers, 2 parameter database administrators, 2 administrative officers and Head of the Visa Centre having the role of NVIS supervisor. All of the employees in the Visa Centre together with a number of representatives from MoI possess certificates for trainers of all future users of the system in DCMs and BCs, issued by the project expert team (experts from SRC SI and EAR), and they deliver regular training to the employees in DCM of the Republic of Macedonia.

Uniform format for visa

One of the key preconditions for functioning of the Visa Centre and the implementation of the new manner of visa issuance to foreigners (according to the Law on Foreigners and the Rulebook on visas for foreigners) included production of new visa stickers. The Ministry of Foreign Affairs (MFA) assisted by the Swiss

Agency for Development and Cooperation provided technical and financial donation for production of the first contingent of new visa stickers.

The form and content of Macedonian national visa stickers is stipulated in the provisions of the Law on Foreigners, and amended by Article 29 of the *Rulebook on the manner of issuance of visas for foreigners, extension or reduction of their validity, withdrawal and cancellation as well as for visa format and records keeping* (Official Gazette of the Republic of Macedonia No /07) hereinafter referred to as "the Visa Rulebook". The Visa Format is integral part of the Visa Rulebook.

The visa sticker contains 9 protective elements and data indicated in the visa format are identical with those of the uniform format for visas determined by Council Regulation (EC) No 1683/95 of 29 May 1995 establishing a uniform format for visas, Council Regulation (EC) No 334/2002 of 18 February 2002 and Council Regulation (EC) No 1791/2006 of 20 December 2006.

In the sticker there is space for a photograph of the visa applicant as well as machine – readable zone, in compliance with that envisaged in the ICAO document 9303 for machine readable visas. The sticker is in orange-red color; however it currently does not fall in Schengen and it is possible to be changed in line with the procedure defined in Regulation (EC) No 856/2008.

The new stickers are in use as of 1 May 2008 when the old stickers were completely withdrawn from all DCMs. In parallel with the delivery of the new stickers, brochures with protective marks and elements for the new stickers were delivered to all DCMs as well as specimens of filled in stickers for all 4 types of visas accompanied by Instructions on how to fill in the sticker (in accordance with Annex 13 (Instructions on filling in visa sticker) referred to in the Common Consular Instructions for visas (2005/C326/01)). Currently in DCMs of the Republic of Macedonia abroad and in BC of the Republic of Macedonia integrated in NVIS, the visa stickers are printed on ink-jet printers, whereas in the remaining DCMs of the Republic of Macedonia, which are not connected with NVIS, the visa stickers are hand written. They are mainly newly-open DCMs of the Republic of Macedonia or DCMs in a stage of removal to new facilities owned by the Republic of Macedonia. The latter DCMs must satisfy the general requirements to be connected in line with the 2009 Operative Plan, which is expected to occur by the end of 2009.

The systems allows verification of the reliability of the sticker (when, in which DCM and issued by which user) through entry of the BC sticker serial number connected to NVIS, and through MoI (foreigners) the system is also connected to the Index of Persons.

The Law on Foreigners defines the following visa categories:

1. **Airport transit visa**, entitling a foreigner to remain in the international transit zone at the airport while waiting to continue the travel with his/her next international flight (visa A),
2. **Transit visa**, entitling a foreigner single or dual, by exclusion with multiple entries to transit through the territory of the Republic of Macedonia from a foreign country to a third country, and the duration of each transit through the Republic of Macedonia must not exceed five days (visa B),
3. **Short-term visa**, entitling a foreigner to single or multiple entries in the Republic of Macedonia, whereby the uninterrupted stay as well as the total duration of subsequent stays in the Republic of Macedonia must not exceed three months during each six-month period, as of the day of the first entry (visa C)
4. **Long-term visa**, entitling a foreigner single entry in the Republic of Macedonia and resides in its territory for a period of 30 days. The visa will be issued if the foreigner accompanies the visa application by a decision allowing him/her temporary residence in the Republic of Macedonia issued by the Ministry of Interior (visa D).

Transit visa (visa B) and short-term visa (visa D) may be issued as group visa, and in exceptional cases, under conditions determined by the Law they may be issued on a border crossing.

VISA ISSUANCE PROCEDURE

According to the applicable national regulation, a foreigner intending to enter and reside in the Republic of Macedonia or to transit through its territory has to provide adequate visa when entering in the Republic of Macedonia. The application accompanied by the complete documentation shall be submitted to the competent territorial DCM. The visa application form (together with the form and content of the visa application form) is integral part of the Rulebook on visas and is in compliance with the Schengen visa application form laid down in Decision 354/2002/EC. The number and type of the documents required for the foreigner to prove the purpose and circumstances of the planned stay in the Republic of Macedonia shall be determined case by case conditional to the possible risk for illegal migration, purpose of the travel, social and professional status of the visa applicant, his/her links with the country in which he/she resides, the circumstances whether it is the first time that the visa applicant applies for visa issuance, the manner of conduct of the foreigner in the previous visa issuance and etc. In accordance with the Law on Foreigners (and Article 20 of the Rulebook, among the other documents accompanying the application form, he/she has to submit evidence for individual or collective travel insurance to cover possible costs that may be incurred in connection with repatriation due to medical reasons, emergency medical intervention or emergency medical treatment of the foreigner during his/her stay in the Republic of Macedonia, which is in compliance with *Council Decision 2004/17/EC of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2. of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa*

Officer in the DCM shall verify the foreigner identity, travel document as well as all other documents enclose to the visa application form. Following the preliminary inspection in DCM, the complete application is forwarded to the Visa Centre in MFA, which pursuant to Article 23 of the Rulebook on visas, is competent authority to decide on the visa application submitted in any DCM of the Republic of Macedonia. In the cases where the application is submitted by a foreigner from a country for which it was previously determined that a consent is required (footnote 5* of VR), and where the foreigner is registered in certain records, where reasonable doubts exist that the foreigner may constitute threat to the public order and national security of the Republic of Macedonia as well as in circumstances as referred to in Article 9(1) of the Rulebook on visas, the decision-makers in the Visa Centre shall provide prior consent by the Ministry of Interior for visa issuance. Provided it is determined that all requirements as referred to in Article 38 of the Law on Foreigners are met, the Visa Centre shall make decision on visa issuance.

The visa is issued in a sticker form to be put on a valid travel document and recognized foreign TD, which for the purpose of Article 115 of the Law on Foreigners means:

- Passport and other travel documents issued in accordance with international standards by countries and international organizations, recognized and accepted by the Republic of Macedonia,
- Passport and other travel documents, which, although issued by countries and international organizations that are not recognized by the Republic of Macedonia, guarantee return of the foreigner and which by an act of the Government of the Republic of Macedonia are determined as travel documents allowing entry and stay in the Republic of Macedonia,
- Travel document for a refugee with a recognized status, issued in accordance with the Convention relating to the Status of Refugees (Geneva, 28 July 1951) and the Protocol relating to the Status of Refugees (New-York, 31 January 1967), and

- Travel document for stateless persons, issued in accordance with the 1954 Convention relating to the status of stateless persons, which is in accordance with Annex 11 of the Common Consular Instructions.

The Law on Foreigners and the Rulebook on visas stipulate the manner of visa cancellation and withdrawal, extension and reduction of visa validity, which is in accordance with the Decision of the Executive Committee of 14 December 1993 on the common principles for cancelling, rescinding or shortening the length of validity of the uniform visa (SCH/Com-ex (93)24), whereby it is solely required to adjust the manner of annulment of the visa sticker.

Border visa

In exceptional cases as laid down in Article 36 of the Law on Foreigners, application may be submitted for issue of transit visa or short-term visa (entitling a 15-day stay) at border crossings for entry in the Republic of Macedonia. Police officer may issue a visa at a border crossing only on the basis of prior consent by the Visa Centre.

In the process of visa issue through NVIS, nine roles are functional such as *basic user*, *visa officer* and *DMCP chief officer*, as well as DCM system users, *visa approver*, *parameter database administrator* and *supervisor* in the Visa Centre, *MOI administrator* and *Department for Foreigners* in MoI and *Agency for Employment* in the EARM, thus facilitating full functioning of the production system. The process itself (according to the new legal frame) goes through a number of phases such as *data entry*, *preliminary check*, *visa approval* in MFA, if necessary, provision of consent by MoI (*additional check*, for citizens of State 5* from VR of the Republic of Macedonia and for regulating a stay exceeding 90 days/ visa D), i.e. consent by the MoI and EARM (for service visas), final approval in DCMs (*DMCP approval*) and printing of visa stickers (*visa printing*).

PRIORITIES OF VISA REGIME

- Harmonization of rules for personal data protection within the region;
- Regional connection of the databases with the neighboring countries, the Schengen system and harmonization of the visa regime with the EU standards;
- Harmonization of the Law on Foreigners and the Rulebook on visas with the Schengen acquis.
- Drafting of the Visa Centre Manual
- Complete connection of all DCMs of the Republic of Macedonia and full operationalization of the connected DCMs and BGs
- Technical equipping of DCMs of the Republic of Macedonia abroad aimed at meeting the minimum technical standards for detection of false documents, in accordance with the Council Decision 14/2004/EC and Recommendations in the EU Schengen Catalogue for issuing of visas (Recommendations and Best Practices) and appropriate training to the employees in DCMs and in the Visa Centre (visa approval officers);
- ✓ Continuous training to the diplomatic consular staff prior to their posting to DCM of the Republic of Macedonia abroad and drafting of Training Instructions, in accordance with the EU Schengen Catalogue for issuing of visas (In continuation, according to the MFA requirements);
- ✓ Strengthening the staff capacities in the Visa Centre (end of 2009);

MONTENEGRO

LEGAL FRAMEWORK

Visa issues are regulated by the following legal acts:

- Law on Foreigners („Official Gazzette of Montenegro“, No. 82/08) which prescribes the conditions for
- entry, movement and residence of foreigners in the territory of Montenegro.
- The Law defines the following type of visa: airport transit (A), transit (B), travel - short stay visa (C)
- and long stay visa (D).
- Law on Travel Documents (“OG of Montenegro”, No. 21/08 and 25/08)
- According to this law Montenegro started on 1 June 2008 with the issuance of I generation biometric passports
- Law on Employment and Work of Foreigners (“OG of Montenegro”, No. 22/08)
- Regulation of Visa regime (“OG of Montenegro”, No. 18/09)
- In progress – Draft of the Rulebook on visas and form of visas – which shall prescribe conditions and manner of issuing visas, extension and shortening of visa validity, revocation and annulment of visas, as well as the form and content of the visa form. The Rulebook will be in compliance with the Common Consular Instructions for visas (2005/C 326/01).

Regulation on Visa regime

With this Regulation, adopted by the Government of Montenegro, on 26 February 2009, Montenegro has liberalized and harmonized its visa regime with that of the EU, particularly following the signing of the Visa Facilitation Agreement with the EC, which entered into force on January 1, 2008. It specifies a list of countries (in accordance with the “white” Schengen list) whose citizens’ do not need a visa for entry, transit and stay in Montenegro.

Citizens of the EU are free to enter and stay in Montenegro up to 90 days with regular travel document. The same is valid for the holders of travel documents issued by the United Nations Organization or its Specialized Agencies (Laissez-Passer).

Citizens of the EU, Andorra, Monaco, San Marino, Holy See and Swiss Confederation, as well as the citizens of former Yugoslav republics - Bosnia and Herzegovina, Serbia, Croatia, Macedonia, and the Republic of Kosovo can enter, transit and stay in Montenegro up to 30 days with a valid identity card or a document confirming their identity and nationality.

Citizens of Albania, Russian Federation, Ukraine, Cuba, Ecuador and Peru can enter and stay up to 30 days without visa, as well as the citizens of states with which Montenegro has a bilateral agreement on mutual travel of citizens.

Holders of travel documents containing a valid Schengen visa, a valid visa for the United States of America or a permission to stay in these countries, may enter, stay and transit through the territory of Montenegro up to 7 days, or not longer than the expiry of visa, if the period of the validity of visa is less than seven days.

Holders of travel documents issued by the EU Member States or the USA based on the Convention Relating to the Status of Refugees from 1951 or the Convention Relating to the Status of Stateless Persons

from 1954, as well as travel documents for foreigners may enter, pass through and stay in Montenegro up to 30 days without a visa.

Nationals of states with which bilateral agreements on the abolishment of visas for holders of diplomatic and official passports (i.e. conditions of traveling) have been concluded, may enter, transit and stay in Montenegro in accordance with these agreements.

INSTITUTIONAL FRAMEWORK

Visa Regime is determined and stipulated by the Government of Montenegro. According to the Law on Foreigners the Ministry of Foreign Affairs is the central authority for visa issues. The Ministry proposes and implements the visa policy and visa regime of Montenegro upon prior opinion supplied by other competent institutions – the Ministry of Interior and the Police Directorate.

With the goal to fully harmonize its visa system with EU standards and legislation, the MFA established the practice of holding regular consular consultations with the representatives of embassies accredited in Montenegro, especially with the Embassy of the Republic of Slovenia in Podgorica, where the common Visa Application Center is located. The VAC issues visas for 13 countries (Austria, Hungary, Belgium, Luxembourg, Poland, Latvia, Lithuania, Denmark, France, Netherlands, Estonia, Spain and Slovenia).

VISA ISSUANCE PROCEDURE

Diplomatic/consular missions of MNE abroad (18 embassies – Tirana, Vienna, Brussels, Sarajevo, Paris, Zagreb, Rome, Beijing, Skopje, Budapest, Athens, Berlin, Moscow, Ljubljana, Belgrade, Geneva, London and two general consulates – Frankfurt and New York) issue visas to foreign citizens.

In the countries where there are no MNE diplomatic/consular missions, diplomatic-consular missions of the Republic of Serbia issue visas for Montenegro, upon the approval obtained from the competent Montenegrin authorities, in accordance with the agreement between Montenegro and the Republic of Serbia dated February 12, 2007. Similar agreement is signed with Bulgaria (for Armenia, Azerbaijan and Georgia). This practice of representing other countries is in accordance with the Schengen standards.

Visa issuance at the border is exceptional and it mostly refers to security, humanitarian, professional or personal reasons. In such cases the visa is issued by the Border Police: e.g. a short-term stay visa (visa C) for single entry up to 15 days or transit visa (visa B) for one transit up to five days.

Before the visa is issued, the DCM of MNE is obligated to request the approval from the competent Police authorities.

PRIORITIES OF VISA REGIME

- Harmonization and organization of proceeding, as well as technical equipment for issuing visas according to the Schengen standards;
- Establishment of the Visa Department (Visa Centre) within the MFA;
- Inclusion of proceedings and works on visas in the process of integrated border management;
- Capacity building;

- Setting up an electronic data base;

REPUBLIC OF SERBIA

LEGAL FRAMEWORK

1. International conventions and their significance to migration:
 - European Convention for the Protection of Human Rights and Fundamental Freedoms
 - Geneva Convention on Refugees Protection from 1951 and Protocol from 1967
 - New York Convention on Stateless Persons from 1954
 - UN Convention on the Rights of Child
 - Protocols in relation to the prevention of organized crime
2. LAW ON PROTECTION OF STATE BORDER ("Official Gazette of the Republic of Serbia" No 97/08)
3. LAW ON FOREIGNERS ("Official Gazette of the Republic of Serbia" No 97/08)
4. LAW ON TRAVEL DOCUMENTS ("Official Gazette of the Republic of Serbia" No. 90/07)
5. LAW ON PROTECTION OF PERSONAL DATA ("Official Gazette of the Republic of Serbia" No. 97/08)
6. REGULATIONS ON FORMS OF PASSPORT, DIPLOMATIC PASSPORT AND OFFICIAL PASSPORT ("Official Gazette of the Republic of Serbia" No. 7/08)

-Visa policy system in Republic of Serbia

Serbia is investing significant efforts in harmonizing its legal system with the European standards and practice in the area of asylum, migration and visas. For that purpose the entire set of national laws (state border, foreigners, data protection) has been adopted. The process of issuance of identity cards and passports on new forms ensuring the top level of protection including biometric elements has begun. The adoption of the Law on Foreigners create the necessary preconditions to regulate appearance of visa application forms and the terms for their issuance (P a r t 3: Visas, Competencies for Issuing and Consular Cooperation). The Republic of Serbia took the decision on Abolition of Visas for entry and stay on all types of travel documents for EU citizens (29.May 2003).

The visa regime of the Republic of Serbia is presented on the web site of MFA.

INSTITUTIONAL FRAMEWORK

Ministerial level:

- Ministry of Interior
- Ministry of Foreign Affairs

Operational level:

- Diplomatic Missions and Consular Posts of the Republic of Serbia – Directorate for Consular Affairs within the MFA; Border Police Directorate, Security and Intelligence Agency; Regional police directorates

- Department for Foreigners; Department for Suppression of Trans border Crime and Criminal Intelligence Activities; relevant lines of work in Police Directorates; cooperation within agency

VISA ISSUANCE PROCEDURE

A visa is a permit for the entry, stay or transit, obtained by a foreigner prior to the arrival in the territory of the Republic of Serbia. At the point of entry of foreign nationals in Serbia (both for passengers with issued visas and those not requiring visas) the police official at the border crossing is determining and examining the date of validity and the validity of the travel document, adequate funds in possession for intended stay, the purpose and objective of the visit, the justification for the stay in the country, and information from the foreign national as the police officer may request.

All applications for entry/exit visas by foreign nationals shall be submitted to DMCPs in their respective countries. Upon that the DMCPs shall forward the applications to the MFA-Directorate for Consular Affairs, which in turn forwards them to the MOI (Border Police Directorate). MOI finally is sending them to the Security and Intelligence Agency and the relevant Police Directorate in the place of residence of the host. After all the necessary security check-ups the MOI submits his opinion to the MFA. The relevant Directorate of Consular Affairs informs the DMCP to which the applications were originally submitted of the final position. In case of positive outcome, the procedure is finalized by appropriate visa-sticker in the foreign national's travel document usually with 30 days validity.

The mandate in the area of visa issuance is stipulated by Article 14 of the Law on Foreigners.

The Visa types cited in Article 15 of the Law on Foreigners are the following:

- 1) Airport transit visa (visa A);
- 2) Transit visa (visa B);
- 3) Visa for a shorter stay (visa C);
- 4) Visa for temporary residence (visa D).

PRIORITIES OF VISA REGIME

- Realization of the Project on Visa System (the solutions envisaged are in line with the EU Consular Instructions). The work of the MFA and the MOI should reflect in learning about the system, experiences and opinions of the countries in the region to establish visa information system in accordance with the highest standards in this area, as well as purchasing i.e. modernization of the equipment for detection of false documents;
- to fulfill the criteria for the liberalization of the EU visa regimes with Serbia;
- to fulfill the Road Map criteria;
- to continue the activities on signing bilateral agreements on visa facilitation with the EU members not covered under the Common Agreements on Visa Facilitation;
- to continue with conclusions of agreements regulating of the regime for mutual traveling of our nationals with other interested countries;
- to work on the implementation of the Plan for harmonization of all documents in terms of document security elements with the EU standards;
- to continue the work on the Project for the establishment the Serbian Republic Data Base on Visas;