

PRINCIPLES REGARDING VISA DECISIONS

1. Types of decisions

The consul may take the following decisions:

- on the issuance of a visa (Schengen, or national)
- on the issuance of a territorially limited visa (in the case of Schengen visas)
- refusal of a visa

Issuing of a visa

- The consul may issue visas for one, two or more entries.
- The consul issues the visa by printing a visa sticker and affixing the sticker to the applicant's travel document. In special cases, when a foreigner's travel document is not recognized by the State examining the visa application, the consul shall affix the visa sticker to a separate sheet for affixing a visa.
- A visa with limited territorial validity (LTV) is issued to foreigners in certain circumstances e.g. the foreigner's travel document is not recognised by all Member States.

Visa refusal

The authority examining the visa application shall refuse to issue a visa by taking a decision and forwarding it to the applicant on an appropriate form.

a. Refusal of a Schengen visa

The grounds for refusing a Schengen visa are set out in Article 32 of Regulation (EC) No. 810/2009 (Visa Code).

Information on the formal (in the form of checkboxes) and factual (in the form of a short justification) for refusing a Schengen visa shall be provided to the applicant on the standard form set out in Annex VI, including information on the appeal procedure.

b. Refusal of a national visa

In the case of a national visa, the basic grounds for refusing a national visa are set out in Article 65(1) of the Act on Foreigners.

Information on refusing to issue a national visa is provided to the applicant on the standard form set out in Annex 3 to the Regulation of the Minister of Internal Affairs and Administration of 22 March 2022 on visas for foreigners (Journal of Laws of 2022, item 827) together with information on the appeal procedure.

2. Revocation and annulment of visas

a. Schengen visa

- is revoked if, within the period of validity of the visa, it is found that the conditions for issuing it are no longer fulfilled.
- can also be revoked at the request of the visa holder (it usually applies to situations in which the planned period of stay in the Schengen area changes).

b. National visa

A national visa is withdrawn ex officio in the cases specified in Article 90 of the Act on Foreigners: as a rule, this applies to the grounds in Article 65 of the Act on Foreigners for refusing to issue a national visa, except in the situation where the foreigner's data are in the Schengen Information System for the purposes of refusing entry and have been entered by another Member State.

A visa is annulled if, at the time of issue of the visa, the conditions for issuing the visa were not fulfilled (Schengen visa: Article 34(1) of the Visa Code) or there were circumstances justifying its refusal (national visa: Article 91 of the Act on Foreigners).

The main difference between revocation and annulment of a visa is that in the case of revocation of a visa – the visa holder ceased to meet the conditions of stay after the visa was issued, and in the case of annulment of the visa – the original decision of the visa authority was wrong (the visa should not be issued).