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# The Visa Procedure

## from a German perspective

Dr. David Rabenschlag, Berlin, 8 September 2022



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# Fundamentals

Who is required a visa?

What kind of visa?

- Schengen (short term)
- National (long term)

Where and when to apply?

- German embassies and consulates (§ 71 p. 2 RA)
- Prior to entering Germany
- Involvement (subpoena) of the local foreigners authorities in the visa procedure



# AEAJ Application process

Application by e-mail, fax, regular mail ...?

Booking an appointment and  
application in person

Online:

- <https://videx.diplo.de/videx/desktop/index.html#start>
- <https://digital.diplo.de/>

Assistance by third parties

- Service providers
- IOM's Family Assistance Programme



2021

287.614	short stay visas
304.773	national visas
92.772	visa applications rejected



2021

Family reunification

9.891 visa (joining refugees)

5.958 visa (joining bsp)

Long waiting times (Beirut, Islamabad: 1 year)



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# Remedies / Court

„Remonstrations“ at the German mission

Administrative Court of Berlin (first instance)

17.597 cases in total (2021)

4.121 immigration cases including visa cases

2.814 visa cases

12.6 months: lawsuit in visa cases

1.4 months: interim order in visa cases



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# Specific questions

## Application within the Schengen area



service2.diplo.de/rktermin/extern/choose\_category.do?locationCode=athe&realmId=939&categoryId=1875&request\_locale=en



Auswärtiges Amt



### Appointment-System of the German Foreign Office — Athen

[Return](#)

#### **Waiting list for an appointment: Family reunion to foreigners (beneficiaries of subsidiary protection excluded) ραντεβού: Οικογενειακή επανένωση με αλλοδαπούς (εκτός των δικαιούχων επικουρικής προστασίας)**

*Here you may register for an appointment if you wish to apply for a family reunion visa and your family member in Germany is neither a German or any other EU member state citizen and*

- *he/she has a residence permit on other than humanitarian grounds (for example work) or*
- *he/she has been recognized by the BAMF as beneficiary of asylum, as refugee or granted protection from deportation. As long as the BAMF has not decided the application for asylum of your family member for. ATTENTION: For family reunion visa to beneficiaries of Subsidiary Protection, please register [here](#).*



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# Specific questions

## Clarified Identity ≠ directive 2003/86/EC ?

### Section 5

#### General prerequisites for granting residence titles

(1) As a rule, a residence title is granted subject to the following conditions:

1. the foreigner's subsistence is secure;
- 1a. the foreigner's identity, and if he or she is not entitled to return to another state, nationality are established,
2. there is no public interest in expelling the foreigner,

(OVG Berlin-Brandenburg, OVG 3 N 34/21, 5 July 2022)





# AEAJ Specific questions

CJEU, judgments of 1 August 2022

jc C-273/20 and C-355/20

(parents  minor child in Germany)

C-279/20

(minor child  parent in Germany)



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# Thank you!



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Further information:

[https://www.auswaertiges-amt.de/en/visa-service/-/215870#content\\_10](https://www.auswaertiges-amt.de/en/visa-service/-/215870#content_10)

<https://dserver.bundestag.de/btd/20/028/2002842.pdf>

(German Parliament, BT-Drs. 20/2842 of 20 July 2022)