European Commission - Press release

Guidelines on general visa issuance in relation to Russian applicants and controls of Russian citizens at the external borders

Brussels, 30 September 2022

Today, the Commission is presenting updated guidelines to Member States on visa procedures as well as on border controls for Russian citizens at the EU's external borders. These guidelines need to be seen in the context of geopolitical and security concerns linked to Russia's invasion of Ukraine. The recent escalation of war by Russia, including through military mobilisation and sham 'referenda' led to an increase of citizens, including conscripts and their families fleeing the Russian Federation. The guidelines call for reinforced security scrutiny when issuing visas to Russians and heightened border controls, while fully respecting EU asylum law.

These guidelines call on Member States' consulates and border authorities to apply a higher degree of security checks and a coordinated approach when carrying out individual assessments of Russian citizens' visa applications and controls at the Union's external borders.

Vice-President for Promoting our European Way of Life Margaritis Schinas said: "We need a united, European approach to dealing with Russian citizens arriving at our external borders. The same unity we have consistently achieved in the face of Russian aggression against Ukraine must be applied in this instance too. The European Union is and will always remain a place of asylum. But this is now first and foremost a security issue: increased scrutiny on visa issuance and heightened border checks will ensure we protect ourselves, and our unity."

Commissioner for Home Affairs, Ylva Johansson said: "Today's guidelines come in the context of the recent escalation of the war by President Putin. The security threat is real. The EU will protect itself and our citizens. We are making sure to have a coherent and united approach at EU external borders vis-à-vis Russian citizens and also when it comes to applying strict rules on issuing short-stay visas for Russian citizens. At the same time, Europe will not close its door to those who are in genuine need of protection."

Reinforced security scrutiny on visa issuance to Russians

Member States should assess the conditions under which Russian citizens can be issued Schengen visas in a restrictive and coordinated manner. Member States should apply a strict approach assessing the justification of the journey. This includes the Russian citizens fleeing military mobilisation.

If a visa applicant (e.g. person fleeing military mobilisation) plans a long stay in the EU, Member States' consulates should treat the case under the applicable national rules for long stay visas. When it comes to short-stay visas, consulates are called to apply any humanitarian derogations in a restrictive manner. It is up to Member States, based on an individual examination, to assess if applications by Russian citizens can qualify as falling under the humanitarian reasons category.

Member States' consulates should also look carefully into cases of Russians applying for a short-stay visa from outside Russia. Such cases should be directed to the consulate responsible for their place of residence, normally in the Russian Federation.

Revocation and annulment of valid visas (at the border)

Member States should also instruct their consulates and border guards to exercise increased scrutiny and adopt a strict approach with respect to reassessing visas already issued to any citizen of the Russian Federation, based on a re-examination of the individual situation in the current geopolitical context. In accordance with Article 30 of the Visa Code, the mere possession of a visa does not confer an automatic right of entry into the Schengen area. In case there are grounds for annulment/revocation, such a decision may be taken by the border guard irrespective of the visa issuing Member State.

Coordinated and thorough controls of Russian citizens at EU's external borders

Secure external borders are a prerequisite for the functioning of the Schengen area without internal
border controls. The guidance highlights aspects from the Schengen Borders Code and calls on Member States to reinforce security checks at the external borders and follow a coordinated approach at the EU's borders with the Russian Federation to avoid that a Russian citizen who has been denied entry at one border will be admitted by another one.

The guidelines are without prejudice to the applicable legal framework in the area of asylum, including the principle of non-refoulement.

More careful assessment of travel documents by passenger carriers

The guidance also recalls that carriers are responsible for third-country nationals whom they have carried to the EU but who are refused entry. Carriers should remain vigilant when verifying travel documents required for entry, especially for Russian citizens. They are also liable for returning the person denied entry in the EU back to their country of departure.

Next Steps

The guidelines will support Member States and their consulates, as well as their border guard authorities.

The Commission will keep the implementation of these guidelines under constant review, to support rapid and coordinated actions at EU level in addressing all emerging challenges. The Commission will report for this purpose in the framework of the IPCR and collect the necessary information via the Blueprint network.

Background

On 6 September, the Commission proposed the full suspension of the Visa Facilitation Agreement with the Russian Federation, following the heightened security risks the EU is facing. The Council formally voted on the proposal on 9 September and in the same day, the Commission released guidelines to Member States to support their consulates in handling short-stay visa applications lodged by Russian citizens.

During the Integrated Political Crisis Response (IPCR) high-level roundtable of 26 September, Member States requested the Commission to further support them and update the guidelines on visas, issued on 9 September and to provide guidelines on border checks.

These new guidelines are released to apply a common EU approach, as various Member States face increased pressure at their borders with the Russian Federation, but also an increasing number of visa applications and enquiries from Russian citizens.

For More Information

Commission Communication: Guidelines on general visa issuance in relation to Russian applicants and guidance on control of Russian citizens at the external borders

Commission Communication providing guidelines on general visa issuance in relation to Russian applicants

Council Decision on the suspension of the application of the EU-Russia Visa Facilitation Agreement

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EC statement by Commissioner Ylva JOHANSSON on updated guidelines on visa issuance and controls of Russian citizens at the EU's external borders