



•ALERT•

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# ETIAS: the new “easy screening” mechanism to access the schengen area

**Thanks to the new tool, it will be possible to monitor who enters the EU: a fully electronic system that tracks visitors from countries that do not require a visa to enter the Schengen area**

ETIAS is a pre-travel authorization system for visa-exempt travelers entering the **Schengen area**.

Initially proposed in 2016 and intended to become effective in May 2023, in August 2022 the EU Commission decided to push its entrance into force back 6 months in order to have more time for trial runs and adjustments. As of now, therefore, the ETIAS system is expected to start working from **November 2023**.

Its key function is to verify if a third country national meets entry requirements before travelling to the Schengen area for stays shorter than 90 days every 180.

Established by **EU Regulations 2018/1240** and **2018/1241**, the system will avail the citizens of 63 non-EU, visa-exempt countries, to submit online information to enable the assessments of irregular immigration risks and security and public health risks even before their arrival at the borders. The system is thought both as a way to save time to travelers and complement EU's policies on visa liberalization, on the one hand, and as an enforcement of the EU internal security on the other.

In two main ways the ETIAS will improve EU's security: it should **guarantee the possibility to identify beforehand**



people who might pose a security risk (by checking the information uploaded against EU and relevant Interpol databases) on the one hand, while on the other it will **make available to law enforcements all over the Schengen Area** information needed to contrast terrorist and serious criminal threats, by evaluating each applicant against different databases, EU's and not, like the Interpol, other than its own rules and watchlist.

## HOW IT WORKS

Similar, in more than one characteristic, to the USA's ESTA, when the system will be operational, through the **website or the ETIAS mobile application**, each citizen of a non-EU visa-exempted countries will be able to submit an application, which cost will be EUR 7,00 (but applicants younger than 18 or older than 70 are exempted from paying the fee). To apply, the following information and/or documentation is needed:

- a travel document to which potentially a visa may be affixed;
- applicant's personal information including name(s), surname, date and place of birth, nationality, home address, parents' first names, email address and phone number;
- details about the applicant's level of education and current occupation;
- details about the applicant's intended travel dates and stay in any of the countries requiring ETIAS;

- details about any criminal convictions, any past travels to war or conflict zones, and whether the applicant has recently been subject to a decision requiring them to leave the territory of any country;
- declaration of correctness of the data submitted.

Most applications will be processed within minutes, but a normal decision should be rendered within 4 days from its submission. The period can be extended up to 14 days if additional information is requested, or 30 days if an interview is required. Apply for an ETIAS travel authorization well in advance of the planned journey is therefore the better course of action.

In case of **positive outcome**, applicants will receive a travel authorization that is valid for 3 years, or for the remaining validity of the travel document used (if lower). Instead, in **case of refusal**, duly motivated, there will always be the possibility to file an appeal. Even when granted, the ETIAS can be revoked, if the necessary conditions are not met anymore, or annulled, if there is proof, or strong suspicion, of fraudulent obtainment.

Nevertheless, in case an applicant received a previous refusal, revocation or annulment, or reasonable sureness of refusal, and has certifiable special needs (humanitarian reasons or fulfilment of important obligations), such applicant may apply for and receive a short-term ("Limited validity") ETIAS which, in this case, will be valid only for the countries requested and for a length discretionally set by the conceding country.

*LCA Immigration Team is available for further clarification on the matter and will keep you update about the entry into force of the ETIAS system.*

#### CONTACTS

#### Team Immigration

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