
CLIENT NOTE

IS “OM” THE CORRECT WORD TO UTTER BEFORE TRAVELLING?



OVERVIEW

Even though there is a tendency in the world to reduce the barriers for travelers and facilitate the bureaucracy for visa obtention, people are often faced with unpredictable obstacles and difficulties. Moreover, sometimes, wrong or unfounded decisions of immigration officers violate people’s right to move from one country to another and unreasonably complicate the process of getting visas in the future. Despite the fact that each country has the sovereignty and right to introduce its own entry and exit procedures, sometimes travelers are confronted with decisions of the authorities contrary to the laws in force.

Often, some of us need to travel for business or leisure. Travelling usually entails (at least for some) acquiring a visa for entering into the country of destination. The Schengen Zone is one of the most visited destinations of Armenian nationals. Thus, this note makes an attempt what is there to be mindful when visiting the Schengen Zone.

KNOW ALL ABOUT THE VISA THAT YOU OBTAIN



A Schengen visa obtained by an Armenian citizen grants the right to the visa holder to travel in all 26-member countries of the Schengen Zone during the validity period of the visa. Moreover, the Schengen visa holder can travel from one Schengen state to another as long as the latter has not exited the Schengen Zone. However, it should be known that there are several types of visas with different restrictions and particularities

related to the purpose of travelling as well as based on the other relevant circumstances.¹

Briefly presenting you the types of visas that Armenian citizens generally obtain from Schengen Zone member country embassies and authorized bodies:

The Uniform Schengen Visa stands for a permit of its holder to move within the whole Schengen Zone and entitles the holder to cross the border of the Contracting Party which issued the visa. Holder of a Uniform Schengen Visa can travel to the following countries: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland².

According to the purpose of traveling **the Uniform Schengen Visa** applies to two categories: **Airport Transit Visas** and **Short-stay or travel visas**.

Airport Transit Visa or “A” category visa allows its holder to pass through the international transit area of airports without actually entering the national territory of the country concerned, during a stop-over or transfer between two stages of an international flight. Airport transit visa (ATV) is usually mandatory for citizens travelling from one non-Schengen state to another non-Schengen state through a change of flights in a Schengen country airport.

Short-stay or travel visa, known as “C” category stands for a short-term visa which allows its holder to reside in a Schengen Area for a certain period of time for reasons other than immigration, for continuous or several visits. In the case of frequent travel to one or several Schengen States, for example, a business trip, multiple entry visas might be issued which allow several entries to Schengen Zone.

A **single-entry visa** allows its holder to enter the Schengen Area only once, within the given period of time, as mentioned in the visa sticker affixed to their passports. Once the visa holder

¹ Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

² <https://www.schengenvisa.info/schengen-visa-types/>

exits the Schengen territory, the latter can no longer go back, even if he/she has not spent the number of days permitted by their visa. The difference between a single-entry and a **double-entry visa** is that the second gives you the chance to go back once more to the Schengen territory once you have left. You should be very careful not to exceed the number of days you are permitted to stay in the Schengen Zone, as well as the period within which you can spend these days in the EU. A **multiple-entry visa** allows its holder to go in and out of the Schengen Area as many times as he or she wants, as long as they do not exceed the number of days that they are permitted to stay.

You need to be very careful with **Limited territorial validity visas (LTV)** which only allows you to travel in the Schengen State that has issued the visa or in the certain Schengen States specifically mentioned when applying for the visa. Obtaining this type of visa does not give a possibility to a holder to cross the border and travel to the other Schengen Zone country³.

WHAT PROBLEMS DO VISA HOLDERS SOMETIMES FACE?

Now that you know about the types of visas that you may obtain, before travelling you should check exactly what is written on the visa stamp. Particularly:

- which countries you are permitted to enter, more precisely, whether your visa is valid for «SCHENGEN STATES» or for the Schengen countries where the visa is valid
- Schengen Visa Sticker Validity, which includes the first day you are permitted to enter the Schengen Area and the last day to exit
- the number of entries, which means the number of times you can enter the Schengen zone
- your duration of stay, which stands for a number of days you are permitted to stay in the Schengen Zone



Any derogation from these rules is the basis for the hosting country to start a procedure of deportation and the application of penalties.

However, a very common problem occurs when travelers, obtain Uniform single-entry Schengen visas and have the possibility to cross borders between Schengen zone states without any limitations, accidentally get exit stamps during internal flights in their passports which means that the entrance to the destination country becomes *de facto* illegal. Consequently, the travelers receive the alert of rejection to enter the country.

³ Common Consular Instructions on visas for diplomatic missions and consular posts (2005/C 326/01)

It is important to be aware that based on Regulation (EU) 2016/399 of the European Parliament and of the Council of March 9, 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), "*Persons enjoying the right of free movement under Union law*' means *third-country nationals and their family members, whatever their nationality, who, under agreements between the Union and its Member States, on the one hand, and those third countries, on the other hand, enjoy the rights of free movement equivalent to those of Union citizens*". Moreover, "*the minimum check referred to persons enjoying the right of free movement under Union law. Internal borders may be crossed at any point without a border check on persons, irrespective of their nationality, being carried out*"⁴.

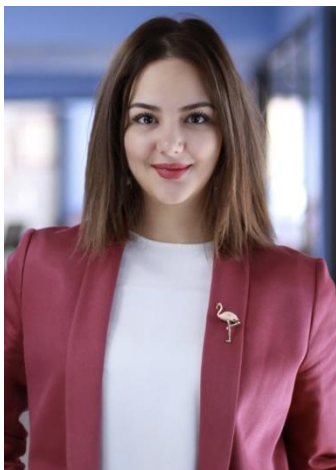
HOW WE CAN HELP?



If you have already faced the problems mentioned above or you have received an unfavorable decision of immigration officers or relevant authorities which you believe violated your rights and caused negative consequences, especially for getting a visa in future (for example, deportation, monetary penalization or being banned from entering the Schengen Zone), we are ready to review your case and provide legal advice on the appropriate strategy. We have extensive experience in this field and will be happy to guide you through the most complicated immigration problems for business representatives, investors and individuals. So please, do get in touch when you want to get sophisticated advice.

NOTE: This material is for general information only and is not intended to provide legal advice.

Anna Mkrtchyan, Associate
amkrtchyan@tk.partners



⁴ Regulation (Eu) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), Article 22