

BELARUS-EU: REASONS FOR REFUSALS OF ENTRY TO BELARUSIAN NATIONALS AT THE EXTERNAL EU BORDER IN 2006-2011

Andrei Yelisseyeu

Summary

In 2011, 6,000 Belarusians were denied entry into the EU. By the total number of refusals, Belarus is very high on the list, fifth only to Albania, Ukraine, Russia and Serbia.

The following conclusions have been drawn building on the analysis of the denials of entry into the EU to Belarusians in 2006-2011:

- No valid visa or residence permit and insufficient means of subsistence in relation to the period and form of stay account for about 80% of all refusals of entry to Belarusian nationals. Holders of Schengen visas should pay more careful attention to the type of visas (single entry, multiple entry, limited to a specific country), their validity and a length of stay. Citizens planning to enter the EU should also have documented evidence that they are in possession of minimum required amount of money for the entire stay in the EU.
- Belarusians ranked first in the world in terms of refusals of entry issued for absence of sufficient means of subsistence. In 2011, nationals of Belarus accounted for 20.5% of the total number of EU entry refusals for financial reasons to all third country nationals. Polish border authorities account for 95% of entry refusals to Belarusians for financial reasons. At the same time, the number of refusals of entry to Belarusians for the lack of appropriate documentation justifying the purpose and conditions of stay remarkably decreased since 2006.
- The number of EU entry refusals to Belarusian citizens in 2008 appeared in steep decline, compared to previous years. That reduction was directly caused by the drop in the number of trips to the EU following the denunciation of previous simplified visa regime agreements by Poland and Lithuania ahead of those two countries' joining the Schengen Area in December 2007. Since 2008, the number of entry refusals to citizens of Belarus has been growing steadily (an average 10% a year). The increase must be due to the overall growth in the number of Schengen visas issued in Belarus; hence more trips to the EU.

Introduction

Besides the difficulties in obtaining a Schengen visa, passing border control¹ by Belarusian nationals at the EU external borders also appears to be a problem for various reasons. The possession of a Schengen visa is not in itself a guarantee of entry into the Schengen zone. Third-country travelers should be able to produce documents to justify the purpose and conditions of their stay in the EU.

In 2011, about 6,000 Belarusians were refused entry into the EU². In 225 cases, Belarusian citizens were unable to enter the EU because for them an alert has been issued in the SIS or in the national register, or they are considered to be a threat for public policy, internal security, public health or the international relations of one or more Member States of the EU. The rest of refusals of entry to Belarusian nationals were justified for the other seven reasons specified in the EU border rules.

This study centers on the reasons for the refusals of entry into the EU to Belarusian citizens in 2006-2011. Its objective is to identify the challenges that Belarusians encounter most often at the EU external borders when traveling to the EU, analyze the changes in the numbers of and reasons for refusals and provide explanations and recommendations in order to reduce the number of unpleasant experiences among the travelers to the EU.

Under Article 5 of the Regulation of the EU No. 562/200 (Schengen Borders Code), for stays not exceeding three months per six-month period, the entry conditions require for third-country nationals to be in possession of a valid travel document or documents authorising them to cross the border, to be in possession of a valid visa except where they hold a valid residence permit, to justify the purpose and conditions of the intended stay, and they have to possess sufficient means of subsistence, both for the duration of the intended stay and for the return to their country of origin or transit to a third country into which they are certain to be admitted, or are in a position to acquire such means lawfully. Furthermore, travelers are allowed entry into the EU on condition that there is no alert issued for them in the Schengen Information System (SIS) or the national database of any of the Member States and they are not considered a threat to public policy, internal security, public health or the international relations of any of the EU Member States.

Annexes to the Schengen Borders Code (SBC) provide examples of supporting documents to verify the fulfillment of entry conditions. For instance, for business trips the documentary evidence may include i) an invitation from a firm or an authority to attend meetings, conferences or events connected with trade, industry or work; ii) other documents which show the existence of trade relations or relations for work purposes, iii) entry tickets for fairs and congresses if attending one.

Schengen Borders Code provisions remain valid even after the introduction of a visa-free regime between a third country and the European Union. Thus, state authorities, EU Member States embassies and specialized NGOs should inform the public about validity of entry conditions to the EU specified in the SBC.

1 This study omits problems associated with passing border control on the *Belarusian* state border, as well as with customs control on the two borders.

2 Frontex gives a number of 5,983 cases, Eurostat data is 6,030 cases.

Methodology and structure of the study

The starting point for the analysis (2006) was selected in order to monitor the quantitative and qualitative parameters of refusals of entry during the period prior to late 2007, when Poland, Lithuania and Latvia joined the Schengen Area. The accession of the three western neighbors of Belarus to the Schengen Area, which called for the denunciation of previous agreements on simplified visa regime, produced a dramatic impact on numbers of issued visas³ and trips of Belarusian nationals to the EU.

The databases used for analysis include statistics by the Directorate-General of the European Commission for Home Affairs, data compiled and presented by Eurostat and reports by Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

The border authorities of the EU Member States report nine reasons for refusal of entry, based on the standard form for refusal of entry at the border contained in the Annexes to the Schengen Borders Code. Because of the shortage of detailed empirical data, it is impossible to identify more specific reasons hidden behind the official phrasing. For instance, it is not clear how many refusals from the category 'does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit' are actually associated with the lack of finance, and how many refusals are caused by the absence of the required medical insurance policy for the entire duration of stay. Therefore, the study contains certain assumptions concerning more specific reasons behind entry denials in the context of official phrasing of reasons for refusal of entry.

The first section, ***Numbers and reasons of entry refusals into the EU in 2006-2011***, covers the quantitative changes in the reasons for EU entry refusals to Belarusian citizens.

The second section, ***Problem with possessing sufficient means of subsistence to enter the EU***, centers on the absence of 'sufficient means of subsistence in relation to the period of intended stay', a frequent reason for entry denial that is especially characteristic of Belarusian travelers.

The key findings are presented in the ***Conclusion***.

3 See for details: Yelisseyeu A., 'How isolated is Belarus? Analysis of Schengen countries' consular statistics in 2007-2011', BISS Working Paper, 07/2012.

1. Numbers and reasons of entry refusals into the EU in 2006-2011.

When denying entry into the EU, an officer of the EU border service fills a standard form indicating the time, name of the border crossing point, means of transport, personal data and marks *one of the nine reasons for entry refusal*. The document is signed by an executive official of the border service and person who is refused entry into the EU. Should the latter refuse to sign the document, the border guard makes a relevant mark in the form. A copy of the document is given to the person who has been denied entry.

In 2011, the number of refusals of entry into the EU to Belarusian citizens totaled 5,994 cases, according to Frontex data⁴. Below are the numbers of EU entry refusal, broken down by reasons.

Table 1.

The number of Belarusian nationals refused entry at the EU external border in 2011, reasons.

Reason	Number of refusals
Has no valid travel document(s)	86
Has a false/counterfeit/forged travel document	2
Has no valid visa or residence permit	2,478
Has a false/counterfeit/forged visa or residence permit	43
Has no appropriate documentation justifying the purpose and conditions of stay	408
Has already stayed for three months during a six-month period on the territory of the Member States of the European Union	185
Does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit	2,351
Is a person for whom an alert has been issued for the purposes of refusing entry in the SIS or national register	225
Is a person is considered to be a threat to public policy, internal security, public health or the international relations of one or more of the Member States of the European Union	187

Traveling with an invalid visa/residence permit or insufficient means of subsistence for the period of intended stay in the EU accounted for 80 per cent of all cases of entry refusals.

Traveling with an invalid visa can stand for a few things; therefore, several visa parameters should be taken careful attention of. *First*, the validity period, i.e. the indicated time frame, during which the visa holder is allowed to stay in the Schengen Area. *Second*, the period of stay indicated in the issued visa. A Schengen visa entitles its holder to stay in the Schengen Area for not more than 90 days during a six-month period. Sometimes the allowed length of stay is additionally limited, which is indicated in a special box in the visa sticker. *Third*, some of the issued Schengen visas are valid only in one of the Schengen Area countries, rather than throughout the entire territory (limited territorial validity (LTV) visas). *Four*, there are various types of visas by the number of allowed entries (single entry, double entry, multiple entry). There is no detailed statistical information concerning travelers with invalid visas; therefore, there is no breakdown by various visa parameters.

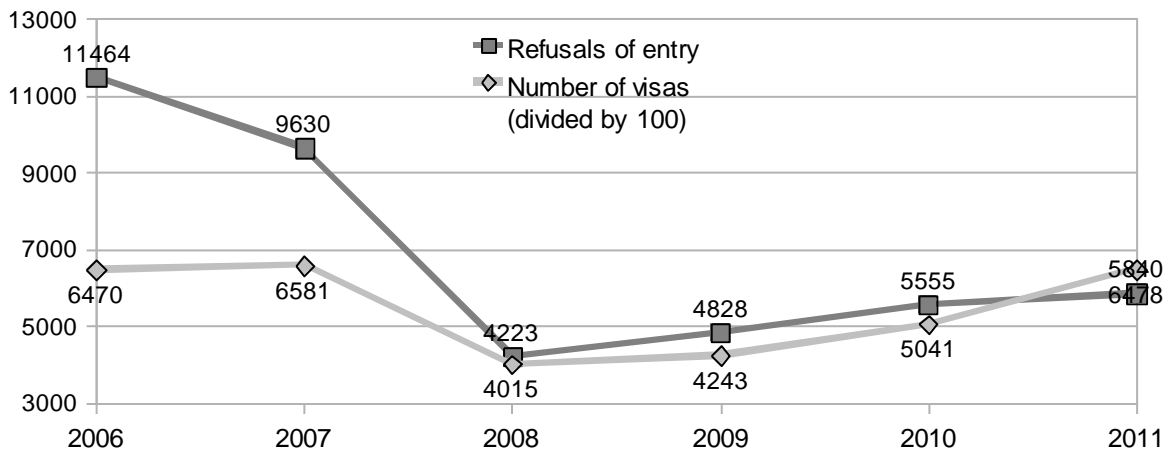
4 Notes: 1. The total of all the sections does not make 5,994, because for 29 entry refusals reasons were not indicated. 2. The indicated number of persons not let into the EU was 5,983. 3. According to Eurostat, the number of refusals stood at 6,030. Supposedly, the difference in statistical data presented by Eurostat must be due to the rounding of the number of refusals to five.

Below the data for the refusals of entry into the EU to Belarusian citizens by border authorities of Poland and Lithuania (these two countries account for 95% of all refusals of entry into the EU to Belarusians) broken down by the five key reasons⁵.

Table 2.
Refusals of entry into the EU by border authorities of Lithuania and Poland in 2011, main reasons.

Reason Country	No justification of the purpose and conditions of stay	Insufficient means of subsistence	No valid visa or residence permit	Blacklisted	Threat to public security
Poland	320	2,450	1,835	170	5
Lithuania	85	60	475	40	175

Chart 1.
Number of all types of visas issued by consulates of the EU Member States in Belarus and number of denials of entry into the EU to citizens of Belarus, 2006-2011⁶



* For convenience, the number of visas is divided by 100.

As seen from the chart, the total number of refusals of entry in 2008-2011 increased by an average 10% every year along with the overall growth in the number of issued visas. The ratio of entry denials to the number of issued visas ranged from 0.9% to 1.14% in 2008-2011⁷.

However, in 2006-2007, despite the total number of issued visas close to that in 2011⁸, border authorities of the EU Member States denied many more Belarusians entry into the EU. Probable reasons include less significant financial obligations and much simpler visa procedures for Belarusian citizens in the consulates of Poland, Lithuania and Latvia before the three countries joined the Schengen Area. As soon as the consulates of Lithuania and Poland started applying Schengen procedures to visa issuance in 2008, applicants were more thoroughly screened before being allowed to travel to the EU.

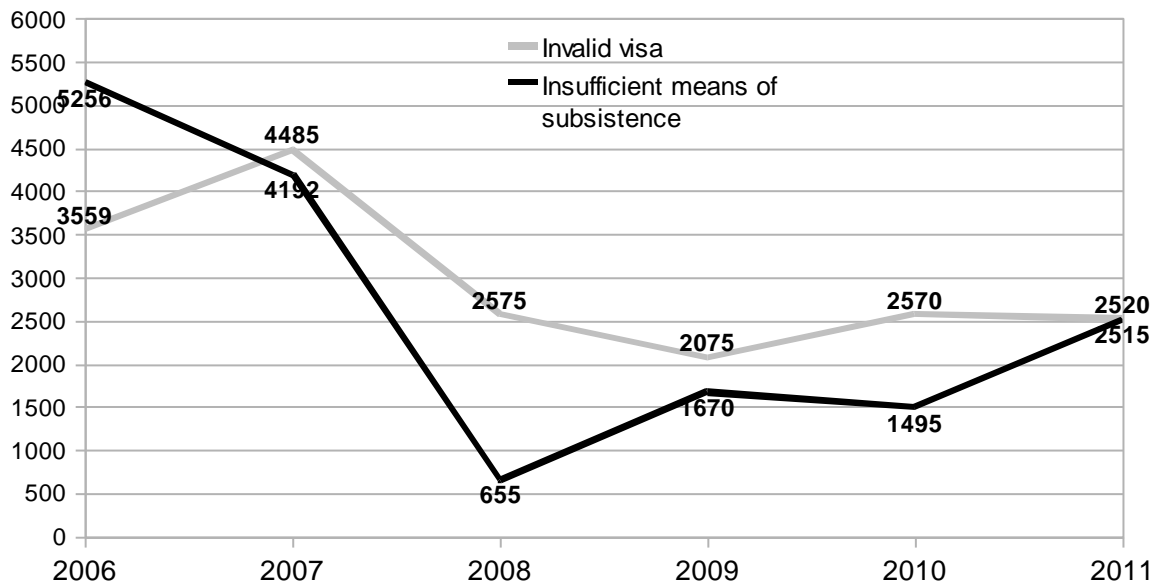
⁵ Eurostat data. Figures are rounded to five.

⁶ Notes: 1. All types of visas are accounted for, including national long-term visas. In 2011, the known number of such visas issued by Polish consulates in 2011 (55,249) and the number of national visas issued by all of the other consulates of Schengen Member States in 2010 (3,267) was accounted for. 2. Visas issued by the consulates of the UK, Romania and Bulgaria were not accounted for. 3. In 2006-2007, only the refusals by Polish border authorities were accounted for. These limitations are estimated to distort the figures in the chart not more than 3%. 4. 'EU Member States' here stands for Schengen countries.

⁷ Note that the comparison between the number of refusals and number of issued visas is not entirely methodologically justified. However, in the case of Belarus, there is a considerable correlation between the number of issued visas and number of EU border crossings.

⁸ The number of EU border crossings by Belarusians was close in 2011 to the figures reported in 2006-2007. In 2007, the Belarusian-Polish border was crossed approximately 9 million times, and in 2011, 8.2 million times. To compare: in 2008, there were 5 million border crossings.

Chart 2.
Change in the number of refusals of entry into the EU to Belarusian citizens
for two most frequent reasons, 2006-2011⁹



Traditionally, the two most frequent reasons behind the refusal of entry into the EU to Belarusian citizens are the absence of a valid visa or a residence permit and lack of sufficient means. Whereas having no valid visa is one of the most frequent (if not the most frequent) reasons for entry denial to citizens of the countries with no visa-free regime with the EU, the high proportion of entry refusals for financial reasons is very characteristic of the Belarusians. This phenomenon is analyzed in more detail in the next section.

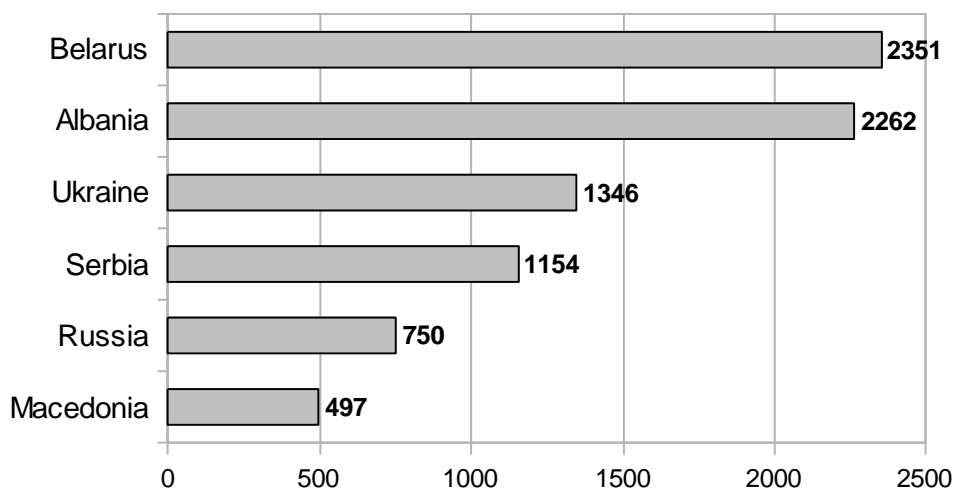
⁹ Notes: 1. The 2008-2011 data are based on Eurostat data, which are slightly different from that by Frontex. 2. The 2006 data only include the statistics provided by the border authorities of Poland and Lithuania, whereas the 2007 data also include Latvian border statistics. The graph is based on the data of the Directorate-General of the European Commission for Home Affairs.

2. Problem with possessing sufficient means of subsistence to enter the EU.

In 2011, in absolute terms, more Belarusians were denied entry into the EU for the absence of confirmed means of subsistence during the indented length of stay than citizens of any other country.

In 2,351 cases (Belarusians accounted for 20.5% of the total number of refusals of entry into the EU for this reason to citizens of all countries), Belarusian citizens could not provide sufficient proof of having adequate monetary funds¹⁰. Other nations having the same problem are Albania (2,262 refusals for the same reason), Ukraine (1,346), Serbia (1,154) and Russia (750).

Diagram 1.
Refusals of entry into the EU because of insufficient means of subsistence for the intended period of stay, 2011



Poland accounted for more than 95% of entry refusals to Belarusian citizens for the reason in question every year in 2006-2011¹¹. A sharp increase in the number of refusals of entry to Albanians was registered in 2011, and to Serbians, in 2010-2011, when the two countries introduced visa-free regimes with the EU. Prior to that, there used to be several dozen denials of entry into the EU to citizens of Albania and Serbia annually. Supposedly, the surge in the number of refusals is attributed to more frequent travels of citizens of those two countries to the EU, more thorough checks by border guards of EU Member States of the compliance with Schengen Borders Code entry terms visa-free regime introduction, and insufficient awareness of travelers of the norms of the Schengen Borders Code. The introduction of a visa-free regime does not exempt travelers from the requirement to possess a certain amount of money for the entire period of their intended stay in the EU.

The high share of refusals based on insufficiency of finance in the total number of refusals is characteristic of citizens of Belarus more than of any other country. This is obvious from the comparative table showing data on travelers denied entry into the EU broken down by countries (the top-ten countries by the total number of refusals).

¹⁰ Annual Risk Analysis 2012, Frontex, p. 53,
http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf.

¹¹ Author's calculations based on data by Frontex and Eurostat.

Table 3.
Ratio of refusals of entry into the EU on account of inadequate means of subsistence to the total number of refusals, 2011

Country	Refusals of entry into the EU, total	Refusals on account of insufficient means of subsistence	Share of refusals for financial reasons
Albania	16,106	2,262	14%
Ukraine	15,836	1,346	8.5%
Russia	9,557	750	7.8%
Serbia	7,379	1154	15.6%
Belarus	5,994 ¹²	2,351 ¹³	39.2%
Brazil	4,779	281	5.9%
Morocco	4,234	150	3.5%
Croatia	4,216	238	5.6%
Turkey	3,351	148	4.4%
Macedonia	3,255	497	15.2%

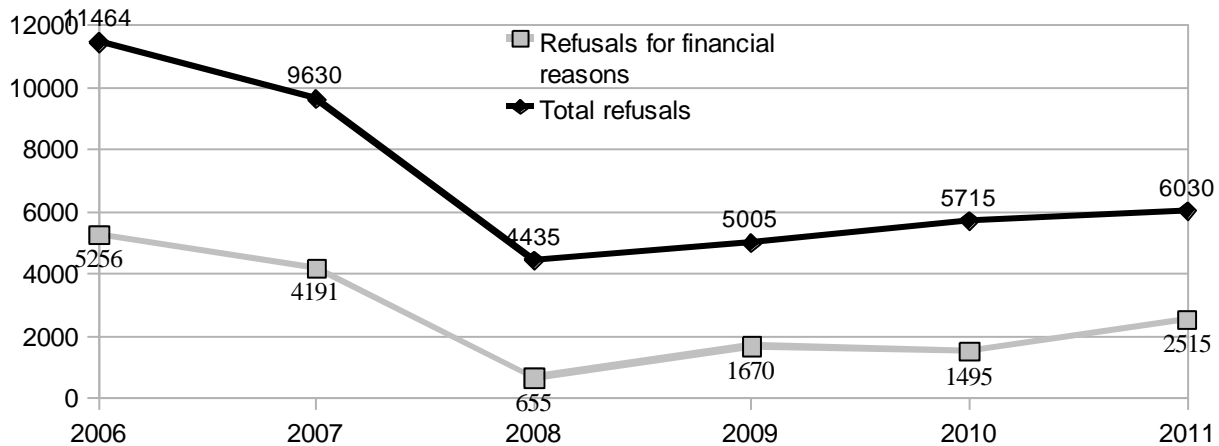
Moreover, this peculiarity (high share of refusals because of insufficient means) is typical of every year of the period under analysis, except for 2008. In 2006, the share of entry refusals on the ground of inadequate finance was at 45.7%, in 2007, at 43.1%. In 2008 the share amounted to as low as **14.8%**, but it increased again afterwards and accounted for 33.3% in 2009, 26.2% in 2010 and 39.2% in 2011.¹⁴

¹² According to Eurostat data, there were 6,030.

¹³ According to Eurostat data, the figure is even higher, at 2,515.

¹⁴ Note: in 2006-2007, only refusals by Polish border authorities were taken into account, because the data for 'old' Europe were unavailable. However, since Poland accounts for 95% of all refusals by EU border authorities, the difference from the actual figure for all of the Schengen Area Member State must be insignificant.

Chart 3.
Refusals of entry into the EU to Belarusian citizens on account of insufficient finance and total refusals in 2006-2011¹⁵



The proportion of refusals of entry into the EU for financial reasons was the least in 2008 and 2010. It is indicative that during 2011, when economic crisis peaked in Belarus, the share of entry denials for financial reasons rose by almost 50% from 2010, to 39.2% from 26.2%.

At appears that in 2008, after visa fees were sharply increased by Lithuania and Poland and visa procedures became more complicated, most applications for Schengen visas and trips to the EU were made by people, who had an urgent need to travel to the EU; therefore, in 2008, the EU border was mostly crossed by people who treated procedures and documents with more care. These are just assumptions, though, because no empirical evidence exists to corroborate this theory.

The share of refusals of entry into the EU to Belarusian citizens because of insufficient means of subsistence in the overall number of entry denials is conspicuously higher than for any other country, whose nationals require visas for short-term travels to the EU¹⁶. There is no breakdown by more specific reasons within this 'financial' category. It appears that the category includes the cases of both traveling with no adequate means of subsistence and crossing the EU border with no documentary evidence of the availability of funds to cover medical expenses, especially the medical insurance policy.

The significantly larger share of refusals for this reason must be due to the irresponsibility of Belarusian citizens as against citizens of other countries. However, this assumption is somewhat questioned by the relatively low share of refusals based on the absence of appropriate documentation justifying the purpose and conditions of stay and reduction in the number of refusals for this reason in 2011. In 2011, the number of entry denials for this reason fell three times from 2010 and 4.8 times from 2006¹⁷. In the case of Ukraine, the share of refusals of entry caused by the absence of relevant documents justifying the purpose and conditions of stay amounted to 45% of the total number of refusals.

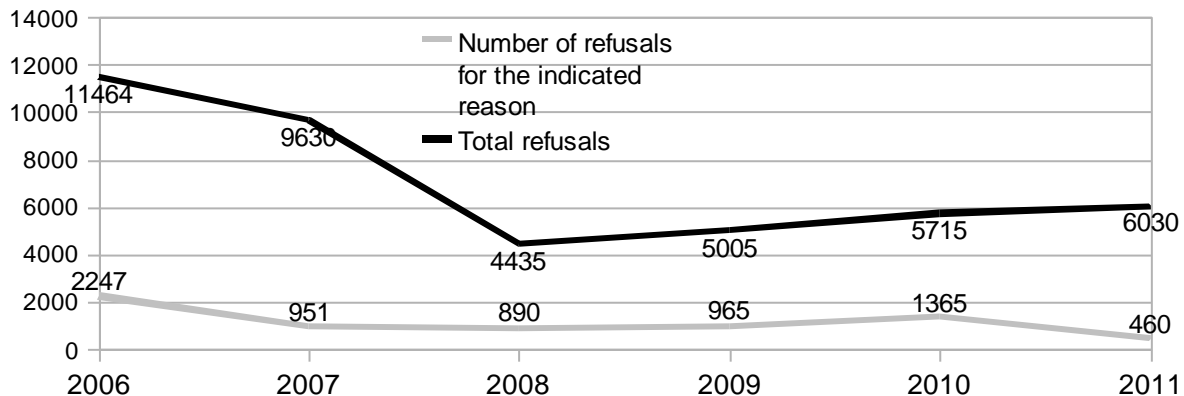
¹⁵ Based on Eurostat data. Notes: 1. Eurostat data are slightly different from Frontex data 2. In 2006-2007, only refusals by Polish border authorities were taken into account.

¹⁶ In response to a BISS inquiry, the Polish border service did not provide any specific explanations of this markedly large share of entry refusals for financial reasons to Belarusian citizens.

¹⁷ In 2006-2007, refusals for this reason only by Polish and Lithuanian authorities were accounted for. Data for all of the Schengen Area countries are not available; however, the total number of refusals by Polish and Lithuanian authorities traditionally account for more than 95% of all refusals by the EU Member States.

Chart 4.

Refusals of entry into the EU to Belarusian citizens based on the absence of appropriate documentation justifying the purpose and conditions of stay, 2006-2010



Another assumption is that Polish border authorities (accounting for about 95% of the total number of refusals of entry into the EU to the Belarusians) are more biased than other EU Member States' border authorities. However, in the case nationals of Ukraine and Russia, the share of refusals by Polish authorities in the total number of refusals is relatively low. The numbers for refusals of entry for financial reason for Belarusians, Ukrainians and Russians for 2011 amounted to 2,351, 1,346 and 750 cases, respectively.

Finally, this situation may be attributed to the low solvency of some Belarusian travelers compared to other visitors to the EU. However, the share of refusals of entry into the EU for financial reasons to citizens of Morocco, with GDP per capita thrice as low as in Belarus¹⁸, was 11 times as little (3.5% and 39.2% of all reasons, respectively). It is also possible that in many cases Belarusian citizens were traveling with a bankcard instead of having the required amount in cash or a printout of balance of their card account as a supporting evidence.

The Schengen Borders Code does not stipulate required daily means of subsistence; however, there is a compendium compiled by relevant EU authorities¹⁹. It comprises the amounts identified by national authorities of the EU Member States and methodology for calculations.

Foreign citizens aged under 16 entering Poland are required to have at least 50 złoty or an equivalent in foreign exchange per each day of stay, but not less than 300 złoty (about EUR 73.5). Travelers aged over 16 must have at least 100 złoty per day and at least 500 złoty (about EUR 122.5)²⁰.

In Lithuania, the required amount is identified by a special ordinance by the Foreign Ministry and the Internal Ministry²¹, which fixes the daily subsistence amount for foreigners arriving based on an invitation at EUR 20, and for those without an invitation, at EUR 40. The Latvian immigration law sets the daily limit at 10 lats (about EUR 14) for travelers with accommodations provided by the inviting party, whereas those booking a hotel room are supposed to have at least 30 lats (about EUR 42).

To enter some other EU Member States, a larger amount of money is required on a daily basis. Under Estonian regulations, a foreign visitor is supposed to have at least 0.2 of the minimum monthly wage per day, or EUR 58 as of late 2012²². A foreigner entering France is supposed to

18 See rankings of countries by GDP per capita, http://vid1.rian.ru/ig/ratings/gdp_per_capita_2012.pdf.

19 Reference amounts for the crossing of the external borders, as referred to in Article 5(3) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (2006/C 247/03) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:247:0019:0024:EN:PDF>

20 Ordinance of the Minister of Internal Affairs and Administration of 29 September 2003 Dz.U. 2003, No. 178, poz. 1748 and No. 232, poz. 2341.

21 Dėl Dokumentų vizai gauti pateikimo, vizos išdavimo bei panaikinimo, konsultavimosi, kelionių organizatorių ir kelionių agentūrų akreditavimo ir kvietimo užsieniečiui laikinai atvykti į Lietuvos Respubliką patvirtinimo tvarkos aprašo patvirtinimo, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=395526&p_query=&p_tr2=

22 Update of reference amounts for the crossing of the external borders, as referred to in Article 5(3) of Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the

possess at least the daily Minimum Interprofessional Growth Salary (SMIC). As of January 1, 2012, the daily minimum wage in France was at EUR 65. If the traveler succeeds in justifying the place of residence for the stay, the minimum required amount is halved to EUR 32.5 per day. In Slovenia, the minimum required amount per day is EUR 70.

Some countries require quite substantial amounts of money even if the traveler plans to stay only for a few days. A tourist entering Italy is supposed to have at least EUR 269.6 even if the intended length of stay is as short as 1-5 days.

Conclusion

Belarus is among the leading nations by the number of refusals of entry into the EU in absolute terms mostly because of numerous Schengen visas obtained by the Belarusians (Belarus accounted for 4.6% of all Schengen visas issued in 2011) and comparatively frequent trips to the EU. Polish and Lithuanian border authorities account for more than 95% of entry denials, which is due to the territorial reasons – most of Belarusian travelers naturally cross the EU external border when traveling either to/via Poland or Lithuania.

The number of entry refusals into the EU dropped in 2008 compared with previous years. The sharp decrease is attributed to the introduction of more complicated procedures to obtain a Schengen visa in December 2007 ahead of Poland's and Lithuania's joining the Schengen Area, which caused a denunciation of previous agreements with Belarus on simplified visa procedures. As a result, visa applicants were supposed to get through the more thorough visa procedures before traveling to the EU.

The number of refusals of entry into the EU to citizens of Belarus based on all reasons has been growing an average 10% a year since 2008. The increase must be due to the growth in the number of Schengen visas issued in Belarus (including multiple entry visas) and, as a consequence, a rise in the number of trips to the EU.

The two main reasons behind the refusals of entry into the EU to Belarusian citizens are the absence of a valid visa/ residence permit and absence of sufficient means of subsistence for the intended stay in the EU. The Belarusians traveling to the EU should pay more attention to the type of visa, its validity period and number of days that they are allowed to stay in the EU during the validity period (a short-term visa entitles a holder to stay in the EU no longer than 90 days during a six-month period). They should also be able to produce the documentary evidence that they are in possession of the minimum required amount of money for the intended period of stay.

The high share of refusals of entry into the EU on the ground of insufficient means of subsistence for the intended period of stay is characteristic of Belarus more than of any other country. Belarusian citizens traveling to the EU with valid Schengen visas are refused entry into the EU for financial reasons more frequently than citizens of any other country, in absolute terms. Apparently, some of the refusals falling under this category must be caused by traveling without a valid medical insurance policy. For the shortage of additional empirical data, it is hard to identify the main reason why the share of refusals to Belarusian citizens on account of inadequate means of subsistence is that high.

At the same time, Belarus is characterized by the relatively low number of entry denials for the absence of documentation justifying the purpose and conditions of stay, compared to other countries. The number of entry denials for this reason fell almost five times since 2006, in absolute terms.

In the long run, should visas be not required for short-term travels to the EU, Belarusian nationals will most likely experience a significant increase in the number of entry refusals, like it happened to the residents of Serbia and Albania, unless an awareness building campaign is held. Despite a visa-free regime, border authorities of the EU Member States are entitled, under the Schengen Borders Code, to check the supporting documents justifying the purpose and conditions of stay, and the set of documents is similar to the one normally submitted to the EU countries' consulates under a visa regime.

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