

Federal Government Department of Home Affairs
Immigration Office
Directorate of Border Control,
Municipalities and Support
Border Control

Mrs. Hilde Bruggeman
Director, NAVES (National Federation of Associations of Ship's Agents and Brokers)

Brouwersvleet 33, box 6
2000 Antwerp

Your contact person Brecht Soen	T +32 2 793 81 21	Yr. ref.	Enclosures 0
E-mail Brecht.Soen@ibiz.fgov.be	F +32 2 274 66 37	Our ref.	Brussels 17.03.2016

Subject: Issuing of visas at the external border, for seafarers in transit who require a visa

Dear Mrs. Bruggeman,

We wish to inform you about the recent developments concerning the issuing of visas for seafarers in transit, as a result of the introduction of the Visa Information System (VIS) at the external borders of Belgium.

As of the end of February 2016 only biometric VIS visas are issued at the Belgian border posts, in compliance with the requirements of the European VIS regulation¹. This means that the biometric details of the applicant must be obtained for each visa application, together with other obligatory information that must be submitted to the VIS. In practice this means that the time required to process an individual visa application is at least 15 days.

According to the principle laid down in the Visa Code², visas may be issued at the external border only in exceptional cases. Accordingly, as many as possible transiting seafarers must already be in possession of a visa issued by the diplomatic representative.

In practice the number of visas issued at the Belgian border posts has fallen sharply since 2010 as a result of the joint efforts by the Federal Government Department of Foreign Affairs, Immigration Office and the ship's agents. Nevertheless more than 6500 visas are still issued annually at the Belgian border posts.

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1000 Brussels

In March 2016 it was found that the issuance of biometric VIS visas led to significant increases in the waiting times at the Shipping Police entry points. This is a practical problem leading to significant losses of time for the players involved (seafarers, ship's agents, taxi drivers etc.).

I am therefore writing to let you know that this problem can only be avoided by planning for **as many visas as possible to be issued beforehand** by the diplomatic representations!

Issuance of visas at the Belgian external border posts may be refused unless it can be shown that there are unforeseen and urgent reasons why the seafarer was unable to obtain a visa beforehand. In this connection the border control authority will consult with the Immigration Office³.

Note also in this connection that crew changes with half the crew or the full crew being disembarked and a new half crew or full crew being taken on are considered as being planned by the shipping company and so do not count as "unforeseen." Not only do such operations have a disproportionate impact on the operations of the Federal Police and Shipping Police; since such crew changes are frequent occurrences they can no longer be classified as "exceptional."

You are therefore urgently requested to no longer organise crew changes with more than five seafarers leaving the same ship as a group and all of them applying for a visa at the border crossing post.

We further draw your attention to the fact that with every crew change for which VIS visas have to be issued by the Federal Police and Shipping Police, a written explanation of why the case is "exceptional" and "urgent" must be submitted. The Immigration Office will then consult the border control authority, as mentioned above, and will make a decision on the basis of the explanation.

Finally, you are kindly asked to pass this letter on to the member associations (ship's agents) of NAVES, in order to inform them of these developments and of the principles that apply.

Yours faithfully,

Nancy Bracke,
Head of Border Control

1. Regulation (EC) N° 767/2008 of the European Parliament and Council of 9 July 2008 concerning the Visa Information System and the exchange of data between Member States on short-stay visas
2. Regulation (EC) N° 810/2009 of the European Parliament and Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)
3. See art. 35 of the Visa Code

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