

EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

Report of the LIBE Committee delegation on the visit to Algeria

Rapporteur: Mr Henrik LAX

1. Report on the visit

A delegation of four MEPs (see attached list), chaired by Mr Henrik LAX, visited Algeria from 15 to 17 October 2006. The purpose of the visit was to obtain first-hand information, in various Member State consulates, on how the Schengen visa issuing system operates, in particular with a view to the LIBE Committee's discussion on the report by Mr Lax on amending the Common Consular Instructions, in connection with the introduction of biometric identification systems, and the report by Baroness Ludford on the VIS system.

The delegation chose to visit a small consulate, such as that of Sweden, two medium-sized consulates (the Italian and German consulates in Algiers) and the French consulate in Annaba, which is already preparing to use biometric data.

The delegation also held a meeting with visa officials in the consulates of the 25 Member States and of Bulgaria and Romania.

A. Visit to the Swedish consulate in Algiers

The delegation was received by Mrs Gunnel Wallin, the Swedish embassy's first adviser, and her colleagues. The embassy is very small (three Swedish members of staff and five local staff, including the assistant consular attaché). The delegation was very appreciative of the extremely warm atmosphere at the Swedish embassy.

The consular service received around 700 visa applications in 2005, 400 of which were rejected. The 2006 figures were similar to those of 2005. Most of the visas are for businessmen who work for Swedish companies, such as Ericsson, and spend training periods at the headquarters in Sweden.

Another batch of visas is issued for family reunification reasons. The reasons for each application are checked thoroughly. Normally, parents of a person living in Sweden can obtain a visa. It is more difficult for other family members, including brothers and sisters, especially if they are young and therefore considered as likely not to return to Algeria. In 2005 only one person remained in Sweden and failed to respect the obligation to return to Algeria.

The consulate also receives applications for tourist visas, accompanied by hotel reservations, made on the Internet. The reservations are virtually always for the same hotel! This type of application is always rejected.

Given the small size of the consulate, it is impossible to carry out thorough investigations into visa applications, the consular attaché normally carries out an Internet search to ascertain whether the company for which a business visa is requested actually exists and whether statements on family members resident in Sweden are accurate.

Sweden has a national visa management system, called Wilma, in which all entry visa applications for Sweden are recorded by all Swedish consulates around the world. Wilma has already been consulted more than 300 times in 2006. The VIS system would be a European equivalent of the Wilma system and, as such, is welcomed by the Swedish authorities. Visas here, like all short-term Schengen visas, cost EUR 35, payable on submission of the visa application, with no guarantee that the request will be accepted.

The proposed amendment of consular instructions includes a requirement to provide reasons for any rejection of a visa application. The Swedish consulate does not normally give such reasons. Applicants are given a reply within 10 days. As regards the introduction of biometric visas, Mrs Wallin expressed her fears that this would considerably increase administrative work for such a small consulate.

B. Visit to the Italian Consulate in Algiers

The delegation was received by Ambassador Giovan Battista Verderame and his staff. The embassy is a medium-sized one, in which two people work full-time on visas.

By 15 October 2006, the consulate had received 5469 visa applications, 13% more than over the same period in 2005. 283 applications were rejected in 2006 and 306 in 2005. There has been an increase in the number of visas issued, owing to the increase in the turnover of Italian companies.

Most visa applications are from businessmen. There is close cooperation with the Algerian Chamber of Commerce and the Algerian employers' organisation in checking the information provided by businessmen wishing to travel to Italy. Tourist visas are systematically rejected.

Family reunification visas are granted, in particular to the spouses of businessmen on long-term visas. Visas are also granted for studies, especially in the context of exchanges between universities. Individual study visas are more difficult to issue because they require a considerable number of checks on the students' host establishment, resources and

accommodation.

The Italian consulate has noted very few cases of people not returning. Problems have sometimes arisen with sports and folk groups. Algerian illegal immigration into Italy concerns people who leave on boats and illegally travel to the Italian coasts, and not people who have been issued a visa and do not return.

Like Sweden, Italy has a national visa control system. The consulate requires about 10 days to give a reply.

The proposed amendment to consular instructions includes an obligation to provide reasons for rejecting a visa application. Since the Bossi-Fini law of 2002, the Italian consulate has generally no longer provided reasons for rejecting applications, except in the case of family reunification. The consular attaché expressed to the delegation his doubts about the introduction of a requirement to provide reasons. In the past, all the staff were kept busy drawing up reasons for rejecting applications and spent more time on the rejection procedure than on processing applications! Moreover, rejection decisions could be challenged in the courts. The Italian consulate was fairly open to the introduction of biometric data, which it considered particularly useful in relation to countries with different alphabets, where identification of a person's name was extremely difficult or in cases such as Latin American countries, where people had different surnames, owing to dual citizenship.

The Ambassador felt that, if third country nationals were to be subjected to biometric identification, they should be provided with something in exchange, such as a simplified procedure or shorter waiting times. The Ambassador was also interested in the outsourcing of procedures for making appointments, such as common call centres, but believed that it would be very difficult in a country like Algeria to outsource fingerprint identification services. Italy had put an end to queuing at the entrance to the consulate by setting up a postal reservation system. The consulate received 20 to 30 people a day. Waiting periods ranged from 7-8 days for a business visa to one month for a tourist visa. Ambassador Verderame informed the delegation of the Algerian Government's wish to abolish visas for the Algerian diplomatic corps.

C. Visit to the German consulate in Algiers

The delegation was received by Ambassador Johannes Westerhoff and his staff. The embassy is a medium-sized one and receives between 7000 and 9000 visa applications each year. Most applications are for business visas, followed by family reunification visas and finally tourist visas, which are generally rejected: only 50 tourist visas are accepted each year.

An increasing number of people establish contacts via the Internet or in Tunisia with Germans in order to obtain the invitation they require for a tourist visa. As there is no appointment system, people queue up in front of the consular offices, which are only open in the morning. In the event of exceptionally high numbers of applicants, the consulate also remains open in the afternoon. There are various desks, one of which specialises in family reunification applications, where the consular attaché carries out cross checks to identify any marriages of convenience. The staff comprises Algerian local staff and German officials. Each application is given a code and applicants' photographs are digitalised. Germany also has a national visa

verification system.

Documents submitted are checked only if there are doubts as to their genuineness. Replies are generally given within two weeks. The reasons for rejecting a short-term Schengen visa application are not given. If a second request is submitted, reasons will be given in the event of rejection.

D. Visit to the French Consulate in Annaba

The delegation was welcomed by the French Consul-General to Annaba, Mr Gérald Martin, and his staff.

The French consulate in Annaba is the only European consulate in the eastern region of Algeria. It was closed between 1994 and 2001, which was the most difficult period in Algeria. The Annaba consulate was chosen, under the Commission's *Biodev* project, as a biometric visa pilot project in June 2005. This project concerns five French consulates (in Annaba, Minsk, Colombo, Geneva and Bamako) and two Belgian consulates (in Congo and San Francisco). At present, the pilot project consists in recording only the fingerprints of people who have obtained visas and not all applicants. The visa staff comprises seven French nationals and twenty local or binational members of staff.

The delegation was able to visit the premises and attend fingerprinting sessions, as well as the questioning procedure for visa applicants. The persons who were interviewed by some members of the delegation said that they had no objections to the fingerprinting procedure. Fingerprints are taken from both hands. It should be noted that the persons affected have already had their applications accepted.

The delegation visited all the working places, including the service dealing with verification of SIS files.

The consulate received 65 000 visa applications in 2005 and 55 000 this year, 45% of which were rejected. The Consul-General said that the fact that payment had to be made on submission of the application had helped reduce the number of applications. Another factor which had led to a reduction in the number of applications was the possibility of issuing multiple-entry visas. The Annaba consulate receives around 150 persons each day.

Two months are normally required before a reply can be given to a visa application. This is partly due to the procedure for prior consultation of other Member States which, in the Consul's view, should be abolished¹, given that the situation in Algeria has returned to normal, following the armed conflict which caused around 200 000 deaths.

Persons visiting France for business or tourist reasons are required to have a hotel booking, failing which they may be returned to Algeria on arrival in France. 52 persons were returned in 2006. Applicants are also required to hold a sickness insurance policy in Algeria and to provide evidence of sufficient resources.

¹ This was in fact announced by Mr Sarkozy, French Minister of the Interior, during his visit to Algiers on 14 November.

No reasons are given for decisions to reject visa applications, except in specific circumstances, such as in the case of a French citizen's spouse. There are generally 50 appeals to be dealt with each day.

Like the Italian Ambassador, the Consul-General was in favour of outsourcing the management of appointments, but not fingerprinting, which was too sensitive to be left to local staff, especially in countries where corruption levels were high. Like the Italian Ambassador, the French Consul felt that in exchange for accepting the fingerprinting system, procedures would need to be simplified and applicants' waiting times reduced. Supplying all consulates with fingerprinting equipment by 2007 would pose financial problems.

Mr Martin was also in favour of fingerprinting of children under the age of six, contrary to the Commission's proposal, in order to avoid child trafficking.

France issues short-term medical visas, which are only valid in France. A medical expert assesses whether the patient really needs to go to France for the necessary care, given that the quality of care in Algeria is considered to be satisfactory. In the case of emergency visas (VTL) which are territorial visas, prior consultation is not required and replies can be given within 24 hours.

E. Meeting with the Member States at the Commission delegation

The consulates of Member States present in Algeria hold Schengen meetings four times a year to discuss visa-related issues.

The exchange of views¹ with the consulate representatives concerned, in particular:

- outsourcing: the French consulate in Algiers set up a call centre in May 2006, which means that there is no more queuing, thereby improving interview conditions; the following step could also be to give the service provider responsibility for receiving visa application files which could be completed and sent via the Internet (60% of applicants have access to the Internet in Algeria, in particular through cybercafés); the Belgian consulate subcontracts the distribution of information on visa applications, which is already a step forward in regulating applications and improving the atmosphere at the applications desk. However, the scope for outsourcing is limited, owing to the risk of fraud and corruption in the issuing of documents or at other stages;
- the need to improve information on the supporting documents required by each country, and possibly to harmonise such requirements, in order to ensure that, for instance, a person with an Italian visa arriving in the EU via Marseille is not sent back by the French authorities on the grounds that some documents are missing or not in

¹ According to the information provided orally at this meeting, the figures for visa applications in 2005 are as follows: France - 250 000 (of which 150 000 were granted); Spain - 40 000; Germany - 9 000 (20% rejected); Italy - 6 500 (15% rejected); Belgium - 5 500 (15% rejected); Czech Republic - 1 700 (650 granted); Netherlands - 1 200; Poland - 1 400 (20% rejected); Sweden - 700 (30% rejected); Austria - 700 (30% rejected); Denmark - 650 (15% rejected); United Kingdom - 500 (100 rejected); Greece - 410 (60% rejected); Romania - 300.

- order;
- the reduction in the number of applications as a result of higher visa prices, which have had a deterrent effect on multiple applications (applications to the French consulate dropped from 900 000 in 2001 to 350 000 in 2003 following the price rise);
 - the introduction of biometric data has not so far been discussed at local level;
 - the considerable extra workload with which consulates will be faced if required to give reasons for rejecting applications, as provided for in the currently proposed legislation;
 - the considerable improvement expected as a result of the establishment of a European visa information system.

F. Meeting with Algerian trade associations

During the meeting with the Member States, Mr Boguslaw Sonik, on behalf of the delegation, met Mr Kadri Saâdane, Director for International Relations of the Algerian Chamber of Commerce and Industry, Mr Brahim Benabdeslem, member of the Executive Council of the Algerian Employers' Forum, and Mr Mohamed Bennini, Director General at the Ministry of Trade.

The three Algerian representatives explained to Mr Sonik the problems faced by Algerian businessmen in obtaining visas. Three-quarters of Algeria's trade was with the European Union. The Barcelona process had set 2010 as the date for the establishment of a free trade area between the EU and the countries of the southern Mediterranean, but this was far from having been achieved.

To facilitate the work of businessmen, whose relations were based on the long-term, medium- or long-term visas should be made available instead of requiring them to renew their visas every three, six or twelve months. Italy, France and, shortly, Spain guarantee special (diplomatic mail) treatment for Algerian businessmen by administering visas between chambers of commerce. The Algerian representatives felt that this system should be extended to all Member States.

Another major problem is the requirement concerning 'prior consultation' of all Member States before issuing Schengen visas to Algerian nationals because Algeria is still considered a 'sensitive' country. The three representatives felt that this was no longer justified.

Another problem that was raised during the discussion was the fact that no reasons are given for decisions to reject visa applications. Company managers are often refused their visa, without explanation. This makes it very difficult for the persons concerned to check what was wrong with their application. Very often, employers or employees are refused a visa on account of their age: men between the ages of 25 and 40 are considered as 'liable not to return'. The three Algerian representatives explained that the population of Algeria is extremely young and it is not uncommon for companies to be run by young managers, who should not be discriminated against on account of their age.

They had no objections to the introduction of biometric data, believing that this was a sovereign decision of the European Union. The only problem would be to require visa applicants to go to Algiers to record their fingerprints, at least for the initial visa application,

which it would no longer be possible to carry out automatically, by diplomatic mail.

G. Assessment of the visit and conclusions

The members of the delegation were able to agree on a number of points:

General information

(1) The experiences of the various consulates visited varied considerably, including in terms of the number of decisions to reject applications. Algeria is in a special situation, making it difficult to compare with other countries, in particular following the difficult period in the 1990s.

(2) The visa issue is extremely sensitive in Algeria and of major importance to Algerian leaders, who expect Algeria to be treated in the same way as other Maghreb countries.

(3) With the exception of the French Consul-General, the consulates visited did not seem to be well informed of the VIS proposal and the amendment of the Common Consulate Instructions. The delegation often had to explain the new proposals.

Biometric data

(4) There are a number of important arguments in favour of the use of fingerprints, especially in the case of countries with different alphabetic systems and persons with two names and two passports. None of the consulates considered the introduction of biometric data as a priority, and all were concerned about the costs and technical difficulties involved.

(5) The persons interviewed at the Annaba consulate did not raise any questions relating to data protection and said they had no objections to their fingerprints being taken.

(6) Many participants considered that the introduction of a common visa information system was more important than the introduction of biometric data.

Visa-issuing Procedure

(7) All the consulates agreed that the cost of visas had been a decisive factor in the drop in the number of visa applications. Given that the cost would further increase (from EUR 35 to 60), it was important to offer visa applicants something in exchange, such as simplification of procedures, shorter waiting times or multiple-entry visas. Visa policy is a politically sensitive issue. Changes in costs, procedures or requirements are seen as political signals.

(8) The 'human factor' is extremely important in assessing a visa application: different decisions may be taken on the same cases solely because two staff members have assessed the applicant at two different times

(9) All the consulates stressed the difficulty which having to provide reasons for rejections of applications could raise, namely the additional resources required to deal with the increase in paperwork and the possibly increase in the number of appeals, from applicants challenging the reasons given for rejection.

(10) Most rejections concern tourist visas, particularly from young applicants. Several consulates systematically reject applications for tourist visas.

(11) These various considerations raised the question of the connections between Schengen visa policy and bilateral agreements between certain Member States and third countries.

Outsourcing

(12) All the consulates consulted were open to the idea of outsourcing of appointment arrangements. There are three possible options:

- call centres, which are the minimum option on which everyone agreed;
- reception of applications and collection of documents, not yet used in Algeria;
- reception of all data, including fingerprints. This option is considered inapplicable in a country like Algeria, owing to corruption.

(13) Visa-issuing practices and procedures vary considerably from one consulate to another. The introduction of a new common visa code and the visa information system (VIS) shows the importance of advanced regional cooperation between the consulates of Schengen countries with a view to ensuring fair treatment of visa applicants.

Annexe
COMMISSION DES LIBERTES CIVILES, DE LA JUSTICE ET DES AFFAIRS
INTERIEURS

Liste des participants (11 personnes)
Délégation : Algérie, 15 - 17 octobre 2006

Députés :

- Henrik LAX, ALDE, SE (Rapporteur et Président de la Délégation)
- Boguslaw SONIK, PPE-DE, PL
- Wolfgang KREISSL-DÖRFLER, PSE, DE
- Giusto CATANIA, GUE-NGL, IT

Conseillers des groupes politiques

- Mette TONSBORG, (GUE)

Secrétariat LIBE

- Cristina CASTAGNOLI, IT
- Antoine CAHEN, FR

Interprètes :

- Lidia RIBOLDI (team leader)
- Annalisa VENTURI
- Agnes BERNARD
- Pascal PIGNOT

EN, FR, IT

DRAFT PROGRAMME FOR EP DELEGATION TO ALGERIA

15 October 2006

(Flight London Gatwick-Alger 07:55 - 10:35)

07.52: Train from Brussels (Gare de Midi) to Paris Charles De Gaulle

11:10 - 12:30: Flight Paris CDG-Alger (AF 3548 flight)

13.00 Arrival at the hotel Saint Georges

14.00 Departure from the Hotel

14.30 Visit to Swedish consulate

The visa processing procedure

The role of visas to prevent emigration and organised crime

16.00 Visit to the Italian consulate

17.30 Visit to the German consulate

20.30 Departure from the hotel

21.00 Dinner offered by Mr Lucio Guerrato, Head of the Commission
Delegation in Algeria

Night in the Hotel Saint Georges

16 October 2006

8.00 h: Flight from Alger to Annaba (AH 6000 flight)

8.50 h: Arrival in Annaba

10:00h: Visit to the French consulate in Annaba

- The use of biometrics and insight into analysing biometric data

12:45 Lunch offered by the French Consul général, M Gérard MARTIN

14:30 The same as in the morning

18.00: Flight from Annaba to Alger (AH 6003 flight)

18.50: Arrival in Alger

Night in the Hotel Saint Georges

17 October 2006

09.00: Departure from the hotel to the seat of the European Commission delegation

09.30- 11.30: Discussion with officials in charge of issuing visas from the EU consulates.

Themes: VIS, introduction of biometrics, setting up common application centres, externalizing visa procedures, cooperation between consulates.

At the seat of the European Commission Delegation

12.00: Departure from the European Commission Delegation to the airport

14.10: Flight from Alger to Paris (AF 3549 flight)

17.30: Arrival in Paris CDG

19.18 Train from Paris CDG to Brussels (TGV 9971)

20.36: Arrival in Brussels