



AD HOC QUERY ON 2021.53 Tourist groups from the People's Republic of China holding the ADS visa

Requested by EMN NCP Czech Republic on 19 August 2021

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden (22 in Total)

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1. Background information

As we are currently revising some of our internal practices at the external borders, we have also come across the procedure used by our border guards regarding tourist groups from the People's Republic of China holding the ADS visa issued in accordance with the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China, on visa and related issues concerning tourist groups from the People's Republic of China (ADS).

According to the text of the Memorandum: "Participants in Chinese tourist groups shall enter and leave the territory of the Community as a group. " The Practical Handbook for Border Guards then stipulates that the ADS tourists „enter and leave the territory of the Union as a group“. To be able to check this

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condition, the members of such a group are checked against the list when entering and leaving the Czech Republic. The lists of the group members are presented by the group leaders at the external borders.

Intending to find the best practice, the Czech Republic would like to call on the Member States with several queries concerning tourist groups from the People's Republic of China (ADS):

2. Questions

- 1. What is the procedure used by your border guards at the external borders to check that the ADS tourists „enter and leave the territory of the Union as a group“, as stipulated by the Practical Handbook for Border Guards (C(2019) 7131 final)?**
- 2. Do your MS consider that collecting information about ADS tourists at the national level in accordance with Article 5, paragraph 2 of the Memorandum (e.g. lists, immigration control records) provides any added value?**
- 3. Do you exchange information about the ADS tourist groups with Member States issuing the ADS visa or other Member States (e.g. list of persons entering or leaving the Schengen/EU area)?**
- 4. What is your experience with the ADS tourist groups at the external border when carrying out the border checks (e.g. team leader cooperation, ADS tourists approaching border control as a group or spread out and undergoing the control individually)?**

We would very much appreciate your responses by **4 October 2021**.



3. Responses

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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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
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		Wider Dissemination ²	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Belgium	Yes	<ol style="list-style-type: none"> 1. Border check against third-country nationals are carried out in accordance with the Schengen Borders Code and in accordance with national legislation. In the past years the Belgian border police didn't encounter problems with Chinese tourist groups. 2. No 3. No 4. The border check of the members of the Chinese tourists happens individually but together with the travel guide in order to counter language problems.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."




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	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The officials of DG Border Police in Bulgaria do not have practical experience in conducting border checks on tourist groups from the People's Republic of China holding ADS visas and do not have practical experience with ADS visas in general. 2. 3. 4.
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Border check against third-country nationals is carried out in accordance with the Schengen Borders Code and in accordance with national legislation. Crossing the state border, ie entering and leaving the country is recorded in the National Border Management Information System, in which way it is visible whether all persons who entered the Republic of Croatia left the territory of the Republic of Croatia. 2. Yes 3. The Croatian Border Police does not exchange such data with the competent authorities of other Member States. 4. Passengers who are holders of the mentioned visas, upon arrival at the border crossing, individually approach the border check and the procedure of border check is performed over each passenger individually.




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	<p>EMN NCP Cyprus</p>	<p>No</p>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. When entering the territory of the Czech Republic, the list of the ADS tourist group members is required from the group leader. Such list is then used for entry checks and again when the group leaves the territory of the Czech Republic. 2. We are currently considering to use this information under the circumstances stipulated in the above mentioned Article of the Memorandum. 3. We do not; thus we don't have complete information about ADS tourist groups when entering or leaving the Schengen area via external borders of other MSs. 4. In order to check the ADS group lists, the group leader should ideally contact the border guards and assemble the members of the group to be checked at the external border. In practice, however, the group is in most cases not compact, the border guards must gather its members and identify its leader by themselves. This procedure can be very demanding.
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. As usual, the checking procedures are carried out on groups of ADS tourists. If necessary, the Police and Border Guard Board may ask some additional clarifying questions and control the circumstances. 2. Yes, according to the Police and Border Guard Board answer, it might have added value to combat and tackle irregular migration.


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			<p>3. No, we do not exchange such information.</p> <p>4. We do not have experiences, as in practice we don't have such tourist groups.</p>
	EMN NCP Finland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP France	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Germany	Yes	<p>1. Regarding group tours, a simplified process is stipulated insofar as they are conducted based on an agreement between the EC and the governmental tourist administration agency of the People's Republic of China on visa for tourist groups from the People's Republic of China and thereby interrelated questions (ADS). It allows the individual applicant to not have to submit his/her application at the German diplomatic mission in person anymore.</p> <p>Both the German diplomatic mission and the German general consulates confer the respective visa according to the so-called Schengen provisions. The visa are conferred within the aforementioned framework only for those group tours of Chinese citizens, who visit beside Germany at best states that have established arrangements with approved destination status (ADS).</p> <p>Similarly to the provisions of the Sino-German MoU, the diplomatic missions of Schengen states confer visa annotating "ADS" in the respective form region. Visa are conferred</p>


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			<p>according to the general legal provisions relating to the issue of visas as single visa with a validity period of up to 30 days.</p> <p>Travel groups have to enter and to leave en bloc. Likewise, in the Union/Community territory, travel is organised according to a preassigned travel program. This has to be ensured by the tourist guide of the Chinese travel agency, who must carry copies of all tickets and passports throughout the entire stay. Although possible, yet not mandatory, is to accompany the travel group by a tourist guide from a EU Member States' partner agency. Upon leaving EU territory, a reconciliation of lists takes place with those persons who leave. Persons who are not leaving, are recorded in the search facility system.</p> <p>2. The German Federal Police already conducts reconciliation of lists on a case-by-case basis. These lists are not stored in the German Federal Police's data management systems due to reasons of data protection. What such a reconciliation/interchange of lists can not prevent, however, is unauthorized offence of travellers from the travel group. Should such a case occur, registration in search facility systems (national and European) would be feasible at least.</p> <p>3. No, institutional exchange does not occur.</p> <p>4. Arrivals and departures of ADS tourists take place according to the procedure which was described above under question 1.</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. The normal checking procedures is carried out on groups of ADS tourists. Checks may also include the verification of the ADS status as stipulated by the Practical Handbook for Border Guards.</p>



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			<p>2. Yes. In principal any action related to the collection of data and the facilitation of the return of illegal migrants has an added value.</p> <p>3. NO</p> <p>4. ADS tourists undergo individual border control</p>
	EMN NCP Hungary	Yes	<p>1. In all cases, the Police shall carry out checks on Chinese citizens holding ADS visa entering and leaving the Schengen external border of Hungary on the basis of the Commission Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by the competent authorities of the Member States for the control of persons at the borders.</p> <p>2. -</p> <p>3. -</p> <p>4. Regarding the air border, no ADS group has entered in the last two years due to the coronavirus pandemic. With regard to land border crossings, given the low number of ADS tourist arrivals in the recent period, there is no information available on the practical implementation and control experience. On the other hand the competent authorities reported that they have not experienced of any problems with border crossings.</p>



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	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. ADS tourists are subject to lighter entry checks than Chinese citizens with individual tourist visas. However, the checks are carried out for each member of the group and the border guards also check that the names on the list correspond to the persons present. At the exit the border guards check that all the people who have previously entered are actually in the departing group</p> <p>2. Yes, they can provide added value but it is represented that this is a small phenomenon. The two main domestic airports with connections to China, Fiumicino and Malpensa, report very limited cases of ADS groups</p> <p>3. No</p> <p>4. Normally, the person in charge is very cooperative in keeping the group together, but sometimes some members risk leaving involuntarily. Whenever possible, depending on the situation of the queues at the cabins, the Border Police dedicates an ad hoc lane to groups in order to avoid dispersions.</p>
	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. The State Border Guard does not have practical experience of work with China tourist groups (ADS tourists). During the border procedure with regard to a group of ADS tourists will be applied an ordinary procedure of border checks (documents, visa checks, as well as purpose of entry and checks on circumstances etc.) and in accordance with of the Schengen Handbook Part 5 "Special rules for checks on certain categories of persons" point 5.9 it must be ascertained that „ADS tourists” have a group leader who is obliged to ensure that the tourists will enter and leave the territory of the EU as a group.</p>



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			<p>2. Each case shall be assessed individually. Possibly can arise a new type of migration, risk profile and etc.</p> <p>3. No.</p> <p>4. The State Border Guard does not have practical experience of work with China tourist groups (ADS tourists).</p>
	EMN NCP Lithuania	Yes	<p>1. There have been no ADS tourist groups entering Lithuania. If such a group arrived, officials would check each member individually. Collectively, only the terms of arrival would be evaluated in accordance with the purpose of the visit stated in the visa.</p> <p>2. NA</p> <p>3. NA</p> <p>4. Lithuania does not have any experience in this area.</p>
	EMN NCP Luxembourg	Yes	<p>1. Luxembourg has only one external border which is the international airport of Luxembourg. Seeing that there are not direct passenger flights from China to Luxembourg, Luxembourg is neither considered as a main destination country in the EU nor as the first country of destination. However, in case that the Border Guard (Grand ducal police, Central Unit of the Police at the Airport) would have to deal with a group of ADS tourists, they will proceed with the</p>


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			<p>normal checking procedures with all the ADS tourists in order to verify if they fulfil the entry conditions in the territory of Schengen area. Checks may also include the verification of the ADS status, which should, in any case, be indicated in the visa sticker. Also the tour leader must be submitted to the normal checking procedures which include the verification of its status of tour leader. Supporting documents, proving the ADS and tour leader status, may also be requested by the border guard.</p> <p>2. Yes. A comparison with entry lists would be useful to ensure that people who entered the country also left.</p> <p>3. NO.</p> <p>4. Normally ADS are checked as a group with the team leader cooperation.</p>
	EMN NCP Netherlands	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Poland	Yes	1. There is no special procedure for this kind of visa holder. The verification is similar as other kind of tourist visa holders (checking ins IT systems, verification of documents concerning the purpose of travel). Additionally during control it is checked whether the person really travels within the group and there is a tour leader with them. There is no special procedure for this kind of visa holder. The verification is similar as other kind of tourist visa holders (checking ins IT systems, verification of documents concerning the




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			<p>purpose of travel). Additionally during control it is checked whether the person really travels within the group and there is a tour leader with them.</p> <p>2. We find collecting information about ADS tourists at national level (i.e. lists, immigration control records) as an added value from the security point of view. However we would like to point out that due to the prolonged, worldwide COVID-19 crisis resulting in a lack of tourist travels from China to Poland, we do not receive any ADS visa applications right now. This situation most likely is going to continue and in our view it is difficult to anticipate whether or not China will ever come back to the ADS visas path.</p> <p>3. According to information obtained from the Border Guard, Poland does not collect information on ADS tourist groups and do not exchange it with other Member States. However, according to information obtained from the Ministry of Foreign Affairs, Poland exchange such information within the Local Schengen Cooperation (LSC) in China.</p> <p>4. The border control is realised individually. During border control the factual number of persons is established and the tour leader identified.</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. The Slovak Republic had so far, no case of entry of Chinese nationals (as a group) with ADS visa via external border. In this regard we are not able to answer the following questions.</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p>

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	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Border checks are done in accordance with the Schengen Borders Code (check of valid document, valid visa, etc...). 2. Slovenia does not have any experience regarding cases described in Article 5, paragraph 2 of the Memorandum. 3. If needed Slovenian Ministry of Foreign Affairs is informed. 4. Experience with ADS tourist groups are positive.
	<p>EMN NCP Spain</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. We regret to inform that we currently have no information available on these issues. 2. 3. 4.
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The control is carried out in accordance with Schengen Borders Code article 6. The tour leader is available both upon entry and exit, providing the border guard with a detailed travel plan and a list of the members of the tourist group. The tour leader is also available for further inquiries throughout the individual controls. The border procedure also works well when there are several ADS tourist groups arriving at the same time.

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			<p>2. Collecting information as listed in the Memorandum Article 4, 3a, might be useful when determining if the requirements have been met in accordance with the Schengen Visa Code.</p> <p>3. No, no information is exchanged with other Member States.</p> <p>4. Sweden only has good experience with border checks with the ADS tourist groups. The tour leaders provide the information required. In cases where large number of ADS tourists arrive at the same time, communication takes place between the border team leader and the airport duty officers in order to facilitate the border control.</p>
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