

Enhancing Visa Processing for Human Rights Defenders: Key Updates to the EU Visa Code Handbook

Introduction

20 years ago, in June 2004, EU Member States adopted at ministerial level the [Guidelines on Human Rights Defenders](#), signaling a **commitment to prioritise the protection of HRDs**. Since then, the EU and its Member States have supported thousands of HRDs—including journalists, NGO members, academics, and trade unionists—through their extensive network of EU Delegations and missions. For more details, see the COHOM Guidance Note on the EU Guidelines on Human Rights Defenders (2020, COHOM, 9793/20).

The EU and EUMS can take various actions to support HRDs, such as public diplomacy visits, trial observations, HRD awards, public campaigns, and emergency support via ProtectDefenders.eu. Many HRDs require relocation, making it **crucial for EU Member States to facilitate visas for those at risk**.

The **revised EU Visa Code Handbook**, effective from June 26, 2024, offers **crucial operational guidance and best practices for consular staff** managing short-term visa applications. This updated Handbook includes specific guidelines designed to **address the unique needs of human rights defenders (HRDs)**.

- **The legal basis for visa flexibility remains intact under the Visa Code, which already permitted such accommodations. The Handbook revision is seen as an additional effort to ensure these provisions consistently benefit HRDs in practice.**

The revisions come in response to **repeated calls for a more accessible visa framework for HRDs at risk**, as highlighted by a [joint position paper and advocacy workplan led by ProtectDefenders.eu](#). This initiative, supported by over 50 organizations, emphasized the need for an enabling visa framework. Subsequent efforts, including a [EU Fundamental Rights Agency \(FRA\) report](#) and a [European Parliament](#) study, as well as a seminar co-hosted by ProtectDefenders.eu and the **Spanish Presidency of the EU**, have further shaped these updates.

This overview outlines the key updates in the Handbook, providing EU Member States and consular authorities with **detailed insights to better support and protect HRDs through the visa application process**. It is intended to assist EU Member States and consular authorities in effectively **implementing the Visa Code existing provisions**, ensuring that human rights defenders receive the support and protection they need through the visa application process.

Who is a Human Rights Defender?

The EU and its Member states define human rights defenders (HRD) in the spirit of the [UN Declaration on Human Rights Defenders](#) as: **individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms** through peaceful means. For more information and details on who is considered a human rights defender, please refer to [OHCHR Fact Sheet No. 29, Human Rights Defenders: Protecting the Right to Defend Human Rights](#).

Human rights defenders work to promote and protect civil and political rights, as well as to promote, protect, and realize economic, social, and cultural rights. They also advocate for the rights of members of groups such as indigenous communities. Therefore, it is in the **core interest of the EU and its Member States to support and protect their work**.

Being a human rights defender is not a fixed category, but rather a status determined by the peaceful exercise of activities aimed at defending universally recognized human rights. Hence, a **human rights defender is defined, above all, by their work**.

EU Member States, consular authorities, or border officials seeking **support or advice to enhance their practices in vetting HRDs** may contact ProtectDefenders.eu - the EU HRD mechanism.

EU Visa Code Handbook: Key Updates

1. Acceptance of Applications from Non-Residents: Operational Guidance

Consulates generally process applications only from individuals residing within their jurisdiction. However, HRDs who are legally **present but not residing** within the consulate's jurisdiction can submit applications if they can **justify why applying from their residence is not feasible**. Consular staff should assess these justifications carefully. (Article 6 Visa Code & p. 29 Visa Handbook).

2. Visa Applications at Consulates in Other Member States: Risk-Based Approach

HRDs facing severe risks in their home countries may **apply for visas at consulates in other Member States**. This provision allows HRDs to avoid returning to unsafe environments for their visa applications. (Article 7 Visa Code & p. 31-32 Visa Handbook)

3. Application Timing Flexibility: Emergency Consideration

While applications should normally be submitted at least 15 days before the intended visit, consulates are encouraged to **accept applications submitted later in cases of justified urgency**. This flexibility is essential for HRDs needing to travel urgently due to imminent threats. (Article 9 Visa Code & p. 33 Visa Handbook)

4. Fast-Track Procedures: Priority Processing

Consulates may implement **fast-track procedures** for certain categories of applicants, including HRDs. This is especially useful **during critical periods when HRDs need expedited processing** to address immediate risks or participate in urgent advocacy activities. (Article 9 Visa Code & p. 35 Visa Handbook)

5. Waiver or Reduction of Visa Fees: Financial Considerations

Member States can waive or reduce visa fees for HRDs, recognizing their role in promoting human rights and public interests. This adjustment helps **mitigate the financial barriers that may hinder HRDs** from accessing international protection and support. (Article 16 Visa Code & p. 45 Visa Handbook)

6. "Bona Fide" Status: Simplified Documentation

HRDs, journalists, and dissidents known as a **trustworthy HRD or recognized by a trusted third party may receive "bona fide" status**, allowing for relaxed documentation requirements based on their past visa compliance and integrity. This status should be evaluated individually, facilitating **easier processing for recognised individuals**. (Article 14 Visa Code & p. 61 Visa Handbook)

EU Visa Code Handbook: Key Updates

7. Assessment of Illegal Immigration Risk: Fair Evaluation

Consulates should **consider information from trusted civil society organisations** when assessing the risk of illegal immigration for HRDs. This ensures a balanced evaluation of their intent to comply with visa conditions, taking into account their specific circumstances. (Article 21 Visa Code & p. 77 Visa Handbook)

8. Decision-Making Deadlines: Timely Processing

Visa decisions should be made promptly, ideally within 15 days of an application being deemed admissible. For HRDs facing immediate risks, **consulates should prioritise and expedite decisions** to address their urgent needs without delay. (Article 23 Visa Code & p. 80 Visa Handbook). Some MS have been able to do this under existing rules in exceptional cases within 24 hours

9. Multi-Entry Visas: Extended Access

Long-validity **multi-entry visas can be issued to HRDs** and civil society representatives traveling frequently for educational, training, or advocacy purposes. This provision supports their ongoing engagement and operational needs. (Article 24 Visa Code & p. 88 Visa Handbook)

10. Limited Territorial Validity (LTV) Visas: Humanitarian Grounds

LTV visas may be **issued to HRDs who do not meet standard entry conditions** but require entry for urgent humanitarian reasons. This includes dissidents, independent journalists, and their close family members facing significant threats. (Article 25 Visa Code & p. 91 Visa Handbook)

11. Visa Applications at External Borders: Last-Minute Submissions

HRDs unable to apply for a visa in advance due to unforeseen reasons can submit applications at the EU's external borders. This is **vital for HRDs in imminent danger**, ensuring they can access protection even if standard application timelines cannot be met. (Article 35 Visa Code and p. 139-140 Visa Handbook)

12. Extension of Issued Visas: Emergency Extensions

The validity of a visa or duration of stay may be **extended in cases of force majeure** or humanitarian reasons. This is particularly relevant for HRDs facing sudden threats, ensuring their continued safety and legal status within the EU. (Article 33 Visa Code and p. 146 Visa Handbook)

Recommendations for Consistent Implementation of the Visa Code and Handbook to Support HRDs in Need

- 1. Ensure Awareness and Training:** Conduct **training sessions for consular staff** to familiarise them with the updated handbook and specific considerations for HRDs. Ensure that all **relevant personnel understand the existing guidelines and best practices** for processing HRD visa applications.
- 2. Implement Fast-Track Procedures:** Establish and operationalise **fast-track procedures for HRDs facing urgent situations**. Provide clear guidance on how to apply these procedures and **ensure that they are accessible** to HRDs in need.
- 3. Facilitate Application Submissions:** Implement mechanisms to accept visa applications from HRDs who are present but not residing within the consulate's jurisdiction, especially **in cases where returning to their country of residence is unsafe**.
- 4. Review Fee Waiver Policies:** Review and, if necessary, revise visa fee waiver policies to **ensure that HRDs are not deterred by financial barriers**. Develop a streamlined process for fee reductions or waivers in humanitarian cases.
- 5. Evaluate and Grant “Bona Fide” Status:** Adopt a flexible approach in **granting “bona fide” status to recognised HRDs**, allowing for relaxed documentation requirements based on their proven integrity and past compliance with visa conditions.
- 6. Prioritise Decision-Making:** Ensure timely processing of visa applications, **particularly for HRDs facing immediate threats**. Prioritise applications from HRDs to meet the 15-day decision-making target and **expedite where necessary**.
- 7. Utilise LTV Visas and Multi-Entry Options:** Issue **long-validity multi-entry visas and consider LTV visas for HRDs and their close family members** who face significant risks. Ensure these options are available and clearly communicated to eligible applicants.
- 8. Expand Border Visa Submission Options:** Facilitate **visa applications at external borders for HRDs who are unable to apply in advance** due to unforeseen circumstances. Ensure that **border officials are aware** of and equipped to handle these applications.
- 9. Establish fair processes for evaluating the risk of illegal migration:** Take into account **information from trusted civil society organizations and the HRDs' intent to comply** with visa conditions, in line with their specific circumstances.
- 10. Develop procedures for emergency visa extensions:** Create clear **guidelines for granting emergency extensions of visas to HRDs facing unforeseen threats**. This ensures that HRDs maintain their legal status within the EU during periods of heightened risk.

Some Resources

EU Visa Code Handbook, June 26, 2024:

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

ProtectDefenders.eu 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/>

EU Guidelines on Human Rights Defenders:

https://www.eeas.europa.eu/sites/default/files/eu_guidelines_hrd_en.pdf

Contact

ProtectDefenders.eu is committed to **supporting EU Member States and relevant authorities in enhancing their responses to the needs of HRDs at risk**, ensuring that the updated provisions are effectively implemented to safeguard and empower those working to uphold human rights globally.

For further information or assistance in improving your visa policies and procedures for human rights defenders, you can contact ProtectDefenders.eu:

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