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## CARIM-INDIA – DEVELOPING A KNOWLEDGE BASE FOR POLICYMAKING ON INDIA-EU MIGRATION



Co-financed by the European Union

### ***Short-Term Visa Requirements for Indian Nationals in the European Union***

**Sebastian Irudaya Rajan**

CARIM-India Research Report 2012/21



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**CARIM-India**  
**Developing a knowledge base for policymaking on India-EU migration**

**Research Report**  
**Thematic Paper**  
**CARIM-India RR2012/21**

**Short-Term Visa Requirements for Indian  
Nationals in the European Union**

**Sebastian Irudaya Rajan**  
Professor, Centre for Development Studies, India

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Requests should be addressed to [India-EU.Migration@eui.eu](mailto:India-EU.Migration@eui.eu)

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European University Institute  
Badia Fiesolana  
I – 50014 San Domenico di Fiesole (FI)  
Italy

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## **CARIM-India – Developing a knowledge base for policymaking on India-EU migration**

This project is co-financed by the European Union and carried out by the EUI in partnership with the Indian Council of Overseas Employment, (ICOE), the Indian Institute of Management Bangalore Association, (IIMB), and Maastricht University (Faculty of Law).

The proposed action is aimed at consolidating a constructive dialogue between the EU and India on migration covering all migration-related aspects. The objectives of the proposed action are aimed at:

- Assembling high-level Indian-EU expertise in major disciplines that deal with migration (demography, economics, law, sociology and politics) with a view to building up migration studies in India. This is an inherently international exercise in which experts will use standardised concepts and instruments that allow for aggregation and comparison. These experts will belong to all major disciplines that deal with migration, ranging from demography to law and from economics to sociology and political science.
- Providing the Government of India as well as the European Union, its Member States, the academia and civil society, with:
  1. Reliable, updated and comparative information on migration
  2. In-depth analyses on India-EU highly-skilled and circular migration, but also on low-skilled and irregular migration.
- Making research serve action by connecting experts with both policy-makers and the wider public through respectively policy-oriented research, training courses, and outreach programmes.

These three objectives will be pursued with a view to developing a knowledge base addressed to policy-makers and migration stakeholders in both the EU and India.

Results of the above activities are made available for public consultation through the website of the project: <http://www.india-eu-migration.eu/>

*For more information:*

CARIM-India  
Robert Schuman Centre for Advanced Studies (EUI)  
Convento  
Via delle Fontanelle 19  
50014 San Domenico di Fiesole  
Italy  
Tel: +39 055 46 85 817  
Fax: + 39 055 46 85 770  
Email: [India-EU.Migration@eui.eu](mailto:India-EU.Migration@eui.eu)

**Robert Schuman Centre for Advanced Studies**

<http://www.eui.eu/RSCAS/>

## **Abstract**

The need to make travel more accessible, convenient and smooth and to improve visa procedures is paramount in both economic and bilateral relations contexts. Towards this end, the paper aims at assessing potential visa facilitation processes and visa waiver programs between the EU and India. To gain an understanding of current visa requirements and procedures for Indians to immigrate to European countries, it deals explicitly with the visa requirements and hurdles involved in getting visa clearance for both long-term and short stays. Through an in-depth study of current migration flows between these two regions, the implications of facilitating visas for citizens of India – one of the world's fastest growing source markets – is analysed. While findings suggest that the EU is increasingly becoming a destination for tourists, students, professionals and immigrants, millions more were deterred from traveling by cost, waiting time and the difficulty of obtaining a visa. The author calls for priority to be given to facilitating travel as a means to boost economic growth and create jobs. Opening up the travel regime could create millions of additional jobs in the EU economies, generate additional international tourism receipts and may then become the next frontier in bi-lateral relations between these countries.

## **1. Background**

Migration from India to European Union countries is an important phenomenon. In recent years, the numbers of Indian emigrants, especially highly-skilled migrants and students, have increased considerably. In 2001, 466,000 residents of United Kingdom were Indian-born. Indian nationals accounted for nearly 30 per cent of all work permits issued in 2004 by the United Kingdom. Similarly, student migration from India has been important. North America, for instance, continues to attract a large number of student emigrants: in 2003-04, India was the top country in terms of foreign student enrolment in the US. However, in recent years, Europe has also been attracting a number of students from India.

In 2010, India with an estimated stock of 11.4 million emigrants was the second largest emigrant-sending country in the world, followed by Mexico with 11.9 million (World Bank, 2011). At the same time, India is also one of the countries which loses the most highly-skilled workers to foreign markets. In fact, India and the Philippines supply most of the foreign-trained doctors and nurses to the OECD countries, particularly to English-speaking countries (Khadria, 2008).

The departure abroad of a large number of well-trained Indians, as expected, has led to concerns about “brain drain” in India. For example, one of the most affected sectors is genetic engineering and biotechnology. Here there are shortages in junior staff, as approximately 90 per cent of post-graduates in this field go to the United States after the completion of their studies in India. However, available data on the numbers of highly-skilled Indian emigrants suggest that the country does not suffer seriously from brain drain (Natalia et al., 2012).

Against this backdrop, this paper aims at assessing the potential visa facilitation process and current visa requirements and procedures for Indians to emigrate to European countries. It deals explicitly with the short-term visa requirements and hurdles involved in getting visa clearance, if any. There is a need to make travel more accessible, convenient and smooth and improving visa procedures is paramount in both economic and bilateral relations contexts. With a brief introduction, the first section overviews the importance of Indian emigration to the EU, followed by a review of the existing visa requirements for the short-term visas for tourists, students and highly-skilled Indian workers with some case studies. The third part of the paper reports on the field work done in Cochin (Visa Facilitation Services (VFS) for United Kingdom), Chennai (VFS of Germany and the United States) and Pondicherry (VFS of France, Switzerland and Germany) among approximately 100 Indians assembled at the VFS centres. In addition, we also spoke to some travel agents who facilitate visas for their clients. The last section highlights recommendations to ease visa requirements for Indians while travelling for work, higher studies and leisure.

## **2. Patterns of Emigration from India to European Union**

The geographical distribution of the Indian emigrant’s destination countries primarily depends on the level of their educational qualifications. The emigration flows of the highly-skilled are oriented towards more traditional Indian destinations, namely, the United States, Canada, the UK and more recently, towards non-English speaking European Union countries. This migratory wave was accelerated by India’s integration with the world economy. In contrast, semi-skilled and unskilled Indian workers are chiefly concentrated in the high-income countries of the Gulf Cooperation Council. In the fight for market share and under the pressure of growing global competitiveness, the developed countries seek to attract the best and brightest minds to win this battle. With a well-developed educational system and large workforce, India is a strategic supplier of highly-skilled specialist emigrants to many developed economies including the EU countries, which have become increasingly popular destinations (Khadria, 2009).

According to the Indian High Level Committee on the Indian Diaspora, the percentage of Non-Resident Indians and People of Indian Origin residing in Europe (including the United Kingdom) is about 10 per cent (ICWA, 2001). Even when we consider the 20 top countries in the world with a stock of 50,000 or more Indian migrants, only two countries in Europe figure in the picture: the United Kingdom and Germany.

At the EU level, Indian students account for 34.4 per cent of foreign students in tertiary education, in particular, social sciences, business or law. On the other hand, in engineering streams, Indians account for just 14.1 per cent of the total number of students studying in Europe (Eurostat, 2011). Though science and engineering are generally preferred subjects in India, the students studying those subjects in Europe are actually dwindling. This situation may lead to the reinforcement of India's position as a supplier of the human resources necessary for sustaining Europe's progress towards a knowledge-based economy (Eurostat, 2011). This declining trend may be explained jointly through a few broad deterrents—the costs of education, difficulty in visa procurement, and access to grants and funding.

Over the years, India has become a major stock of human capital for advanced economies in the context of its demographic advantage over other economies, including Europe. India, China, and South Korea are the top nations of origin for foreign students in the United States mostly in the science and engineering streams. India with 68,000 students in 2009 accounts for the largest number of foreign students, followed by China with 54,000 students. In 2004, the US was the favoured destination of 62 per cent of the 71,290 physicians emigrating from India, while 32 per cent chose the UK (Bhargava et al., 2010). In the European Union, the UK is the preferred destination for highly-skilled Indian emigrants which attracted two-thirds of the total number of Indian emigrants in Western Europe in 2008 (Khadria, 2008). Indians also represented more than 40 per cent of the estimated 22,000 entries under the UK's Highly-Skilled Migrant Program (OECD, 2008). Germany is another major country which is recruiting students from India, notably in engineering and computer science. As per the available statistics, Indian emigrants to European countries increased from 0.8 per cent to 3.5 per cent during 2000-09.

**Table 1. Number of Indian Emigrants in European Union Countries (in thousands)**

Years	2000	2006	2007	2008	2009
India	660	3310	3930	4310	5390
Total	787,90	1349,00	1430,20	1467,40	1554,10
Per cent	0.84	2.45	2.75	2.94	3.47

Source: Eurostat, 2009-10.

### 3. Highly-Skilled Emigration and Citizenship to Indians in EU

The formulation of increasingly favourable immigration conditions for the highly-skilled workforce determined the strong presence of this category in Indian emigration flows to Europe. In 2009, about 31,100 Indians were granted citizenship of which 85 per cent were in the United Kingdom, followed by Portugal with 3.2%, and Italy and Germany 2.9% each (Table 2).

**Table 2. Share of Citizenship granted to Indian Emigrants in 2009 by EU member Countries**

Total acquisitions in EU-27	United Kingdom	Portugal	Germany	Italy	Others
	% to total EU	% to total EU	% to total EU	% to total EU	% to total EU
31, 100	85.3	3.2	2.9	2.9	5.7

Source: (i) Fabio Sartori, 2009, (ii) Eurostat, 2011.

The predominance of highly-skilled migration is also revealed by the high proportion of residence permits granted to Indian nationals by European countries for employment and education (Table 3).

Among 201,398 new permits issued to Indians at the EU level, 37 per cent were for employment and 26 per cent for education purposes.

**Table 3. New Residence Permits issued to Indians in 2010 in EU-27 countries by reasons**

Employment		Education		Family reunification		Others		Total
Permits by reason	% of total permits	Permits by reason	% of total permits	Permits by reason	% of total permits	Permits by reason	% of total permits	Total first permits
73, 851	37	51, 501	26	45, 237	22	30, 809	15	201, 398

Source: Eurostat, Population Database - Residence permits (migration reasons).

Amongst the citizens of non-EU countries, Indians were the largest group which obtained residence permits under the category of employment (37 per cent). In 2010, the number of permits issued to Indian citizens for employment increased by 14 per cent compared to 2009. According to Eurostat (2011), India and the United States are the largest groups receiving resident permits for highly-skilled workers. Table 4 shows that the number of permits issued to highly-skilled Indians and Indian researchers increased to 9 per cent in 2010, whereas the number of permits issued for seasonal workers decreased by 9 per cent in 2009. However, this went along with a general increase in workers from this country, and not exclusively highly-skilled ones. The proportion of the high-skill category to total workers decreased from 18.2 to 17.4 per cent during 2009-10 (Table 4).

**Table 4. First Residence Permits issued to Indians for Remunerated Activities at the EU level, by Type of Work Permit, in 2009 and 2010**

Country of origin	Total permits	Highly-skilled workers	Researchers	Seasonal workers	Other economic reasons					
India	2009	64, 592	India	11, 784	India	658	India	4, 164	India	47, 844
	2010	73, 851		12, 852		724		3, 783		56, 488

Source: Population Database – Eurostat.

Highly-skilled Indian nationals are most prominent in the United Kingdom. Of the 12,852 permits issued by EU countries for Indian highly-skilled workers in 2010, 5,615 or 44 per cent were issued by the UK alone. Italy is the first European destination for seasonal workers. In 2010, Italy issued 3,479 permits accounting for 92 per cent of Indian seasonal workers in the EU.

**Table 5. Evolution of European Destinations for Indian Emigrants from 2001 to 2009**

2001			2009		
EU country	Indian immigrants	Stock of Indian citizens	EU country	Indian immigrants	Stock of Indian citizens
United kingdom	16, 000	150, 676	United Kingdom	64, 000	293, 000
Germany	8, 949	35, 183	Italy	12, 769	91, 855
Italy	4, 820	32, 507	Germany	12, 009	47, 025
Austria	836	4, 879	Spain	5, 956	29, 754
Spain	835	6, 790	The Netherlands	2, 699	8, 003
The Netherlands	684	3, 361	Sweden	1, 795	4, 676
			Belgium	1, 787	6, 749
			France	1, 458	13, 000
			Poland	1, 137	269
			Ireland	1, 078	4, 046
Total EU	33, 390	25, 269	Total EU	108, 341	518, 645

Source: Population Database-Eurostat and OCDE, 2010.

Among EU countries, immigration flows decreased by 21 per cent compared to 2008, in 2009, whereas in the same period Indian immigration increased by 16 per cent reaching 108,341, accounting for around 6 per cent of all non-EU nationals. The India-EU migration trend, in recent years, demonstrated not only a gradual expansion, but also a diversification both in terms of source of flows and their destinations. Indian migration to Europe is a relatively recent development among unskilled and skilled migrants, with a rising number of skilled professionals, due to EU immigration policy's focus on skilled migrants. In 2008, India was the third highest non-EU source country (93,436) behind only Morocco (150,000) and China (97,000) (Eurostat). Despite the fact that the UK remains the main EU destination for Indian migrants, hosting 59 per cent, new European countries emerged as attractive destinations in 2009. In 2001, only three European countries attracted over 1,000 Indian emigrants and three other EU countries attracted only between 500 and 1000 Indians. In 2009, 10 EU Members states attracted over 1,000 Indians (Table 5).

The same trends are recorded for the current international mobility of Indian students, which is no longer limited to the US and the UK. Rather, the outflow expanded to other European countries such as Germany, Italy, Spain, the Netherlands and France which have confirmed their place as favoured destinations. These trends were most accentuated by the global recession and by demographic concerns. Destination countries are now increasingly attracting Indian students not only because of the additional funds they stand to gain, but also because of long-run socio-economic benefits accruing from these highly-skilled emigrants, who will very likely become permanent residents in the host country after their graduation.

#### **4 Agreements between India and the European Union**

In order to facilitate specialist workforce mobility, certain EU countries have signed labour-mobility partnerships with India. The latest annual report of the Ministry of Overseas Indian Affairs revealed that the Ministry has successfully entered into bilateral Social Security Agreements (SSA) with Belgium, France, Germany (Social Insurance and Comprehensive SSA), Switzerland, Luxembourg, the Netherlands, Hungary, Denmark, the Czech Republic and Norway. The Ministry is also negotiating and concluding bilateral SSAs with countries in Europe, North America and the Asia Pacific for the benefit of Indian professionals. An Agreement on the Human Resource Mobility Partnership (HRMP) has already been signed with Denmark. The Ministry has initiated the process for negotiating HRMP agreements to enhance overseas employment avenues with Poland, the Czech Republic, Norway, Switzerland, Hungary, Sweden and France. It is in the process of finalising an HRMP with the Netherlands (Ministry of Overseas Indian Affairs, 2012). Did these agreements play any role in promoting Indian migration to Europe? This question requires further research.

#### **5 Recent Developments in EU's Migration Policies**

Considering the premium put on knowledge today, the competition for attracting and retaining skilled Indians is becoming more acute. The EU is changing its strategies to face this competition. It has shifted from an approach of addressing acute skill shortages through local labour supply, with little possibility of permanent residency, to a longer run approach based on integration into the receiving society. Europe has moved from specialized temporary programmes such as the Green Card Scheme introduced in 2000 in Germany to highly-skilled migrant programmes for permanent employment, allowing settlement or permanent residence. Another dimension of this new approach is expressed by the possibility of foreign students working in the host country after graduation, allowing them to shift from temporary student status to permanent resident status. These initiatives are more specifically promoted during a period of economic growth. However, destination countries are increasingly prone to review their immigration policies and to harden conditions of access to domestic labour markets for foreign students in the context of the recent global financial crisis and the ongoing European credit crisis (Fix et al., 2009).

In order to sustain growth and to address population ageing issues, the EU should consider the capacity of India in terms of human-capital formation. Increasing economic interdependence among nations and the growing demand for skilled labour in the knowledge economy, not to mention demographic trends, are all strengthening India's position as a major supplier of young, educated and qualified manpower for the European Union. Owing to its demographic profile and English-speaking population, India, with its large reserves of highly-skilled workers, has emerged as one of the most prominent countries to fill the supply gaps in the labour-deficient economies of the developed world (Khadria, 2008).

Taking into account the economic objectives of the European Union coupled with demographic and ageing effects, EU member states have put in place selective immigration policies aimed at attracting highly-skilled professionals and tertiary-level international students from South Asia. Through the European Blue Card, inspired by the American Green Card, the EU intends to attract 20 million well-trained workers in the next 20 years (Khadria, 2008b). Moreover, negotiations in early 2012 over the free-trade agreement launched in 2007 between the EU and India could reinforce the immigration of highly-skilled Indians to the EU, which will mean easier access for Indian workers to EU countries in return for access to India's domestic market (Khadria, 2008b).

## 6. EU Blue Card for High-Skill Migrants

The EU's 27 member nations had 501 million residents in 2010; their population is projected to peak at 521 million in 2035. About 2.6 per cent of EU residents are intra-EU migrants, such as Poles in the UK, and another four per cent or 20 million are non-EU 27 nationals, such as Turks in Germany. The US, by contrast, has about 40 million foreign-born residents (BMI, 2011).

Two-thirds of EU population growth is due to immigration from outside the EU. The European Commission, the executive of the 27-member EU, has been proposing the admission of more immigrants to deal with Europe's shrinking labour force for a decade. However, non-EU nationals have relatively low employment rates, lower than nationals and intra-EU migrants. For example, 83 per cent of nationals of an EU member state with a high level of education were employed in 2010, compared with 77 percent of intra-EU migrants and 67 percent of non-EU migrants with a high level of education (Parusel, 2010).

The Commission acknowledges high unemployment rates in some member countries. However, its 2010 annual report on migration said: "given both the seriousness of the skills mismatch in European labour markets as well as irreversible demographic developments, a well organized legal immigration and integration policy has a central role to play in ensuring the EU's long-term competitiveness and ultimately the future of its social model" (Parusel, 2010).

The Commission has proposed several policies to regulate migration in member states, including a directive that standardises rules for the admission of non-EU students and the encouragement of three-year bachelor's degrees. The Commission reported that over 200,000 third-country nationals entered the EU to study in 2009, including almost 53,600 in France, 32,600 in Italy, and 31,300 in Germany. However, it highlighted what it called "difficulties" faced by non-EU foreign students in a September 2011 report, such as the authorities not providing timely responses to applications for necessary visas and not providing reasons for visa refusals. Practical measures must be undertaken with a view to decrease institutional, bureaucratic and procedural bottlenecks to travel and integration. The Commission, like the governments of most countries, wants to welcome more highly skilled foreign nationals to strengthen its knowledge-based economy, and this has resulted in the Blue Card Program. In May 2009, the European Commission adopted the EU Blue Card. This permit will purportedly make it easy for skilled Third World workers to live and work in any of the participating EU member states. Legislation is now in place at the European level, and member states will gradually start accepting applicants to this program. Pre-registration started in January 2010. European Commission

President Josa Manuel Barroso said: “With the European blue card, we send a clear signal. Highly skilled workers are welcome in the EU” (Eurostat, 2011).

Council Directive 2009/50/EC aims to attract highly-qualified foreign nationals from non-EU countries by simplifying admission and work-and-residence procedures for foreign nationals with a university degree or at least five years experience who have a standing job offering at least 1.5 times the average gross annual salary in the EU member state admitting them (1.2 times in labour-short occupations). Member states decide whether the employer or the foreigner submits the application for the EU Blue Card, which can be made valid for one to four years. Blue-Card holders can have their families join them within six months, and their spouses can receive work permits (Parusel, 2011).

After 18 months in their first EU country, Blue Card holders may move to another EU member state to take up highly-qualified employment. The 24 EU member states bound by EU migration rules (not Denmark, Ireland and the UK) were supposed to enact national legislation to implement the Blue Card program by June 2011, but Malta, Italy and Portugal failed to. The Blue Card program was developed in 2007 by then-EU Commissioner for Justice, Freedom and Security, Franco Frattini. Frattini argued that the EU must develop a common migration policy to attract more highly skilled foreign nationals, and a Blue Card allowing freedom of movement within the EU would make the EU more attractive to highly skilled foreign nationals (Parusel, 2012). The effectiveness of the Blue Card regime remains to be seen, in the meantime, however, policies of increased liberalisation must permeate every level of travel formalities.

## 7. EU Visa Policy and its Outcomes

Immigration or visa policy generally aims both at allowing and promoting legal mobility and at guarding against and preventing the illegal entry and residence of foreign nationals. Several elements of visa policy are vital for these two objectives: visa facilitation agreements might be considered, beyond the general legal framework for residence of foreign nationals, as one option to promote legal travel; they can provide rules for reduced visa fees, faster processing of applications or more favourable conditions for so-called “bona fide” applicants. To prevent illegal migration, it is of overriding importance to verify the applicants’ willingness to return, to involve the security authorities in the visa procedure and to ensure the mutual exchange of information between EU Member States’ missions abroad under the Visa Information System (VIS) which has just been put into operation (Parusel, 2012).

Over the last few years, the EU has been seeking to put in place measures for the effective integration of policies addressing education and labour market issues. In 2006, 20,600 (2.8 per cent) of the 735,000 non-EU nationals granted a visa by European countries were Indians. In 2008, in the context of lower immigration figures, 15,200 Indians acquired citizenship of an EU Member State which represents 2.2 per cent of the total number of acquisitions recorded in the EU. In 2009, this number doubled. Of the 776,000 naturalized persons, 4 per cent were Indian citizens, making Indians the third largest group after Moroccans (7.7 per cent) and Turkish citizens (6.7 per cent) to become citizens of an EU member State (Eurostat, 2011). These trends may be checked during the coming years. For the moment, however, they tend to show the attractiveness of Europe as an immigration destination for the highly-skilled Indian workforce (Parkes, 2010).

## 8. Visa Practices

Visa policy and visa practices are key elements for the migration management of nation states. Visa regulations supplement the basic legal requirements for lawful entry and residence as well as border control measures. In other words, they serve as control mechanisms when it comes to regulating the entry of foreign nationals into the national territory. They thus work as an instrument of border security policy. Further, visa policy defines entry requirements with regard to foreign nationals who require a visa

and need to fulfil the general conditions for issuing a visa as well as the special conditions governing short stay and long stay visas. Within the European Union, visa policy is a tool through which the EU and the member states attempt to control the mobility of third country nationals prior to their entry into the country, i.e., extra-territorially (European Commission Home Affairs, 2012).

### **8.1. Visa Requirements for Indian Nationals**

Emigration by Indians to the EU is characterized mainly by the emigration of highly-skilled workers. Highly-skilled persons are usually defined by education or occupation, that is, by their human capital and/or by their current jobs. The most common definition is that skilled persons are those age 25 and older who have had tertiary education. The country of residence stands as a basic criterion in determining the visa requirements for Indian passport holders when visiting EU or some other countries. For instance, an Indian residing in the US holding a permanent resident permit (Green Card) does not need a visa to travel to Canada. Indian citizens resident in Japan (with valid Alien Registration Cards) can travel to the Republic of Korea (South Korea) for tourism and short business trips. Indian citizens do not need a visa to travel and work in Nepal and there is no restriction on the number of days they live/work in Nepal and vice versa for Nepalese citizens. Similarly, the residents of Finland and Luxemburg (two EU countries) can receive a tourist visa on arrival in India on the payment of US\$ 60 (Bureau of Emigration, Government of India). Such openness must be extended towards Indian nationals seeking to visit Luxemburg and Finland as well.

### **8.2. Access and Extent of Issuance of Visas**

According to passport information from the International Air Transport Association (IATA), some 71 countries and territories provide visa-free or visa-on-arrival access to holders of Indian passports. Out of these, 43 countries and territories offer visa-upon-arrival, while 28 countries and territories are accessible visa-free. Where visa-free access is permitted, such access is not necessarily a right, and admission may technically be at the discretion of border enforcement officers. Visitors engaging in activities other than tourism, including unpaid work, may require a visa or work permit (European Commission Home Affairs, 2012).

**Table 6. Countries of Schengen and Non-Schengen Area in the EU Region**

<b>European Union Countries in the Schengen Area</b>	
Austria	Italy
Belgium	Lithuania
Cyprus (Not in Schengen Area)	Luxemburg
Czech Republic	Latvia
Germany	Malta
Denmark	Netherland
Estonia	Poland
Greece	Portugal
Spain	Sweden
Finland	Slovenia
France	Slovakia
Hungary	
<b>Non-European Union Countries under Schengen Area</b>	
Switzerland	Norway
Iceland	Liechtenstein
<b>European Union Countries not in the Schengen Area</b>	
Bulgaria	Ireland
United Kingdom	Romania

Source: European Commission Home Affairs, 2012.

The quantitative significance of visa policy is underscored by the number of visas issued by the countries forming the Schengen area in 2010: over 12.5 million. The majority of those issued, 11.5 million visas (87.7%), are the so-called Schengen-Visas or Type C visas for short-term stays. More than one million (8.1%) were national visas for long-term stays or immigration called Type D visas.

A total of 1,755,104 of the visas issued within the Schengen area were issued in Germany. Of these, 91.4 per cent were Type C visas (absolute 1,603,758) and 8.1 per cent were D-visas (142,749). In the same way, in 2009 a total of 108,341 Indian citizens received visas to enter 27 European Union countries (European Commission Home Affairs, 2012).

### 8.3. Types of Visas

At the moment, the Member States of the European Union generally distinguish two types of visas: first, visas for short stays, i.e., up to three months/90 days, also called the Schengen visa and, second, visas for long-term stay known as the national visa. A national visa is an authorisation to stay longer than three months, which is to be granted according to national laws and emigration policy (European Commission Home Affairs, 2012).

### 8.4. What is the Schengen Visa?

The EU has set up a common visa policy for short stays, i.e., stays up to three months, which is applied through the delivery of the so-called “Schengen visas”. The border-free Schengen Area cannot function efficiently without a common visa policy which facilitates the entry of legal aliens into the EU, while maintaining internal security. The Schengen Visa is defined by the EU Visa Code as a visa “an authorisation issued by a Member State with a view to: (a) transit through or an intended stay in the territory of the Member States of a duration of no more than three months in any six-month period from the date of first entry in the territory of the Member States; (b) transit through the international transportation areas of airports of the Member States”. The same provisions that governs in granting of a residence permit, a settlement permit or an EC long-term residence permit (sec. 6 (4) sent 2

Residence Act of EU) and would also serve in issuance of visas. In 2010, the 25 Schengen States issued around 11 million Schengen visas. India, considered as a third-world country by the EU, does not come under the visa free zone – the Schengen area, thus Indian nationals require a visa to enter EU nations (European Commission Home Affairs, 2012).

The EU aims at achieving full visa reciprocity with the non-EU countries whose nationals are exempt from the visa requirement. Thus, EU citizens would not need a visa for travelling to these non-EU countries. For that purpose, a visa reciprocity mechanism has been set up: if a country whose citizens are exempt from the visa requirement introduces a visa requirement for one or more EU States, the EU State(s) concerned notifies the Commission. The Commission then takes steps in association with the authorities of that country to restore visa-free travel. It can also propose retaliatory measures *vis-à-vis* the country in question. In the same way, the EU can propose a mutually beneficial system of visa reciprocity between India and EU countries.

### 8.5. Other Elements of Schengen Visa

Citizens from some non-EU countries are required to hold a visa when travelling to the Schengen Area. The EU has a common list of countries whose citizens must have a visa when crossing the external borders and a list of countries whose citizens are exempt from that requirement. These lists are set out in Regulation No. 539/2001 and its successive amendments. Generally, a short-stay visa issued by one of the Schengen countries entitles its holder to travel in the 25 Schengen States for up to three months within a six-month period. Visas for visits exceeding that period remain subject to further national procedures (European Commission Home Affairs, 2012).

- Decisions on visa free access to the Schengen Area may follow from bilateral negotiations. They are based on the progress made by the countries concerned in implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration and improving administrative capacity in border control and security of documents.
- The second element of the common visa policy is the EU Visa Code. It sets out the procedures and conditions for issuing visas for the purpose of short stays and airport transit. Operational instructions for the application of the Visa Code are further specified in the Handbook for the organisation of visa sections and local Schengen cooperation (List of annexes).
- The third element of the common visa policy is the uniform format for the visa sticker.

### 8.6. Distinction between Different Types of Visas

To distinguish between short-stay visas (Type C visas) and long-stay visas (Type D visas) one must first distinguish between what is considered a short stay and a long stay. Visits for business, tourism or to see family/friends extending no longer than 90 days, generally fall under the category of short term visits, while travel for the purpose of employment, education and immigration falls under the long stay category. This demarcation is essential when looking at the potential controlling effect of visa policy for migration. Type C visas are issued for business trips, tourism, visits of family members or for attending sports or cultural events and the like, and thus, generally for short-term stays. In this context, a central category in the visa procedure is undertaking a risk assessment and checking the applicants' required readiness to return. Type D visas are issued for purposes like employment, education and family reunification, mostly based on a long-term perspective for residence. In addition, both Type C and Type D visas can be issued – under special circumstances – for humanitarian reasons. However, the nature of the visa shall be determined in accordance with the following definitions:

- i. 'long-stay visa' means the authorisation or decision of a Member State is required for entry for an intended stay in that Member State of more than three months;

- ii. 'short-stay visa' means the authorisation or decision of a Member State required for entry for an intended stay in that State or in several Member States for a period whose total duration does not exceed three months;
- iii. 'transit visa' means the authorisation or decision of a Member State for entry for transit through the territory of that Member State or several Member States, except for transit at an airport;
- iv. 'airport transit visa' means the authorisation or decision allowing a third-country national specifically subject to this requirement to pass through the transit zone of an airport, without gaining access to the national territory of the Member State concerned, during a stopover or a transfer between two sections of an international flight. (EMN 2010: 163)".

### **8.7. Visa Agreements between EU and non-EU Countries**

Recently, the EU concluded visa facilitation agreements with nine non-EU countries. Based on these agreements, both the EU and non-EU citizens benefit from facilitated procedures for issuing visas. Visa facilitation agreements are linked to readmission agreements. Readmission agreements establish the procedures for the return to the EU or to the partner non-EU country of persons (citizens and third-country nationals or stateless persons) in irregular situations. EU States may also individually negotiate agreements on local border traffic with neighbouring non-EU countries. These agreements enable border residents of well-defined areas to cross the EU external borders, under certain conditions, without having to obtain a visa. Indians come under the category of the third country nationals who needs visa requirements to enter in the EU or individual EU member states (European Commission Home Affairs, 2012).

On 11 January 2011 the nationals of a total of 43 countries and territories, including the US, Japan, and Canada, were exempted from the visa requirement to immigrate to EU countries. The visa requirement applied to nationals from a total of 125 countries and territories and certain groups of persons from British overseas territories. It must be noted, though, that the entry of third country nationals without visa requirements relate to stays of no more than three months within a six month period (European Commission Home Affairs, 2012).

### **8.8. Validity of Visa in EU**

Schengen visas may be issued for transit or for visits of no longer than the three months from the day of first entry within any six month period. Visas have a maximum period of validity of five years and may be issued for one, two or multiple entries. Since 2001, the European Union has issued two lists pertaining to visas: a "white list" of countries whose nationals do not require visas and a "black list" of countries whose nationals do require visas. India falls in the black list category (European Commission Home Affairs, 2012).

### **8.9. Documents Required for EU Visa**

The applicant must submit the following documents when lodging his or her application:

- The application form;
- A recent photograph in accordance with certain standards of EU visa rules;
- A travel document valid for at least three months after the intended date of departure from the territory of the Member States or, in the case of several visits, after the last intended date of departure from the territory of the Member States, containing at least two blank pages and issued within the previous 10 years;
- Return air travel tickets;

- The applicant must produce proof of adequate and valid travel medical insurance;
- Documents indicating the purpose of the journey;
- Documents in relation to accommodation, or proof of sufficient means to cover his/her accommodation;
- Documents indicating that the applicant possesses sufficient means of subsistence both for the duration of the intended stay and for the return to his/her country of origin or residence, or for the transit to a third country into which he/she is certain to be admitted, or that he/she is in a position to acquire such means lawfully;
- Salary slips for the last three months;
- Bank statements of the last six months
- Income tax details from the last three years;
- Information enabling an assessment of the applicant's intention to leave the territory of the Member States before the expiry of the visa applied for;
- Member States may require applicants to present proof of sponsorship (by a person in the country of destination) and/or of private accommodation.
- Exemptions from these obligations to provide proof may be granted for “*bona-fide* applicants”.

Applicant must allow the collection of his/her fingerprints. He/she must pay the visa fee.

In some cases, they may also request additional information, apart from the documents mentioned above.

#### **8.10. Visa Fees for Schengen Area**

Since 14 May 2008, the visa fee for all visa types is EUR 60. The fee for children aged between 6 and 12 is EUR 35; lower rates were agreed upon in the visa facilitation agreements. Children under the age of six are exempted from the visa fee. Further, fee exemptions would apply to school pupils, students, postgraduate students and accompanying teachers who undertake stays for the purpose of study or educational training; researchers from third-world countries and representatives of non-profit organisations aged 25 years or younger participating in seminars, conferences, sports, cultural or educational events organised by non-profit organisations. The visa fee to be charged may be waived or reduced in individual cases, when it serves to promote cultural or sporting interests as well as interests in the field of foreign policy, development policy and other areas of very important public interest or for humanitarian reasons (European Commission Home Affairs, 2012).

#### **8.11. Verification and Processing Time of Application**

After an application has been lodged, the consulate will verify whether it is competent to examine and decide on it. If the consulate considers that the application is not competent, it shall, without delay, return the application form and any other documents submitted by the applicant, reimburse the visa fee, and indicate the competent consulate. However, before sending the application to the respective consulate, the Visa Facilitation Service Centre (VFS) of the respective EU country verifies all the required documents and sends it to the consulate office for final consideration in granting visas. This whole process (from application verification to granting visa would take 10-12 working days. However, the consulate may grant the visa before the given stipulated date/days, which again differs from case to case (European Commission Home Affairs, 2012).

### **8.12. Verification of Admissibility of the Application**

The consulate verifies whether the application has been lodged within the period prescribed, whether the necessary documentation is included, whether the biometric data of the applicant has been collected and the visa fee has been paid. If these conditions have been fulfilled, the application will be admissible. The mission abroad creates an application file in the visa information system (VIS) and further examines the application. Besides, by way of derogation, an application that does not meet the requirements may be considered admissible on humanitarian grounds or for reasons of national interest.

While checking whether the applicant fulfils the entry conditions, the consulate shall confirm:

- That the travel document presented are not false, counterfeit or forged;
- The applicant's justification for the purpose and conditions of the intended stay, and that he/she has sufficient means of subsistence or is in a position to acquire such means lawfully;
- Whether the applicant is a person for whom an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry;
- That the applicant is not considered to be a threat to public policy, internal security or public health or to the international relations of any of the Member States, and in particular that no alert has been issued in Member States' national databases for the purpose of refusing entry;
- The applicant must be in possession of adequate and valid travel medical insurance, where applicable.

### **8.13. Dissimilarities of Visa Rules within the EU**

Ireland and the United Kingdom operate a passport-free zone called the Common Travel Area, with limited passport controls between them. While the land border is open with no fixed checkpoints, Ireland does, however, perform routine passport controls at airports, selective controls at ferry ports and spot checks on cross-border road and rail transport. An Irish visa will not allow a traveller entry to the UK. As of July 2011, Ireland has established a limited visa waiver programme in which visitors in the UK from certain countries who hold UK tourist visas and who have cleared UK immigration will not need an Irish visa to enter the Republic (European Commission Home Affairs, 2012).

## **9. Visa Requirements for Highly Skilled Migrants in Germany – Case Study**

Germany was reluctant to become a country of immigration for most of the past half century (Martin, 2012). The German government allowed employers to recruit low-skilled guest workers in the 1960s who were recruited for short-stays and thus intended to move in and out of the country.

Germany became a known country of immigration in 2005, and since then a new gap between emigration policy goals and realities has appeared. Since 2005, German policy has been one that welcomes highly-skilled foreign nationals. However, it received very few immigrants. With the German labour force projected to shrink, the major migration issue in Germany is how to attract more highly-skilled foreign nationals and how to integrate low-skilled foreign nationals in the country's work force. Germany's first attempt to attract a larger number of highly-skilled foreign nationals was the Green Card programme, which grew out of the failure of the SPD-Green coalition government elected in 1998 to enact a comprehensive immigration programme (Martin and Werner, 2000). The computer association BITKOM in 2000 argued that there were at least 75,000 unfilled IT jobs, and that too few students were graduating from German universities to fill these vacant positions and the new ones being created during the IT boom.

BITKOM pointed out that Germany had to attract more highly-skilled foreign nationals to retain a competitive economy. The SPD-Green government launched the Green Card programme in 2000 to highlight the benefits of skilled foreign nationals. It allowed German employers to recruit non-EU

foreign nationals to fill computer-related jobs for five years if they were paid at least DM 100,000 (\$45,000) a year in Germany (this was later changed to EUR 51,000 a year). Germany issued about 16,000 Green Cards to non-EU foreign nationals, including a quarter to Indians (Martin, 2003).

The Green Card programme ended when Germany enacted its first-ever comprehensive immigration law, effective from January 1, 2005. Germany's Migration Law acknowledges that Germany is a country of immigration and puts no limits on the number of foreign nationals who invest at least Euro 1 million and create at least 10 jobs in Germany (Euro 250,000 and five jobs since 2009), as well as on scientists and professionals earning at least Euro 86,400 a year (reduced to Euro 66,000 a year in 2009, and to be reduced to Euro 48,000 in 2012). The law allowed foreign students graduating from German universities to stay in Germany for an additional year, as long as they find a job, to receive a residence and work permit with few formalities.

On the contrary, far more German professionals left Germany than were admitted to replace them. What explains the gap between Germany's policy of welcoming highly skilled foreign nationals since 2005 and fewer than 1,000 admissions? There are several reasons, including the relative ease of entering the US, Canada, Australia and other English-speaking countries. Moreover, these countries generally have more expansive family unification policies, fewer requirements on employers to obtain H-1B and similar visas in these countries, and perhaps tax considerations.

Another reason could be difficulties associated with having foreign-earned credentials recognized in Germany. This prompted changes in 2011, aimed at speeding up the recognition of credentials earned outside Germany. Germany has 350 regulated professions, and many of the 300,000 foreign nationals in Germany with foreign-earned qualifications cannot easily gain recognition from the guilds that often control entry to medicine, engineering, and other occupations. Under the 2011 changes, German professional organizations are to complete their assessments of foreign nationals seeking recognition of their foreign-earned credentials within three months. This may be true for Indians too (Martin, 2003).

## **10. Visa Requirements for Highly Skilled Migrants in United Kingdom – Case Study**

Net migration to the UK between 1997 and 2009 was 2.2 million, an average of 183,000 a year. This is the result of a decision taken by the Labour government elected in 1997 to use immigration to bolster economic growth. Non-EU foreign nationals coming to work in the UK are divided into five groups: Tier 1 highly skilled, Tier 2 for skilled workers with a job offer from a UK employer, and Tier 3 low-skilled (suspended). Tier 4 is for students and Tier 5 is for other temporary workers, including working holidaymakers and athletes (UK Border Agency, 2012).

The introduction of the five-tier selection system was accompanied by the creation of a Migration Advisory Committee (MAC) to answer questions posed by the government. One task of the MAC is to determine whether employers need to hire foreign nationals in 353 occupations. The MAC uses both top-down and bottom-up indicators for labour shortage to decide whether a particular occupation should be placed on labour-shortage lists; it is easier to obtain sufficient points for occupations on the shortage list (Martin and Ruhs, 2011).

**Table 7. UK immigration from India and the UK emigration to India, 2005-2010 (for thousands)**

Years	Immigration to the UK	Emigration to India	Net-immigrants in the UK
2005	95	11	84
2006	98	18	80
2007	105	22	83
2008	100	24	76
2009	110	27	83
2010	129	30	99
2005-2010	637	132	505

Source: [www.guardian.co.uk/news/datablog/2010/june/26/non-eu-immigration-uk-statistics#data](http://www.guardian.co.uk/news/datablog/2010/june/26/non-eu-immigration-uk-statistics#data).

The five-tier admissions system began operating in 2008. Tier 1 eliminated the highly-skilled emigrants programme (HSMP), which allowed foreign nationals selected under a point system to become immigrants after four years in the UK. Tier 1 highly-skilled professional such as researchers and managers can enter the UK with their families without a test of the labour market if they know English, have advanced degrees, and as long as they are financially stable.

There are three major subcategories within Tier 1: professionals like doctors and lawyers, foreign graduates of UK universities who remain for post-study work, and investors and entrepreneurs. A points test governs admissions. For example, Tier 1 foreign nationals had to earn at least 75 points under a scheme that gives, for instance, 50 points to those under 27 who have a PhD and 45 points for previous annual earnings of L40, 000 or more. Some 18,800 foreign nationals received Tier 1 work permits in 2009, including a large number of foreign students who completed degree programs in the UK. However, after the November 2010 report found that three-quarters of the South Asians and Nigerians graduates of UK universities worked in low-skilled supermarket jobs, the government reduced the quota on Tier-1 post-study migrants to 1,000 for 2011 (UK Boarder Agency, 2012).

Tier 2 admits skilled non-EU foreign nationals (with at least a secondary school education) who have UK job offers for up to three years, and Tier 2 foreign nationals are tied to the employer who sponsored their admission. Foreign nationals sponsored by British employers receive points for their education, English language skills, and additional points for filling a job in a shortage occupation. For example, non-EU foreign nationals must achieve at least 60 points if they are intra-company transfers and 70 points if they are not employed by the firm in another country. Foreign nationals receive 10 points for a BA degree and 15 for a PhD, 20 points for a UK salary offer of L24,000 or more, and 10 points for passing an English-language test, and they must have “maintenance funds” of at least L800 plus L533 for each dependent. The most points, 30 for intra-company transfer and up to 50 for other skilled workers are reserved for foreign nationals filling jobs on UK shortage lists (Martin, 2010). In 2009, 36,400 non-EU foreign nationals arrived under Tier 2, and two-thirds of Tier 2 arrivals were on intra-company transfers. Intra-company transfers (ICTs) are exempt from the cap if they earn more than L40,000 a year (allowances paid to ICTs can be counted toward the L40, 000 minimum annual salary), and those paid between L24, 000 and L40, 000 can stay in the UK for only one year (UK Boarder Agency, 2012).

Tier 3 for low-skilled non-EU workers has been suspended since 2008, meaning the government believes that sufficient numbers of such workers are available in the UK and the EEA. Previously, British employers could obtain low-skilled workers from outside the EEA via the Seasonal Agricultural Workers Scheme (SAWS) and the Sectors Based Scheme (SBS) (UK Boarder Agency, 2012).

Tier 4 for foreign students imposed new responsibilities on UK educational institutions. Universities and colleges must obtain a £400 license to recruit international students and take responsibility for the foreign students they enrol. Once accepted by a UK college, foreign students must provide fingerprints and prove they have sufficient funds for their period of UK study, which can

be up to four years. After graduation, foreign students will be able to work in the UK for two years, up from the current year. Some changes were made to the Tier 4 during the last year (UK Border Agency, 2012). Since April 6, 2012 the PSW (Post-Study Work visa category that allows the UK to retain the most able international (non-European) graduates who graduated from UK universities has been removed. Students graduating with a UK degree, PGCE or PGDE from a recognized or listed body will now need to successfully apply for a job with a UK Border Agency licensed Tier 2 sponsor to remain and work in the UK. The post for which they are applying must be paid a minimum salary of £20,000 or the minimum set out in the relevant Code of Practice. The implications of this tightening of visa procedures may ensure the UK retains the best and brightest of its graduates, it is also closing a route to millions of graduate opportunities that would further boost the economy.

Tier 5 covers foreign youth, replacing the Commonwealth Working Holidaymaker (WHM) and the Au Pair Program. Those admitted under Tier 5 must be 18 to 30, and they can remain in the UK up to 24 months. Employers must pay L10 for each Tier 5 foreigner they sponsor. It is very hard to evaluate the British five-tier program's in terms of its effects on the admission of highly skilled migrants because it is so new, and has experienced frequent changes. Reducing the number of Tier 1 slots should make it harder for foreign nationals to initiate the migration process, and minimum salary requirements should make it more difficult for British employers to hire non-EU foreign nationals, including intra-company transfers. Regulations for foreign students are in flux, but if this entry route is narrowed substantially, what had been a relatively open door policy for foreign nationals in the UK could wind up being partially shut. However, net migration between India and the UK reached its highest ever level in 2010 at 99,000 according to the International Passenger Survey. Indians were 12 per cent of immigrants arriving in the UK in 2010 (UK Border Agency, 2012).

**Table 8. Visa fees for United Kingdom**

Short-term visit (up to 6 months, single or multiple entry)	£78
Academic visitor (up to 12 months)	£78
Clinical attachments, dental observation and PLAB test	£78
Long-term visit (up to 2 years)	£270
Long-term visit (up to 5 years)	£496
Long-term visit (up to 10 years)	£716

### 10.1. UK Visa Waiver Programme

The Visa Waiver Program (VWP) allows citizens of certain countries to travel to the UK for up to 90 days without obtaining a visa. Not all countries participate in the VWP, and not all visitors from VWP countries are eligible for the program. The Visa Waiver Program does not allow one to take a job in the United Kingdom (or another country), but one may conduct business for one's job in one's home country. Under a Visa Waiver Programme introduced in July 2011, citizens of the following countries who hold a valid UK visa (limited to the following kinds: general visitor, child visitor, business visitor, sports visitor or academic visitor) and who have cleared immigration in the United Kingdom. The programme is being run on a pilot basis and is due to expire on 31 October 2012. The countries involved are: Bahrain, Belarus, China, India, Kuwait, Montenegro, Qatar, Russia, Saudi Arabia, Serbia, Turkey, Ukraine, the United Arab Emirates and Uzbekistan (European Commission Home Affairs, 2012).

## 11. Visa Requirements for Highly Skilled Migrants in Italy – Case Study

To enter, sojourn in or transit throughout the Schengen area, aliens must be in possession of a passport, visa and other travel documents recognised as valid for the purposes of crossing all Schengen

State borders. Likewise, to enter, sojourn in or transit through Italy, aliens must be in possession of a passport, visa or any other travel document recognised as being valid by the Italian government. On 26 October 1997, Italy joined the Schengen system at the end of a gradual process of adjusting to the common visa regime provided by the Convention Implementing the Schengen Agreement. Reinforcement of the common external border followed the parallel and gradual removal of internal border controls, allowing complete freedom of movement within all the territories of the Schengen agreement signatory States and establishing what has become known as the Schengen Area (European Commission Home Affairs, 2012).

A visa, which consists of a special sticker affixed to the applicant's passport or other valid travel document, is a foreigner's authorisation to enter the territory of the Italian Republic or that of other Contracting Parties for transit or visit purposes. The visa issued on the basis of criteria related to the preservation of good international relations and to the protection of national security and public order. Visas issued by Italian foreign missions are valid for access, transit or brief short-stay (up to 90 days) both in Italy and in other countries that apply the Schengen Convention and this type is known as a "Uniform Schengen Visa" (USV). The USV issued by the diplomatic-consular missions of other countries that apply the Schengen Convention, grants entry into Italy. A long-term entry visa (for more than 90 days) is called a "National Visa" (NV) and grants access for long-term sojourn in the State that issued it and that allows, on condition it is still valid, free circulation for no more than 90 days per semester in the territory of other Member States.

#### **In the event that a visa is required:**

- No visa can be issued upon presentation of an expired travel document;
- The period of validity of a travel document must be at least 3 months longer than that of the visa;
- The travel document on which the visa sticker will be affixed shall have been issued within the previous 10 years (article 12 of Regulation 810/2009).

A foreign national holding a travel document which is not recognised by Italy may be issued with a **laissez-passer** by an Italian diplomatic mission or consulate, which will be valid for Italy only, and not permit transit through the rest of the Schengen area.

The following categories of third-country applicants are exempted from payment of the visa-application handling fee:

- Students (short-term stay);
- Children under 6 years of age (short-term stay);
- Relatives up to the fourth degree of kin of EU citizens (short- and long-term stay);
- Researchers as defined by recommendation 2005/761/EC of 28 September 2005

Some categories of beneficiaries envisaged by Article 6 of each EU Visa Facilitation Agreement.

## **12. Field Observations, Interviews with the Applicants, Travel Agents and Case Studies of Rejected Individuals who Applied for the EU Visa**

In order to supplement the review of existing visa systems to enter the EU (mostly based on desk research and internet resources) and in order to recommend suitable policy suggestions for "hassle free" movements of genuine Indian nationals, we conducted field work through personal interviews, group interactions, and case studies with aspiring applicants looking to emigrate to EU countries. In addition, we also spoke to a few travel agents who facilitate visa application for aspirants to all countries in the world including the EU, so as to gauge their opinion of visa facilitation issues in the EU as compared to the Non-EU countries. To conduct the field study, we visited the Visa Facilitation Service centres (VFS) of various EU countries in Cochin (Kerala), Chennai (Tamil Nadu) and

Pondicherry (Union Territory). The field survey aimed at assessing the process, procedures and obstacles, if any, involved in applying and/or the verification of the visa application at the VFS centres in India. Overall, we interacted with 100 individual applicants at the aforementioned VFS centres.

Most applicants stated that the process of application, regulations, processing procedures and timings were not that stringent, but rather flexible and hassle free. However, some of the applicants told us that they were not aware of the online filing procedure for visa application when they came to the VFS the first time. Therefore, some of them have to return once again from far-off places, which involves additional logistical costs such as transport and stay near the VFS centres. The most affected were elderly persons who wanted to visit their children or grandchildren for a short period of time (family reunification).

Our quick assessment suggests verification of visa applications at the VFS are managed smoothly in an organized and systematic manner to help applicants provided they have come to the VFS centre with all required documents as listed on its web page. However, there is confusion, at least among some of the applicants, with regard to the nature of the required documents. Some may not be able to produce a particular document necessary to obtain a visa, for instance, an income tax clearance certificate for an elderly person who wants to travel in connection for family reasons. Some of the respondents expressed anxiety about additional documents that VFS could ask for at the time of the verification process. In the course of our field work, we saw cases when some of the applicants were asked to produce additional documents than those actually required, resulting in a tension between the VFS officers and the applicants. Some of applicants we met after completing their VFS process reported that some of the VFS officials were strict in their approach and made them feel that their visa application could be rejected. Many applicants felt that both visa fees and service charges charged for obtaining visas are a bit expensive.

We observed that the time taken for the entire verification process is by and large 10 to 15 minutes and, in some exceptional cases, longer. At the time of our field work, we noticed that a large number of applicants were either young or elderly (retired people looking to visit their children and grandchildren) rather than middle-aged. Our quick assessment indicated that most of the applicants were planning to go to the EU either for study or for employment. A large proportion of applicants also wanted to visit their families (short-term stay) in the EU or to visit the EU as tourists. Unfortunately, all of them were treated the same way at the VFS.

We have also witnessed applicants whose visa application was rejected on various grounds. Some of them were upset and felt harassed by the VFS staff. In one case, the applicant was requested to appear in person twice in one of the Embassies in New Delhi to obtain a visa, and his application was, finally, rejected. However, such applicants are encouraged to file a request against the decision. Again, they have to re-submit certain documents and the visa fee. If final decision is not in favour of the applicant, he or she is permanently disqualified from obtaining a visa to the EU nations. In short, though a large number of respondents expressed satisfaction about the verification process and described it as “trouble-free” and “harassment-free”, our interactions with some applicants suggested that problems still persist. Many respondents see obstacles to obtaining European visas as basically unfair; in short, visa facilitation and liberalisation is supported by mass public opinion in India.

Some of the obstacles faced by applicants while lodging their application to get a visa to immigrate to the EU countries are as follows:

- Some applicants are not aware of recent changes in visa rules, fees and procedures, in particular, elderly individuals;
- Despite providing recent, bright and clear photographs that adhere to guidelines, some applicants are still asked to produce a better one;
- In some cases, the VFS requests additional documents than those actually required;
- Visa applications are sometimes rejected without a reason being given for refusal;

- In cases where applications are rejected, the visa fee and other documents are not returned (except passport);
- Some had difficulties in providing addresses of friends or family members, or hotel/restaurants in the countries of destination;
- Many also had problems in providing salary and bank transaction details for the last six months, especially in the case of students, unemployed and elderly persons;
- Many applicants found it difficult to provide income tax details for the last three years, while others were not assessed for income tax at all;
- No-objection papers from employers and credit card details also posed problems for some applicants;
- Some faced problems in providing travel and health insurance documents;
- The number of visa rejection cases were higher among first-time applicants;
- Sometimes, fresh applicants had to attend interviews at consulate/embassies to clear up any problems;
- Many reported losing money from both the airlines and the Embassy when the visa was rejected.

### 13. Conclusions and Recommendations

Though emigration from India to the European Union has increased in the past few years, the trend has begun to go into reverse in the last two or three years due to the global financial crisis, European credit crunch, the fear among European citizens of losing jobs to foreign nationals, and new questions of security threats. However, due to a protracted shortage of a highly-skilled workforce, aging population and other demographic disadvantages, EU countries are compelling the EU to promote and recruit highly-skilled Indian workers for their employment markets. This is vital for them to sustain and maintain the growth rate that they have achieved to date. India is producing a large number of young skilled professionals who can be an asset to the EU in the context of its demographic advantage. A large number of professional emigrants can be hired on the basis of short-stay arrangements as well as with long-term work permits. Considering the apparent desire among highly educated Indian youth to immigrate to developed regions such as the EU, recruiting such aspirants could be economically viable and much more beneficial and productive for the EU economies.

In this context, this study proposes the following recommendations for promoting safe and orderly migration to the EU by Indian students (future professionals), Indian-trained professionals, older people (parents and grandparents) travelling to visit family, and also tourists. The whole process of visa facilitation should be made more flexible and also hurdle-free to ensure the easier movement of people between India and the EU.

- Visa regulations (over documentation) should be re-examined and made less complicated for prospective aspirants who want to study or work in the EU.
- On 11 January 2011, the nationals of 43 countries and territories were exempted from the visa requirement for a visit to the EU of up to three months. For instance, the EU allows both US and Canadian nationals to travel in the EU countries without a visa. India is an emerging economy and we should discuss the possibility of including India along with other 43 countries so that Indians can move freely in Europe for three months (tourist and short-term family visits). Allowing Indian tourists to visit freely will also have added economic benefits apart from the direct boost to the tourism sector. Only students and professionals who leave for employment in the EU should be subject to visa regulations.
- India offers a tourist visa on arrival to nationals of 11 countries including two countries in the EU – Finland and Luxembourg. As of May 2012, India approved three more countries of which two countries are from the EU – France and Germany – and there is a proposal to

include Spain in this list. The Indian Government recently expanded tourist visa on arrival to include visiting friends and relatives, and also includes business and medical treatment, where trips are sometimes required at short notice. Though security concerns were discussed, the Government felt that it should not necessarily hamper the extension of the visa policy. In this context, we strongly recommend that the EU adopts the same approach on a reciprocal basis not only to attract international tourist traffic from India, but also to strengthen bilateral relations between India and the EU.

- Today's students to the EU are tomorrow's labour force. To encourage student migration to the region, the EU should provide students with free visas and also increase their access to and eligibility for research fellowships.
- Family links and reunification is a big factor in the migration of Indian professionals abroad. If the EU wants to encourage skilled migration, they should ease mobility among relatives of skilled workers and allow for easy visits.
- The EU should increasingly provide 10 year multiple entry visa for *bona fide* professionals, business persons and frequent travellers as is the practice with the US, Canada and the UK, so that they do not have to knock on the doors of the VFS too often.
- As of now, applicants have to submit between five to ten documents for visa submission to the VFS. This is more paperwork for the EU to process and the applicant to produce. For example, tourist visas should be provided against the return ticket and hotel booking confirmation.
- Reduced visa fees must be available to Indian citizens and there should also be a total exemption from the visa fee for certain categories of applicants (e.g. children below the age of 12, pensioners, disabled persons, students, close relatives and representatives of civil society organisations).
- If the visa is rejected, the EU must refund the visa fee collected from the applicant.
- Finally, the holders of diplomatic passports are to be exempt from the visa obligation.

Fostering mobility through visa facilitation is fundamental in promoting social and economic development and mutual understanding between countries. The proposals to open negotiations on visa facilitation and readmission agreements with India are an important and welcome step in this direction. While these goals are unlikely to be met in the short term, it is a necessary change that boosts cooperation and exchanges between the countries and may become the next frontier in bilateral relations between the two regions.

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