

Empowering Human Rights Defenders with the Latest EU Visa Code Handbook Updates

Introduction

The **EU Visa Code Handbook** has undergone significant revisions, effective June 26, 2024, offering crucial updates for consular staff handling short-term (Schengen) visa applications. These changes **address the specific needs of human rights defenders** (HRDs) and aim to facilitate their access to protection and support within the EU.

These updates are a **direct response to persistent advocacy efforts by civil society** organisations, including the [joint initiative “Visa for Defenders”](#) initiated in September 2022. This initiative, supported by over 50 organizations, underscored the need for an accessible visa framework for HRDs. The [EU Fundamental Rights Agency \(FRA\) report](#) and [European Parliament](#) studies on the matter, and the subsequent **seminar for EUMS organised under the Spanish Presidency of the EU** further contributed to these revisions.

- **The legal basis for visa flexibility remains intact under the Visa Code, which already permitted such accommodations. The Handbook revision does not introduce any new legal provisions but is seen as an explicit effort to ensure these provisions consistently benefit HRDs in practice.**

As organisations working closely with HRDs, understanding these updates may help you **guide HRDs effectively and leverage these provisions to enhance their safety** and operational capabilities. This guide outlines the key updates and provides practical advice on how HRDs can benefit from these changes.

Contact

For more information or assistance on supporting Human Rights Defenders (HRDs) with the updated visa provisions, or to join coordinated civil society efforts for an enabling EU visa framework for HRDs, you can contact ProtectDefenders.eu:

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Key EU Visa Code Handbook Updates and How They Benefit Human Rights Defenders

1. Acceptance of Applications from Non-Residents

- **What Does the Updated Handbook Specify for HRDs?:** HRDs who are **not residing within the consulate's jurisdiction** but are legally present there can apply for visas if they justify why applying from their residence is not possible. This **flexibility allows HRDs to avoid unsafe environments** when applying for a visa. (Article 6 Visa Code & p. 29 Visa Handbook).

2. Visa Applications at Consulates in Other Member States

- **What Does the Updated Handbook Specify for HRDs?:** HRDs facing significant risks in their home countries can **apply for visas at consulates in other Member States**. This provision **prevents HRDs from returning to dangerous environments** to process their visa applications. (Article 7 Visa Code & p. 31-32 Visa Handbook)

3. Application Timing Flexibility

- **What Does the Updated Handbook Specify for HRDs?:** While visa applications should generally be submitted 15 days before the intended visit, **flexibility is encouraged for urgent cases**. This means **HRDs facing imminent threats can have their applications processed** even if submitted closer to the travel date. (Article 9 Visa Code & p. 33 Visa Handbook)

4. Fast-Track Procedures

- **What Does the Updated Handbook Specify for HRDs?:** Consulates can implement fast-track procedures for HRDs, **expediting the visa process during critical periods** or emergencies. This ensures HRDs facing urgent threats can travel quickly to safety or for essential advocacy activities. (Article 9 Visa Code & p. 35 Visa Handbook)

5. Waiver or Reduction of Visa Fees

- **What Does the Updated Handbook Specify for HRDs?:** Member States have the option to **waive or reduce visa fees for HRDs**, helping to alleviate financial barriers that may otherwise prevent them from obtaining necessary travel documents. (Article 16 Visa Code & p. 45 Visa Handbook)

6. “Bona Fide” Status

- **What Does the Updated Handbook Specify for HRDs?:** HRDs, journalists, and dissidents may receive “bona fide” status, which simplifies the visa process by **relaxing documentation requirements** for those with a history of lawful visa use and integrity. (Article 14 Visa Code & p. 61 Visa Handbook)

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7. Assessment of Illegal Immigration Risk

- **What Does the Updated Handbook Specify for HRDs?:** Consulates should **consider information from trusted civil society organisations** when evaluating the risk of illegal immigration for HRDs. This ensures a fair assessment of their intent to comply with visa conditions. (Article 21 Visa Code & p. 77 Visa Handbook)

8. Decision-Making Deadlines

- **What Does the Updated Handbook Specify for HRDs?:** Visa decisions should ideally be made within 15 days of application acceptance. For HRDs facing immediate risks, consulates are encouraged to prioritize and **expedite decisions to address their urgent needs**. (Article 23 Visa Code & p. 80 Visa Handbook)

9. Multi-Entry Visas

- **What Does the Updated Handbook Specify for HRDs?:** Long-validity **multi-entry visas can be issued to HRDs** and civil society representatives, facilitating frequent travel for training, conferences, and advocacy. This supports their ongoing engagement and operational effectiveness. (Article 24 Visa Code & p. 88 Visa Handbook)

10. Limited Territorial Validity (LTV) Visas

- **What Does the Updated Handbook Specify for HRDs?:** LTV visas may be **granted on humanitarian grounds to HRDs who do not meet standard entry conditions** but require urgent access due to significant threats. This includes dissidents, independent journalists, human rights defenders and representatives of civil society organisations, and their close family members. (Article 25 Visa Code & p. 91 Visa Handbook)

11. Visa Applications at External Borders

- **What Does the Updated Handbook Specify for HRDs?:** HRDs who cannot apply for a visa in advance due to unforeseen circumstances can **submit applications at external borders**. This provision is crucial for HRDs in imminent danger, ensuring they can seek protection even if they miss standard application deadlines. (Article 35 Visa Code and p. 139-140 Visa Handbook)

12. Extension of Issued Visas

- **What Does the Updated Handbook Specify for HRDs?:** The validity or duration of stay on an issued **visa may be extended for HRDs facing sudden threats** or emergencies. This allows for continued safety and legal status within the EU when unexpected dangers arise. (Article 33 Visa Code and p. 146 Visa Handbook)

Recommendations to Civil Society Organisations

- **Inform HRDs:** Share this updated information with HRDs you support. **Ensure they understand these possibilities for flexibility and how they can leverage them** to improve their visa applications and travel arrangements.
- **Assist with Applications:** Help HRDs **navigate the visa application process**, particularly if they need to justify their application from outside their country of residence or require urgent processing.
- **Advocate for Implementation:** Work with consulates and EU Member States to **ensure these updated provisions are effectively implemented** and that HRDs receive the necessary support and protection. **Join collective efforts by civil society to advocate for better responses and practices**, such as the [joint position paper](#) calling for an enabling EU visa framework.
- **Provide Feedback:** Report any issues or challenges faced by HRDs during the application process to relevant authorities and civil society to **help refine and improve the system**.

Resources

EU Visa Code Handbook, June 26, 2024:

https://home-affairs.ec.europa.eu/document/download/1d79f44d-49ba-4847-951e-129f924b1051_en

Visa for Defenders: International Civil Society Organisations call for an effective and enabling EU Visa Framework for at-risk Human Rights Defenders:

<https://protectdefenders.eu/wp-content/uploads/2022/09/Update-112023-Joint-Statement-ProtectDefenders.eu-Visa-for-HRDs.pdf>

Updates to the EU Visa Code Handbook: encouraging news for human rights Defenders, July 2, 2024, UN Special Rapporteur on HRDs:

<https://srdefenders.org/resource/updates-to-the-eu-visa-code-handbook-encouraging-news-for-human-rights-defenders/>