

GUIDELINES TO MEMBER STATES' CONSULATES IN UKRAINE AND IN THE RUSSIAN FEDERATION

ON

LODGING SCHENGEN VISA APPLICATIONS BY THE RESIDENTS OF CRIMEA

Given that the EU has not recognised the annexation of the Crimea by the Russian Federation and supports Ukraine's territorial integrity in line with the European Council Conclusions on Ukraine of 20 March, the Member States should continue to apply the current rules on visa applications. This implies that all residents of Crimea, irrespective of whether they hold Ukrainian, Russian or any other citizenship, should apply for Schengen visas at the consulate of the competent Member State in Ukraine (Article 6(1) of the Visa Code on consular territorial competence).

If a person holding Russian citizenship and who is registered in the Crimea would nevertheless lodge his/her visa application at a consular post of a Member State somewhere on Russian territory, in principle the MS concerned should refer the applicant to its consulate whose jurisdiction covers Ukraine, unless a justification has been provided for lodging the application at the consulate in the Russian Federation (Article 6(2) of the Visa Code). Article 6.2 of the Visa Code is a derogation to the above-mentioned principle and should only be applied in cases where there is a justification provided by the applicant and acceptable to the consulate concerned for lodging the visa application elsewhere than in the country of residence, e.g. a businessman participating in a trade fair in Moscow and being invited for a business-related meeting/activity in the Schengen area or an urgent need for medical travel that occurred while the applicant was in the Russian Federation.

According to the available information, the administrative boundary line between Crimea and mainland Ukraine has not been sealed. Although checks are carried out, travel to mainland Ukraine for the residents of Crimea (the majority of whom apparently still holds Ukrainian travel documents) remains possible. Therefore, the requirement to lodge their visa application in line with the provision of Article 6.1 of the Visa Code does not create a sort of 'travel ban' for these residents of Crimea as there are no obstacles for persons concerned to travel to the consular offices of the Member States in Ukraine and to apply for Schengen visas there.

If the administrative boundary line between Crimea and mainland Ukraine would be sealed, this would constitute a 'justification' in the sense of Article 6.2 of the Visa Code allowing to lodge the visa applications elsewhere. In such case, and only for as long as that situation persists, the consulates of the Member States in consular jurisdictions other than those covering Crimea could allow the lodging of visa applications in their consular jurisdictions in the Russian Federation or elsewhere.

The practice of application of Article 6(1) of the Visa Code should be based on a regular assessment of the situation at the crossing points between Crimea and the rest of Ukraine, and be revised if travel through the administrative boundary line between Crimea and mainland Ukraine would become impossible or very difficult for the residents of Crimea. The assessment of the situation on the ground should take place in the framework of Local Schengen Cooperation, in close coordination between the LSCs in Ukraine and in Russia.