



## **EMN Ad-Hoc Query on Short term visa for planned medical treatment**

Requested by Hans LEMMENS on 2nd November 2017

### **Border**

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, United Kingdom, Norway (18 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*


### **Background information:**


At this moment, the Dutch government is studying policy options in order to facilitate requests from third country nationals to undergo so-called ‘planned medical treatment’ in Dutch hospitals. We are conducting this research to evaluate under which conditions the issuance of a visa can be made possible. This may lead to a policy change. At the moment the possibilities to enter/reside in the Netherlands for planned medical treatment are very limited.


### **Questions**



1. 1. Is it possible to apply for a short stay visa for medical treatment in your country? (Yes/No) If yes, please answer the remaining questions.
2. 2. If yes to Q1, which conditions have to be fulfilled by the applicant in order to be granted such a visa? Please include all conditions that have to be satisfied before a visa is granted (e.g. reassurance that applicant can pay for treatment, notification of where they will stay – see NL response for examples).
3. 3. If yes to Q1, how many applications for short term visas for medical purposes have you received in 2015 and 2016 respectively?
4. 4. If yes to Q1, what percentage of applications for these visas were rejected in both 2015 and 2016?
5. 5. If yes to Q1, can you indicate which grounds were most commonly used to reject applications?
6. 6. If yes to Q1, what specific measures has your country taken to ensure the return of applicants to their country of origin after their treatment?



### **Responses**


	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	Yes	<ol style="list-style-type: none"><li>1. Yes, the visa can be applied for at an Austrian representation authority abroad.</li><li>2. All visa requirements have to be fulfilled, this also includes proof of the cost coverage for the medical treatment.</li><li>3. No information regarding visa for medical treatment possible.</li></ol>


			<p><b>4.</b> No information regarding visa for medical treatment possible; the general rate of refusals can be found in the common EU visa statistics.</p> <p><b>5.</b> No information regarding visa for medical treatment possible; in general, however, it can be said that the most common reasons for rejecting a visa application are as follows: later departure from Austria is not assured, threat to public order and security, insufficient financial resources.</p> <p><b>6.</b> As part of the visa procedure, the visa requirements are reviewed accordingly (see in particular assured later departure from Austria). --- Source: Federal Ministry of the Interior</p>
	Belgium	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> The applicant must satisfy the general conditions for being issued a short stay visa, as stipulated in the Visa Code. Also the visa requirements and instructions, as stipulated in the Visa Handbook, are applied by the Belgian authorities. A proof is actually requested from the doctor recognized by the Belgian diplomatic post that medical care cannot be performed in the country where the applicant resides. An official document is also requested from the receiving medical institution confirming that it can perform the medical treatment and that the patient will be admitted there. In addition, it is requested that the applicant proves that he/she has sufficient financial means to pay the medical treatment and the additional costs. If an advance has to be paid, it is also required that this is paid.</p> <p><b>3.</b> The number of applications for short term visas C for medical purposes amounted to 2.136 in 2015 and 1.885 in 2016.</p> <p><b>4.</b> It is not possible to provide the percentage of negative decisions out of these applications, given the fact that the number of decisions issued over a period does not only concerns applications which have been made in the same period. In 2015, the number of negative decisions on applications for visas C for medical purposes amounted to 366 and the number of positive decisions on applications for visas C for medical purposes amounted to 1680. Thus, in 2015, the negative decisions amounted to 17,9% of the total number of decisions on applications for visas C for medical purposes. In 2016, the number of negative decisions on applications for visas C for</p>

			<p>medical purposes amounted to 417 and the number of positive decisions on applications for visas C for medical purposes amounted to 1423. Thus, in 2016, the negative decisions amounted to 22,7 % of the total number of decisions on applications for visas C for medical purposes.</p> <p><b>5.</b> There are no statistics recorded on the grounds used to reject such applications. However, according to the Belgian authorities, the following grounds are most commonly used (article 32 Visa Code):</p> <ul style="list-style-type: none"> <li>• does not provide proof of sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or residence, or for the transit to a third country into which he is certain to be admitted, or is not in a position to acquire such means lawfully;</li> <li>• if there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the veracity of their contents, the reliability of the statements made by the applicant or his intention to leave the territory of the Member States before the expiry of the visa applied for.</li> </ul> <p><b>6.</b> There is no specific measure/procedure applied to ensure the return of these applicants to their country of origin after the treatment. The general SEFOR procedure (SEFOR meaning "Sensibilisation, Follow-up, Return), applies, which aims at ensuring the follow-up of the migrants having received an order to leave the territory, if they are effectively returning to their country of origin, voluntarily or not. The Belgian authorities note that applicants often do not pay their medical costs (but do not come with a specific visa for medical care). Currently, the Immigration Office is often contacted for this by the Public Centers for Social Welfare. In those cases, the Immigration Office do not longer issue visas for the person concerned or withdraw the visa if it is still valid for a long time.</p>
	Croatia	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> The applicant must satisfy the general conditions and enclose following documents: application, valid travel document, a colour photo, evidence of travel health insurance, evidence of paid visa fee, proof of the purpose of the stay in Croatia - an official medical certificate confirming the need for health care in that institution and proof of payment of the medical treatment or proof of sufficient means of payment for the treatment, proof of ensured accommodation, proof of means of subsistence to cover the stay in Croatia and the return to the country of origin or to a third</p>


			<p>country and proof of means of transport and the intention to return to the applicant's country of origin or to a third country.</p> <p><b>3.</b> 46 in 2015 and 37 in 2016.</p> <p><b>4.</b> 11 visas refused in 2015 (refusal rate: 23%), 10 visas – in 2016 (refusal rate: 27%)</p> <p><b>5.</b> In general the most common grounds used to reject applications would be related with: justification of the purpose and conditions of the intended stay were not provided; reasonable doubts as to the authenticity of the supporting documents or the veracity of their contents, the reliability of the statements made by the applicant or his intention to leave the territory of the Republic of Croatia before the expiry of the visa applied for; applicant has not provided proof of sufficient means of subsistence; proof of holding an adequate and valid travel medical insurance was not provided ...</p> <p><b>6.</b> Croatia does not have any specific measures to return these applicants, but the intention of the applicant to return to his or her country of origin is always examined, and if the intention of return has not been proven the visa is refused.</p>
	Czech Republic	No	
	Estonia	Yes	<p><b>1.</b> Yes. Possibility to apply for a short stay visa with purpose of travel Medical reasons derives from the Visa Code (regulation (EC) No 810/2009).</p> <p><b>2.</b> The list of supporting documents for short term visas are set in every location by local Schengen Cooperation. Usually the typical documents are document that proves applicants purpose of travel (e.g. invitation or confirmation from medical institution) and documents that prove that person has sufficient financial means for concrete trip (enough financial means for treatment)</p>



			<p><b>3.</b> In 2015 number of short term visa applications for medical reasons was 433. In 2016 number of short term visa applications for medical reasons was 440.</p> <p><b>4.</b> Unfortunately we cannot provide this information.</p> <p><b>5.</b> Unfortunately we cannot provide this information.</p> <p><b>6.</b> Applicants who apply for short term visa for medical reasons are treated as usual short term visa applicants – their to return is checked during examining their visa application. No special measures are taken.</p>
	Finland	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> Normal Schengen visa application requirements and guaranteed payment in advance.</p> <p><b>3.</b> Not possible to give details, estimated 300 – 400 per year, mostly from Russia and China.</p> <p><b>4.</b> An estimated 10 % were rejected.</p> <p><b>5.</b> Grounds: applicant will not return back home and/or payment is not guaranteed.</p> <p><b>6.</b> All actions are taken before a person has arrived to Finland from any other Schengen Member State, otherwise it is too late.</p>
	France	Yes	<p><b>1.</b> Yes, it is possible to apply for short-stay (Schengen) visas for medical reasons. For longer treatment (over 3 months), it is possible to apply for a temporary residence authorization only valid for the duration of the treatment.</p> <p><b>2.</b> To apply for a Schengen visa for medical reasons, the applicant must: - fulfill the common visa requirements (providing photos, copy of passport and ID, proof of an accommodation, proof of subsistence means for the duration of the stay, proof of a return ticket, having an insurance that covers the medical and hospital care of a minimum of 30 000 €) - provide documents proving the</p>


			<p>reasons of the stay: signed quotation from the hospital and proof of payment, proof that the treatment is not available in the country of origin, proof of the hospital admission, medical record from a certified doctor.</p> <p><b>3.</b> Nb of Visas 2015 2016 Requested 7079 7466 Issued 5778 5962 Refused 1132 1262</p> <p><b>4.</b> See above</p> <p><b>5.</b> Not available for the moment, to be provided later on.</p> <p><b>6.</b> As for all short-stay (Schengen) visas, the applicant must prove that he/she purchased a return ticket. Moreover there is no possibility to renew / extend the short-stay visa or the temporary residence authorization if there is no proof issued by the doctor or the hospital for such extension. So if there is no renewal they would reside illegally in France.</p>
	Germany	Yes	<p><b>1.</b> Yes, it is.</p> <p><b>2.</b> In order to be eligible for the granting of a short stay visa, applicants must submit the following documents: - Confirmation of the illness they are suffering from and of the medical treatment required - Confirmation by the medical facility they wish to attend of the appointment arranged for the medical treatment/ examination - Proof of how the medical examination/treatment is to be financed - A medical certificate in the eventuality that the visa applicant is unable to go to the consulate in person to have fingerprints taken - If there are any doubts about the medical documents submitted, the visa applicant may be obliged to submit the documents issued by an independent medical officer appointed by the consulate.</p> <p><b>3.</b> We do not keep statistics on the number of applications filed for short term visas for medical purposes.</p> <p><b>4.</b> We do not keep statistics on the percentage of visa applications rejected.</p>

			<p><b>5.</b> We do not keep statistics on the grounds why applications are rejected.</p> <p><b>6.</b> In the visa procedure for the granting of short stay visas, the intention of the applicant to return to his or her country of origin is always examined (Article 21 para. 1 of the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas). This applies in particular also to persons who might be escorting the patient. There are no other further-reaching measures in place.</p>
	Hungary	Yes	<p><b>1.</b> Yes, and visa applications not exceeding 90 days fall within the scope of competence of the consular officer. In certain cases in accordance with the Schengen acquis and practice, the prior consent of the Hungarian central visa authority (Immigration and Asylum Office) is required for the issuance (cf. national and MS consultations).</p> <p><b>2.</b> Those conditions are set out in Article 14, Article 21 of the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) and particularly in Annex II thereto. Moreover, Article 6 of the 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 (commonly, the Schengen Borders Code) is worth mentioning. Based on the above, the entry conditions are checked in advance, thus we contact the receiving health institution, hosting persons, and the necessity of treatment in a foreign country, or what is more, in a remote continent is duly examined (eg. it's not the same if the applicant is interested in a general dental treatment or in need of something more serious such as an infertility check-up or locomotor disorder). The home background of the applicant including family ties, existential status and attachment are verified in order to assess migration willingness. During the procedure continuous pre-checks and – after the positive decision – follow-up checks are carried out.</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>



			<p><b>5.</b> Rejection is based on Article 32 of the Visa Code, and most often in accordance with the following points of the Annex VI thereto: 2) Justification for purpose and conditions of the intended stay is not provided; 3) The applicant does not provide proof of sufficient means of subsistence, for the duration of the intended stay or for the return to the country of origin or residence, or for the transit to a third country into which he/she is certain to be admitted, or the applicant is not in a position to acquire such means lawfully; 8) the information submitted regarding the justification for the purpose and conditions of the intended stay was not reliable; 9) the possible visa-holder's intention to leave the territory of the Member States before the expiry of the visa could not be ascertained. The decision on rejection and the reasoning behind is communicated to the applicant in the form set out in Annex VI.</p> <p><b>6.</b> We lay much emphasis on the prevention when the entry conditions are being scrutinized. Fraudulent applications with the hope that medical reasons in the application may be an option to sneak into the Schengen Area are filtered out in the initial phase, as those usually turn out to be unrealistic taking into account the home background and financial situation of the applicant. In such cases the need for medical treatment is not justified with medical documentation, and from time to time we receive applications in which even 8 accompanying persons indicated, resulting in a high migration risk. During the scrutiny of the given application, we make time to go through the visa references, the formerly rejected and issued visas, and in case of the latter, the proper use is also examined. Later on, the follow-up check means that upon return the applicant is invited to the consular representation so as to verify the lawful use of the visa.</p>
	Ireland	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> A short stay medical treatment visa allows to come to Ireland for up to 90 days for a medical procedure in a private hospital, subject to the conditions described in the note at the link below. A detailed information note on short stay visas for medical treatment is provided on the website of the Irish Naturalisation and Immigration Service at the following link:  <a href="http://www.inis.gov.ie/en/INIS/Pages/Medical%20Treatment">http://www.inis.gov.ie/en/INIS/Pages/Medical%20Treatment</a></p> <p><b>3.</b> 2015 - 28 applications. 2016 - 31 applications. The numbers provided are applications where the applicant indicated the reason for their visit was Medical Treatment. There may also be</p>

			<p>applications where the applicants entered a different reason for their visit. While such applications would be processed as a visit for medical treatment where the supporting documentation so indicated, it is not possible to identify such applications electronically. The number of such possible cases are considered to be very small, if any.</p> <p><b>4.</b> Refusal rates - 2015 - 52% (12 of 23 cases decided). 2016 - 42% (14 of 33 cases decided).</p> <p><b>5.</b> The most common grounds would be (i) lack of sufficient finances to support applicant (ii) insufficient evidence of the need for the treatment to be carried out in Ireland.</p> <p><b>6.</b> No response available.</p>
	Latvia	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> Valid travel document, justification of the purpose of entry (agreement with hospital, guarantee letter from the medical establishment etc.), proof of sufficient financial means, information on intended place of stay, state duty payment, proof of payment for medical care.</p> <p><b>3.</b> 2015. – 2635 visas issued; 2016 – 2808 visas issued (numbers include those persons whose purpose of entry is rehabilitation course in the sanatorium).</p> <p><b>4.</b> 29 visas refused in 2015, 2 visas – in 2016.</p> <p><b>5.</b> Risk of illegal immigration, doubt on the purpose of entry.</p> <p><b>6.</b> No specific measures are being applied.</p>
	Lithuania	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> The applicant in order to be granted a visa for medical treatment have to fulfil the same conditions, which are indicated in the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).</p>

			<p>Additionally the following conditions might be asked to prove: 1. the duration of the full medical treatment and possible aftercare. 2. From the Lithuanian doctor/hospital a calculation of the costs of the full medical treatment and possible after care. 3. Proof that the foreign patient has paid the costs to the doctor/hospital in advance.</p> <p><b>3.</b> Statistic is not available</p> <p><b>4.</b> Statistic is not available</p> <p><b>5.</b> Statistic is not available</p> <p><b>6.</b> Lithuania has not taken any specific measures to ensure the return of third-country nationals after their treatment.</p>
	Luxembourg	Yes	<p><b>1.</b> Yes. Article 90 of the amended Law of 29 August 2008 on free movement of persons and immigration (Immigration Law) foresees a short-term visa (up to 90 days) for medical treatment.</p> <p><b>2.</b> In order to obtain the short-term visa for medical treatment the applicant must fulfil the conditions of entry and stay established by article 34 (1) and (2) of the Immigration Law which are: (1) being in possession of a valid passport and of a valid visa, if the latter is required; (2) not being the subject of an alert issued for the purposes of refusing entry pursuant to Article 96 of the Convention implementing the Schengen Agreement of 14 June 1985, and not having been the subject of an alert entered for that purpose in the Schengen Information System (SIS); (3) not being the subject of a decision prohibiting him/her from entering the territory; (4) not being regarded as constituting a threat to public policy, internal security or public health, or to the international relations of the Grand Duchy of Luxembourg or of one of the States party to an international convention on the crossing of external borders which is binding the Grand Duchy of Luxembourg; (5) justifying the purpose and conditions of the envisaged residence and prove that he/she has sufficient personal resources to cover both the envisaged period of residence and his/her return to the country of origin or transit to a third country into which he/she is certain to be admitted, or proving that he/she is in a position to acquire such means legally and that he/she has sickness insurance covering all risks on the territory. The sufficiency of the personal resources</p>


may be proved by producing a confirmation of assumption of financial responsibility or a guarantee issued by a bank. Besides these documents the applicant must present the following documents: (a) medical certificates confirming the need to undergo medical treatment, specifying the type of treatment and indicating the expected duration thereof; (b) a certificate from the medical authorities of the country of provenance stating that the patient is unable to receive there the care appropriate to his/her condition, and in particular the medical treatment recommended; (c) a written agreement on the part of the healthcare establishment to admit the patient on a given date, signed by the head of the department which is to receive the patient; (d) an estimate of the costs of the medical treatment, drawn up by the establishment receiving the patient, and evidence showing that the financing of the medical treatment and of the costs of the stay is guaranteed. The proof takes the form of a confirmation of assumption of financial responsibility or a bank guarantee in the amount of the estimated costs of treatment and stay. The Minister, after a reasoned opinion has been given by the delegated doctor of the Ministry of Health, may grant an authorisation to stay on medical grounds to a third-country national who fulfils the conditions laid down in Article 90. A third-country national who satisfies those conditions shall be issued with a residence permit for private reasons. That permit shall be valid for the duration of the medical treatment, alternatively for a maximum period of one year, and shall where appropriate be renewable upon application, following a re-examination of the patient's situation, for as long as he/she continues to fulfil the conditions laid down above (article 91).


**3.** No information available.



**4.** No information available.

**5.** The authorities can reject the application if there are doubts on the validity of the documents specifically required (See answer point (a) to (d)) and if there are reasonable doubts that the third-country national would not leave the country once the medical treatment is over.

**6.** There are no specific measures implemented in order to ensure the return of the third-country nationals after treatment because according to the answer to Q.2 in point 5 the Luxembourgish

			authorities would require proof of financial responsibility or a bank guarantee not only to ensure the treatment or the stay but also the return of the individual to his/her country of origin.
	Netherlands	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> The conditions for a visa for medical treatment are: a. Whether the Netherlands is the most appropriate country to undergo the medical treatment (in the sense that the medical treatment cannot take place elsewhere). This is not an official condition, but in practice it will be checked. b. A medical attest from the treating doctor from the country of origin in which he declares that the medical treatment cannot take place in the country of origin. c. The duration of the full medical treatment and possible aftercare. d. From the Dutch doctor a calculation of the costs of the full medical treatment and possible after care. e. Proof that the foreign patient has paid the costs to the doctor/hospital in advance. f. Information of the address of the patient during his stay in the Netherlands (hotel, hospital, family, otherwise). g. If it is possible for the patient to bring a care taker. In this case information is needed about the relation between the patient and the caretaker, the social-economic circumstances of the caretaker (e.g. does he have a family, a job in the country of origin?), permission of the employer of the care taker. h. Information about who covers the costs of the caretaker. i. Information of the address of the caretaker during his stay in the Netherlands (hotel, hospital, family, otherwise). j. Proof of a hotel reservation / legalised proof of who is acting as guarantor and/or providing accommodation.</p> <p><b>3.</b> 2015: 290 (rounded number) 2016: 280 (rounded number) Source: NVIS</p> <p><b>4.</b> 18% (rounded average of 2015 and 2016) Source: NVIS</p> <p><b>5.</b> - there are reasonable doubts to the intention of the third-country national to leave the territory of the Member States before the expiry of the visa applied for; - the third-country national does not provide justification for the purpose and conditions of the intended stay; - the third-country national does not provide proof of sufficient means of subsistence.</p>

			<p><b>6.</b> The Netherlands has not taken any specific measures to ensure the return of third-country nationals after their treatment.</p>
	Portugal	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> According to Article 54th a) of Act 23/2007 of July 4th amended by Act 29/2012 August 9th the temporary stay visa enables the entry of its holder into Portuguese territory for the purposes of receiving medical treatment in official or officially recognized health establishments. Application must be complemented by medical report and evidence issued by the official or officially recognized health establishment that the applicant has ensured the hospitalization or outpatient treatment</p> <p><b>3.</b> No available data</p> <p><b>4.</b> No available data</p> <p><b>5.</b> No available data</p> <p><b>6.</b> No specific measures are taken considering return of applicants.</p>
	Slovak Republic	Yes	<p><b>1.</b> Yes. Although there are no special visa for planned medical treatment, third-country nationals can apply for Schengen visa while stating the specific reason (medical treatment, health reasons, and thermal spa treatment).</p> <p><b>2.</b> Besides the usually required documents (obligatory documents for the visa application according to the Visa Code and Visa facilitation agreements between EU and some third-countries and harmonised documents within local Schengen cooperation), it is necessary to present a confirmation from the healthcare facility.</p> <p><b>3.</b> 2015: 1235 applications, 2016: 934 applications. This relatively high number of applications is mainly due to the thermal spa treatment in the Slovak Republic.</p>

			<p><b>4.</b> In 2015: 1,8% rejected; in 2016: 0,5% rejected.</p> <p><b>5.</b> Among the main reasons of rejected visa applications were: - the information provided in relation to the reasons of the purpose and conditions of the planned trip were not credible; - the intention to leave the Member States' territory prior to the visa expiration was not proven.</p> <p><b>6.</b> Slovak Republic has not recorded any problems with returns to countries of origin after the treatment and due to this no specific measures were taken.</p>
	United Kingdom	Yes	<p><b>1.</b> Yes. A short term medical visit is covered by the Standard Visitor Visa</p> <p><b>2.</b> The guidance on eligibility is found here: <a href="https://www.gov.uk/standard-visitor-visa/eligibility">https://www.gov.uk/standard-visitor-visa/eligibility</a> Eligibility You must always show that: you'll leave the UK at the end of your visit you're able to support yourself and any dependents for the duration of your trip you're able to pay for your return or onward journey and any other costs relating to your visit you have proof of any business or other activities you want to do in the UK, as allowed by the Visitor Rules</p> <p><b>3.</b> The UK does not hold statistics on the number for applications received for medical visits.</p> <p><b>4.</b> Please see Q3.</p> <p><b>5.</b> Please see Q3.</p> <p><b>6.</b> The UK does not have any specific measures to return these applicants. They are bound by the usual immigration rules. They have 14 days to apply for a new visa, 90 days to voluntarily leave the UK before they face deportation.</p>
	Norway	Yes	<p><b>1.</b> No.</p> <p><b>2.</b> N/A</p>

			<b>3. N/A</b> <b>4. N/A</b> <b>5. N/A</b> <b>6. N/A</b>
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