

# Visa Information System (VIS): visa processing

2018/0152A(COD) - 16/05/2018 - Legislative proposal

**PURPOSE:** to improve the Visa Information System (VIS) to better secure the EU's external borders.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the **Visa Information System (VIS)** was established by [Council Decision 2004/512/EC](#) to serve as the technology solution to exchange visa data between Member States.

Since 2011, the VIS has served as the technology solution facilitating the short-stay visa procedure and helping visa, border, asylum and migration authorities to rapidly and effectively check the necessary information on third-country nationals who need a visa to travel to the EU.

The EU common visa policy is an **essential part of the Schengen acquis**.

Since the entry into force of the Visa Code in 2010, the environment in which visa policy operates has changed drastically. The **migration and security challenges** faced in recent years have shifted the political debate about the area without internal border control in general, and about visa policy in particular.

In this context, the Union is improving its information systems for border management in order to **fill information gaps** and strengthen internal security. In December 2017 the Commission proposed the rules on interoperability between EU information systems to make them work together in a smarter and more efficient way. In 2016, the **Entry/Exit System (EES) Regulation** established that the EES and VIS systems can be fully interoperable in order to provide a full picture of the visa application history of third-country nationals by adding information on how they used their visas.

In addition to the interoperability work launched since April 2016 to create stronger and smarter information systems for borders and security, an overall evaluation of the VIS was carried out in 2016<sup>14</sup>. The evaluation looked specifically into the system's fitness for purpose, efficiency, effectiveness and added value for the EU. It found that the VIS meets its objectives and functions and remains one of the most advanced systems of its kind, but that new challenges in visa, border and migration management meant it needed **further development** in a number of specific areas.

At the same time, significant technological developments are providing new opportunities to make visa processing easier for both applicants and consulates. Since VIS is an important component of the framework underpinning visa policy, this proposal complements the recent proposal amending the Visa Code presented by the Commission on 14 March 2018.

Since VIS is an important component of the framework underpinning visa policy, this proposal complements the recent proposal amending the Visa Code presented by the Commission on 14 March 2018.

**IMPACT ASSESSMENT:** this proposal follows the preferred options of the impact assessment concerning (i) storing a copy of the biographical data page of the travel document; (ii) lowering the fingerprinting age and (iii) ensuring automated migration and security checks against available databases.

CONTENT: the proposal for a Regulation aims to: (i) facilitate the visa application procedure; (ii) facilitate and strengthen checks at external border crossing points and within the territory of the Member States; (iii) enhance the internal security of the Schengen area by facilitating the exchange of information among Member States on third country nationals holders of long stay visas and residence permits. Consequently, amendments will need to be made to [Regulation \(EC\) No 810/2009](#) (the Visa Code), [Regulation \(EC\) No 767/2008](#), [Regulation \(EU\) 2017/2226](#) (the EES Regulation), [the Interoperability Regulation](#) and [Regulation \(EU\) 2016/399](#) (the Schengen Borders Code).

The main objectives of this proposal are as follows:

**Closing remaining information gaps:** at present, data on documents which allow third-country nationals to stay in the territory of a given EU Member State for more than 90 days in any 180-day period are not collected. The Commission proposes to **include long-stay visas and residence permits in the VIS**. By facilitating a better systematic exchange of information between Member States concerning third-country nationals holding a long-stay visa and residence permit, the VIS would contribute to improving internal security in the Schengen area.

**Enhancing checks in visa processing using interoperability:** once in place, the **European Search Portal** will allow competent authorities — including visa processing authorities — to carry out a **single search** and receive results from all systems they are authorised to access (including EURODAC, EES and the European Criminal Records Information System — Third Country Nationals (ECRIS)) rather than searching in each system individually.

In addition to automated queries of other databases, visa processing will benefit from specific **risk indicators**. The indicators will contain data analytics rules, as well as specific values provided by Member States and statistics generated from other relevant border management and security databases. This would improve risk assessments and allow the data-analytics method to be applied. The risk indicators would not contain any personal data and would be based on statistics and information provided by Member States on threats, abnormal rates of refusal or overstay by certain categories of third country nationals, and public health risks.

**Making it easier to identify missing persons:** quick access should be given for law enforcement authorities to VIS data to enable a fast and reliable identification of the person, without the need to fulfill all the preconditions and additional safeguards for law enforcement access.

**Improving information in the processing of short-stay visa applications:** the Commission proposes to lower the fingerprinting age for child applicants from **12 to 6 years**. This would make it possible to carry out checks when crossing an external border but also to offer children better protection and contribute to the fight against trafficking in human beings. It also proposes to store a copy of the bio-page of the applicant's travel document in the VIS in order to facilitate return procedures.

**Upgrading other technical components of the VIS:** the VISMail mechanism for consultations is integrated in the VIS in order to streamline the exchanges between the VIS central system and the national systems. The configuration of the central system is adapted to better respond to the need to rapidly and efficiently ensure availability in periods of disruption. In order to improve the quality of the data recorded in the VIS, data quality defect indicators have been introduced at application level.

BUDGETARY IMPLICATIONS: following the technical study carried out by eu-LISA in 2016, the necessary budget is estimated at **EUR 182 million**. The development phase is foreseen between 2021 and 2023, and the necessary funds will therefore be part of the amount allocated in the next EU budget. If the

proposal is adopted before the next financial framework, the necessary resources (estimated at EUR 1.5 million) will be financed from the ISF borders and visas budget line and the amounts will be deducted from the amount allocated for the period 2021-2023.