

Using the Updated EU Visa Code Handbook to Better Protect Human Rights Defenders

Introduction

The EU's commitment to protecting human rights defenders: a 20-year consensus

For over 20 years, the EU and its Member States have been committed to protecting human rights defenders (HRDs). EU and Member States support HRDs by visiting them in detention, observing trials, recognizing their work, raising their cases in dialogues, and providing emergency help through ProtectDefenders.eu. Many HRDs also need relocation, and **EU countries are key in offering visas** to those at risk.

What is the EU Visa Code Handbook?

The **EU Visa Code Handbook provides guidelines for consular staff** on processing short-term (Schengen) visa applications. It is based on the EU's common rules for visas and border controls, known as the Visa Code and Schengen Borders Code, which apply to **stays of up to 90 days**.

While the Visa Code doesn't have a specific category for human rights defenders, the **latest update in June 2024** introduces guidelines to better address their needs. Long-term visas and residence permits remain the responsibility of individual EU Member States.

Why is this update important for at-risk HRDs?

Visas are a critical tool for protection and empowerment. By understanding the new guidelines, you can navigate the visa application process more effectively, especially when facing immediate threats. Familiarising yourself with **these provisions will help you advocate for your rights** and continue your important work safely.

For more personalised support, **consider reaching out to legal experts or human rights organisations** that understand EU visa procedures.

Key Updates to the EU Visa Code Handbook: How They Benefit Human Rights Defenders (HRDs)

1. Flexibility for Non-Residents

Normally, consulates process visa applications only for people living in their area. However, **HRDs can apply from a different location if it's unsafe to return to their home** country. This is important for HRDs who need to stay outside their country due to immediate threats or harsh conditions. *(Article 6 Visa Code & p. 29 Visa Handbook).*

2. Applying at Other EU Consulates

If it's dangerous to apply for a visa in your home country, HRDs are allowed to **apply at a consulate in another EU country**. This gives you a safer option when your local situation becomes too risky. *(Article 7 Visa Code & p. 31-32 Visa Handbook)*

3. Emergency Visa Application

Visa applications are usually submitted 15 days in advance, but **consulates are encouraged to speed up the process for HRDs facing sudden threats**. This includes situations of immediate danger or when you need to attend urgent advocacy events. *(Article 9 Visa Code & p. 33 Visa Handbook)*

4. Priority Processing for HRDs at High Risk

Consulates can set up **fast-track procedures for HRDs** in risky situations. This is especially helpful during sensitive periods, like before elections or while working on major human rights campaigns, so you can get a visa quickly when needed. *(Article 9 Visa Code & p. 35 Visa Handbook)*

5. Reduced or Waived Visa Fees for HRDs

Visa **fees can be lowered or waived for HRDs**, acknowledging the importance of your work. This can help reduce the financial barriers when you need to travel for advocacy, training, or emergencies. *(Article 16 Visa Code & p. 45 Visa Handbook)*

6. Simplified Process for Recognized HRDs

If you're known as a **trustworthy HRD or recognized by a trusted third party**, you can be considered a 'bona fide' applicant. This may simplify the visa process, as you might not need to provide as much documentation, such as proof of funds or accommodation, making it easier and faster to obtain a visa. *(Article 14 Visa Code & p. 61 Visa Handbook)*

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7. Fair Assessment of Overstay Risks

When consulates assess the risk of someone overstaying their visa, they should consider information from respected human rights organisations. **This ensures HRDs are treated fairly, acknowledging the special circumstances of their work and their commitment to returning home** when it's safe. (Article 21 Visa Code & p. 77 Visa Handbook)

8. Multi-Entry Visas for Ongoing Work

If you're supported by a trusted organization, you might qualify for **a multi-entry visa without going through the cascade system**. The cascade system normally grants these visas based on your previous legitimate use of single-entry visas. A multi-entry visa is especially useful for human rights defenders, as it allows you to **travel in and out of the EU multiple times**, making it easier to attend international meetings, engage in advocacy, or respond quickly to urgent situations. (Article 24 Visa Code & p. 88 Visa Handbook)

9. Limited Territorial Validity (LTV) Visas for Urgent Humanitarian Travel

An LTV visa can be issued to HRDs **who don't meet all standard requirements but need to travel urgently** for human rights work. This visa allows you to travel to certain EU countries, providing flexibility when you face persecution or threats at home. (Article 25 Visa Code & p. 91 Visa Handbook)

10. Prompt Visa Decisions

Consulates usually take up to 15 days to decide on visas, but **HRDs in urgent situations should receive priority**. This ensures that your visa application is processed quickly, especially when you're facing immediate risks or need to attend critical events. (Article 23 Visa Code & p. 80 Visa Handbook).

11. Last-Minute Visa Applications at Borders

In exceptional cases, like sudden threats, **HRDs who couldn't apply in advance can apply for a visa at the EU border**. This is a vital option for urgent protection when you have no time to go through regular procedures. (Article 35 Visa Code and p. 139-140 Visa Handbook)

12. Extending Visas for HRDs

If you need to stay longer due to **unexpected dangers**, such as threats after a public event, **your visa can be extended**. This ensures you can stay safe abroad while the situation at home improves. (Article 33 Visa Code and p. 146 Visa Handbook)

How to use this guidance note?

- **Substantiate your visa request:** Incorporate the guidance note's recommendations to provide clear, well-supported documentation for your visa application, increasing your chances of success.
- **Advocate for your visa case:** Use the guidance note to advocate for fair and expedited consideration of your visa application, citing the principles and procedures outlined within.
- **Strengthen your appeal capacity:** If your visa application is denied, reference this document to substantiate your appeal, emphasizing the specific protections for HRDs outlined in the EU Visa Code Handbook.
- **Cite as a reference:** Use this guidance note as a credible reference in discussions with consular authorities or international bodies to advocate for better implementation of HRD-sensitive visa practices.
- **Train EU and EU Member States' consular authorities in your country:** Advocate for local capacity-building by using the note to train consular officials and other relevant authorities on the specific needs and rights of HRDs seeking visas.
- **Advise fellow HRDs and communities:** Share this guidance with your colleagues, offering them practical advice and empowering them to navigate visa processes more effectively.
- **Raise awareness:** Use the guidance note in public campaigns or advocacy initiatives to highlight the importance of flexible visa procedures for HRDs at risk.
- **Engage in international solidarity and networking:** Share the guidance note with partners, networks, and organizations to raise awareness about the challenges HRDs face and to foster mutual support.
- **Monitor implementation:** Use the note to track and document how consular authorities apply HRD-friendly visa procedures, identifying areas for improvement.

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/>

About ProtectDefenders.eu

ProtectDefenders.eu is the **European Union Human Rights Defenders mechanism**, established to protect defenders at high risk and support their work in the most difficult situations worldwide. It is **led by a Consortium of 12 NGOs** active in the field of Human Rights. Since its launch, ProtectDefenders.eu provides support to more than 10,000 defenders and organisations every year.

Learn More and Contact Us

Learn more about our funding programmes for defenders, grassroots organisations and communities **on our website**.

You can contact us through secured form or via email contact@protectdefenders.eu.



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