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**THE VISA ASPECTS
OF THE ACADEMIC MOBILITY
BETWEEN THE RUSSIAN FEDERATION
AND THE EUROPEAN UNION:
THE EXPERIENCE
OF THE IMMANUEL KANT
BAL TIC FEDERAL UNIVERSITY**



This article analyses different aspects of the EU-Russia academic mobility. The authors pay special attention to visa and migration registration issues faced by foreign citizens in Russia.

Key words: visa regime, academic mobility, international students.

The international activity of the Immanuel Kant Baltic Federal University (IKBFU) is conducted in accordance with the regulations of the Russian Federation on international cooperation. Priority is given to the internationalisation of education and search for new forms of international cooperation facilitating the harmonisation of Russian and European education and raising the quality of education.

IKBFU strives to increase the number of international citizens visiting our university for different purposes ranging from participation in short study visits to receiving higher education with the awarding of a diploma. The university in its turn organises international academic exchange visits for its students and staff for advanced training, enhancing the command of foreign languages, and extending the range of research, business, and personal contacts.

Nowadays, about 250 international students are studying at IKBFU. International students come to the university to participate in courses in Russian as a foreign language, to take part in academic exchange programmes; guest lecturers and international researchers come to deliver lectures in the faculties, do joint research, etc. Graduate and postgraduate students and the academic staff of our university travel abroad for research and cultural purposes (participation in workshops, conferences, schools), as well as sporting competitions, etc.

Successful realization of scientific and educational contacts between Russian and European universities is conditioned not only by mutual interests of the participants. The important thing is the visa aspect, because visas are required for the mutual travel of the citizens of the Russian Federation and the EU.

A visa is a document permitting a foreign citizen to enter the territory of another state. At the same time, the issuing of a visa according to the established procedure does not automatically provide a free entrance to the country. The final decision is made by the border services on the basis of the cor-

responding regulations and the results of passport control at the border (there have been situations when individual in possession of valid visas in valid travel documents were denied entry due to different reasons) [3].

I. The obtaining of Russian visas by EU citizens arriving at IKBFU

The activity of IKBFU is conducted in accordance with the legislation of the Russian Federation: the federal laws “On the legal status of foreign citizens in the Russian Federation” of July 25, 2002 No 115-FZ (amended), “On the procedure of exit from and entry into the Russian Federation” of August 15, 1996 No 114-FZ (extended and amended), “On migration registration of foreign citizens and stateless persons in the Russian Federation” of July 18, 2006 No 109-FZ (amended), joint decree of the Ministries of Foreign Affairs and the Interior and the Federal Security Service of December 27, 2003 No 19723A/1048/922 “On the adoption of the “purpose of the visit” list used by authorised public agencies of the Russia Federation in issuing invitations and visas for foreign citizens and stateless persons” (with an appendix) and other regulations. On the basis of these legal documents, IKBFU issues invitations for foreign citizens and extends the following categories visas at the Kaliningrad Office of the Federal Migration Service:

1) studies at IKBFU (study visas):

- *postdoctoral studies* — for foreigners coming to the University for the whole study period (a one-entry visa for up to three month with a further extension until October 31 of the corresponding year).

- *advanced training* — for foreigners arriving in Russia for undergoing advanced training and professional retraining at IKBFU (a one-entry visa for up to three month with a further extension to the whole study period, or a two-entry visa for up to three months).

- *courses* — for foreigners who coming to Russia to study Russian as a foreign language for their further study in another field (a one-entry visa for up to three month with further extension to the whole study period or a two-entry visa for up to three months).

- *education* — for foreigners coming to receive education at IKBFU (a one-entry visa for up to three month with further extension to the whole study period or a two-entry visa for up to three months).

2) Professional activity at IKBFU (working visas):

- *employment* — for foreigners arriving in the Russian Federation to work at IKBFU.

- *teaching* — for foreigners arriving in the Russian Federation to teach at IKBFU (a one-entry visa for up to three month with a further extension to the whole period of teaching, or a two-entry visa for up to three months).

3) Research, cultural and sporting events and youth exchange (humanitarian visas):

- *youth exchange* — for foreigners arriving in the RF in the framework of youth and student exchange programmes, also for library research (a one-entry visa or a two-entry visa for up to three months, or a multiple-entry visa for up to a year).

- *Research and technological contacts* — for foreigners coming to IKBFU to establish and develop research and technological connections, as well as to participate in research conferences, workshops, symposiums, congresses and to conduct research in the framework of exchange programmes (a one- or two-entry visa for up to three month or a multiple-entry visa for up to a year).

- *Sporting connections* — for foreigners coming to organise sporting cooperation and participate in sporting competitions (a one- or two-entry visa for up to three month or a multiple-entry visa for up to a year).

- *Cultural connections* — for foreigners coming to organise cultural cooperation and participate in non-profit exhibitions, festivals and performances (a one- or two-entry visa for up to three month or a multiple-entry visa for up to a year).

4) Business trips — for example, for foreigners arriving to deliver lectures at IKBFU (a one- or two-entry visa for up to three months) [5].

Thus, IKBFU issues visa invitations for foreign citizens planning a visit to Russia for the purpose of studying, teaching, or participation in research, cultural or sporting events, i. e. the principal areas of the University's activity.

An agreement on the simplification of visa issue, which came into force on June 1, 2007, facilitated the issue of invitations to EU citizens at IKBFU, since it gave the university — as the host legal person — the right to issue invitations on the University's headed paper signed by the head of the organisation (rector). Moreover, the above listed visit purposes exempt the visa candidate from visa fees (today it amounts to 35 Euros or 70 Euros in case of urgent visa issuing).

Until 2007, invitations were issued at the Kaliningrad Office of the Ministry of Foreign Affairs of the Russian Federation and the Kaliningrad Office of the Federal Migration Service. The period of invitation issue amounted to one month; in accordance to the Tax code of the Russia Federation, a fee of 500 roubles was paid for each invitation. Each case of an urgent issue of an invitation for an EU citizen required complicated schemes involving persuasion, personal contacts, and negotiations between top officials.

There are certain advantages to the conclusion of the above mentioned agreement — it saves time, money, and human resources. Let us illustrate this statement by comparing the number of invitations issued by IKBFU and via the Kaliningrad offices of the Ministry of Foreign Affairs and Federal Migration Service over the last five years.

Invitations issued by IKBFU

Year	IKBFU	Kaliningrad Office of the Federal Migration Service	Kaliningrad Office of the Ministry of Foreign Affairs
2006	—	158	234
2007	148	130	75
2008	361	25	45
2009	811	29	19
2010	650	24	—

Moreover, this agreement allowed Russian consulates to issue multi-entry long-term visa for EU citizens on the basis of invitations from IKBFU. Thus, the long-standing EU partners of the University can easily visit IKBFU and contribute to the development of research and educational cooperation between Russia and the EU avoiding regular visits to Russian consulate establishments.

In 2008, a certain record was set — the vice rector for international cooperation of the University of Savoy (Chambéry, France) obtained a five-year Russian visa on the basis of an invitation from IKBFU. The efforts required for the issue of a five-year visa did not differ much from those required for a one-year visa coming down to a standard set of documents and a couple of calls to the Embassy of the Russian Federation in France emphasizing the need for such long duration of validity of visa for our partner Eric Brunat. The Embassy graciously assisted us in solving this problem.

Another favourable factor was the introduction of amendments into Russian legislation in summer 2010, which made it possible to shorten the procedure of employing foreign professors and specialists. The problem of the simplification of the procedure of their employment at Russian universities was solved: the university does not have to obtain a permit for the employment of foreign professors, whereas the latter do not need to apply for a work permit. The introduction of the term *qualified specialist* opened an opportunity for the simplification of the procedure of employing research staff: the employer does need a “permit” or to undergo the quota assignment procedure, however, foreigners still need to obtain a work permit, but the procedure has been simplified [2].

IKBFU also prepares documents for the extension of one-entry study and working visas for foreign graduate and postgraduate students and teachers at the Kaliningrad Office of the Federal Migration Service through issuing multi-entry visa for the whole period of study or employment for a period of up to one year [6]. It is a very important area of the University’s activity, because, since 2003, it admits graduate, postgraduate, and advanced training students in all fields of study in the framework of the State Programme on Support of Compatriots Residing Abroad. Today, approximately 180 foreign graduate and postgraduate students from EU countries (Lithuania, Latvia, and Estonia) study at IKBFU.

Having outlined the general situation pertaining to issuing invitations and visas for Russian and EU citizens for reciprocal travel and emphasised the advantages of the simplification of visa procedures, we should address the existing problems.

The central problem faced by foreign citizens arriving at IKBFU and Russian citizens visiting foreign universities and organisations is the visa regime per se. However, this issue, as President Dmitry Medvedev emphasised, is complex and multifaceted, its solution requires political will and close cooperation between the Russian Federation and the EU. President Medvedev has informed the EU partners on more than one occasion about the aspiration of the Russian party to introduce a visa-free regime of reciprocal travel.

However, there is a set of problems that could be solved through amendments to Russian legislation. First of all, it relates to the shortening of the invitation and visa issue periods by the authorised agencies [6]. For example, Article 11 of the Regulations on the Establishment of the Visa Form, Procedure and Terms of Visa Execution and Issuance, Extension of Visa Effective Period, Visa Restoration In Case of Loss and the Procedure for Visa Cancellation (amended) stipulates that the period of visa issue shall not exceed 20 business day since the date of application. However, our experience suggests that the Federal Migration Service does not often issue visas prior to the expiration of this period. The same holds true for invitations for foreign citizens — the average period of issue amounts to a month since the date of submission of the documents.

Consulate establishments of the Russian Federation granting foreign citizens Russian visas also have regulated periods for visa issues, however, when required, Russian visas can be issued both without and invitation — on the basis of the decision made by a consulate employee, and within a short period — up to several hours. It concerns emergencies, which require negotiations and exchange of the following correspondence.

In our opinion, another serious problem is the migration registration of foreign citizens in the Russian Federation, i. e. the registration at the place of sojourn. According to the federal law “On migration registration of foreign citizens and stateless persons in the Russian Federation” of July 18, 2006 No 109-FZ, foreign citizens should be registered within three working days since the day of their arrival. Such rule had existed until March 2011 — until the law was amended. It was very inconvenient for foreign professors and students arriving in the Russian Federation for less than three days to participate in a workshop or a conference and had to spend a part of their short stay obtaining the registration. The amendment stipulates that registration shall be obtained within a seven day period, which can be considered a step forward.

The migration registration of foreign citizens is a form of public control over migration processes aimed at safeguarding the established rights of every person residing legally on the territory of the Russian Federation [4]. But, in effect, the obligatory registration of foreigners at the place of sojourn is an additional form of control, since foreigner register for the first time through filling in a migration card when crossing the border with the Russian Federation. Their information is entered into the database on foreigners entering the Russian Federation, thus, the migration registration seems to be redundant. In this case, it would be adequate to use the unified registration procedure applied to Ukrainian nationals in Russia for all foreign citizens: if the period of stay does not exceed 90 days, migration registration is not required.

II. The issue of Schengen visas to graduate and postgraduate students and professors of IKBFU

Today, the Kaliningrad region accommodates the consulate of the following EU states, whose jurisdiction extends to the issue of Schengen visas:

- Consulate General of the Federal Republic of Germany (issues visas for Germany and France);

- Consulate General of the Republic of Lithuania (issues visas for Lithuania, Estonia, Denmark, and Norway);
- Consulate General of the Republic of Poland (issues visas for Poland, Sweden, and the Netherlands);
- The office of the Consular Section of the Embassy of the Republic of Latvia (issues visas for Latvia, Hungary, and Slovenia).

All the above mentioned consular establishments issue visas to Russian citizens according to the European Parliament and Council Regulation No 810/2009 of July 13, 2009 establishing the Community Code on Visas (Visa Code), the agreement on the simplification of issuing visas to citizens of the Russian Federation and the European Union (except for Denmark, the UK, and Ireland) of May 25, 2006 between the Russian Federation and the European Union, and other regulations.

It is worth noting that Schengen visas for research, cultural, educational, sporting, and creative purposes are issued according to a simplified procedure, since the corresponding list of required documents is shorter than the standard one, and these purposes of visit exempt the applicant from visa fees [1].

Having outlined the problems faced by IKBFU when issuing invitations and visas and registering foreign citizens let us address a complication arising in the course of issuing visas to IKBFU's graduate and postgraduate students and professors entering the Schengen Area states. The issue of a visa requires the original of a written invitation from an organisation, legal or private person, which is submitted to the consular establishment with other documents [1]. But the acquisition of the original often entails certain delays, which may lead to a delay of the planned visit. Some Kaliningrad consulates general have cooperated issuing one-entry visas at a submission of a faxed or scanned copy of the invitation. It is desirable that the practice extends to the issue of multi-entry visas.

At the same time, we would like to emphasis a salient fact: although referring to the universal for all Schengen Area states visa issue regulations [7], consulates of different countries require different sets of documents and use different methods for the proof of sufficient fund.

Another problem is the reluctance of foreign consulates to issue multi-entry visas with the duration of validity of 2—5 years. Paragraph 3 of Article 5 of the Agreement between the Russian Federation and the European Community on the simplification of issuing visas to citizens of the Russian Federation and the European Union stipulates that certain categories of citizens, for example, those involved in research, cultural, or creative activity, also in the framework of university exchange programmes and international sporting events, have the right to such multi-entry visas. A compulsory condition is the use of a one-year multi-entry visa over the previous two-year period and the relevance of reasons for the application for its issue.

IKBFU has developed contacts with a number of international partners from the EU countries — universities and research centres — thus, it is only natural that many professors and graduate and postgraduate students, who were granted one-year multi-entry Schengen visas apply for two- and three-year visas. However, they are often denied such visas by consulate estab-

lishments despite relevant reasons, some consulates issue visas for a shorter period, or a smaller number of entries than stated in the invitation at their own discretion. For instance, without further explanations, a person submitting an invitation for a one-year multi-entry visa is granted a three-month two- or one-entry visa.

Strange practice has evolved: although we more and more often work with Polish, German, and Lithuanian partners, long-term multi-entry visas are easier to obtain at the consular establishments of France and Spain. Some members of our staff have five- and four-year French visas just because of the good will of the consulates of these countries.

On the basis of the above, we suggest creating optimal visa conditions for research, educational and academic exchange for the development of a common Russia-EU research and educational space.

First of all, it is desirable to introduce a visa-free regime of reciprocal travel without any further conditions. In case the introduction of a visa-free regime is impossible in a short-term perspective, we suggest the following methods of the simplification of the visa regime, which could be applied provided both parties show political will (Russia demonstrates such will in a number of statements of the country's leadership):

- issue of visas for students, professors, and university staff without invitation original for the first time for the period of invitation validity and for duration of passport validity in case of repeated applications and due usage of the visa;

- simplification of migration control by the Russian party: there is a need to introduce amendments to Russian legislation in order to shorten the procedure of issuing invitations and visas to foreign citizens and simplify registration on the territory of Russia;

- a more flexible approach to the implementation of international agreements as to issuing visas by the consular establishments of the EU and Russia to persons involved in research, cultural, sporting, and creative activities, also in the framework of university exchange programmes;

- the imposing of consular fee only in case of urgent visa issue and its waiver or significant reduction in all other cases.

When addressing such complex and controversial issue as the regime of border crossing, one could not help but recall the first line of Vladimir Mayakovsky's poem *My Soviet Passport*: "I'd tear like a wolf at bureaucracy. However, we would like poetry to remain the source of intellectual and aesthetic pleasure rather than an analogy or a description of the conditions of research and academic exchange between the Russian Federation and the European Union.

References

1. Soglashenie mezhdru Rossijskoj Federaciej i Evropejskim soobwestvom ob uprowenii vydachi viz grazhdanam Rossijskoj Federacii i Evropejskogo sojuza ot 25 maja 2006 g. [The agreement between the Russian Federation and the European Community on the facilitation of issuance of visas to the citizens of the Russian Federation and the European Union on 25 May 2006], *Sprav.-pravovaja sistema «Konsul'tantPljus»* [Legal-reference system «Adviser Plus»].

2. O pravovom položhenii inostrannyh grazhdan v Rossijskoj Federacii: federal'nyj zakon ot 25 ijulja 2002 g. №115-FZ (s izm. i dop.) [On the Legal Status of Foreign Citizens in the Russian Federation: Federal Law of 25 July 2002 №115-FZ (as amended)], *Sprav.-pravovaja sistema «Konsul'tantPljus»* [Legal-reference system «Adviser Plus»].

3. O porjadke vyezda iz Rossijskoj Federacii i v#ezda v Rossijskuju Federaciju: federal'nyj zakon ot 15 avgusta 1996 g. №114-FZ (s izm.) [The order of departure from the Russian Federation and Entry into the Russian Federation: Federal Law of August 15, 1996 №114-FZ (as amended)], *Sprav.-pravovaja sistema «Konsul'tantPljus»* [Legal-reference system «Adviser Plus»].

4. O migracionnom uchete inostrannyh grazhdan i lic bez grazhdanstva v Rossijskoj Federacii: federal'nyj zakon ot 18 ijulja 2006 g. №109-FZ (s izm.) [On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation: Federal Law of July 18, 2006 №109-FZ (as amended)], *Sprav.-pravovaja sistema «Konsul'tantPljus»* [Legal-reference system «Adviser Plus»].

5. Ob utverzhdenii perechnja «Celi poezdok», ispol'zuemogo upolnomochennymi gosudarstvennymi organami Rossijskoj Federacii pri oformlenii priglasenij i viz inostrannym grazhdanam i licam bez grazhdanstva: sovmestnyj prikaz Ministerstva inostrannyh del RF, Ministerstva vnutrennih del RF i Federal'noj sluzhby bezopasnosti RF ot 27 dekabnja 2003 g. №19723A/1048/922 (s pril.) [On approval of the list of "Goals trips" used by authorized state bodies of the Russian Federation to the invitations and visas to foreign citizens and persons without citizenship: a joint order of the Ministry of Foreign Affairs, the Ministry of the Interior Ministry and the Federal Security Service of the Russian Federation of December 27, 2003 №19723A / 1048/922 (with adj.)], *Sprav.-pravovaja sistema «Konsul'tantPljus»* [Legal-reference system «Adviser Plus»].

6. Ob ustanovlenii formy vizy, porjadka i uslovii ee oformlenija i vydachi, prodlenija sroka ee dejstvija, vosstanovlenija ee v sluchae utraty, a takzhe porjadka annullirovanija vizy: polozhenie ot 9 ijunja 2003 g. (s izm.) [On establishing the form of visa procedures and conditions for its execution and delivery, extending the period of its validity, recovery in case of loss, and the order of cancellation of visa: the position from June 9, 2003 (as amended)], *Sprav.-pravovaja sistema «Konsul'tantPljus»* [Legal-reference system «Adviser Plus»].

7. Reglament (ES) №810/209 Evropejskogo parlamenta i soveta ot 13 ijulja 2009 g., ustanavlivajuwegu Kodeks Soobwestva o vizah (Vizovyj kodeks) [Regulation (EC) №810/209 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)], *Pravo Evropejskogo sojuza* [European Union law], available at: <http://eulaw.ru/content/visa-code> (accessed 12 November 2010).

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