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Visas

Factsheet 5

Visas: Don't Wait Until It's Too Late!

An Interview with Lauren Kitchen and FAQs on visas

Get organised, get advice, get a visa – before you travel!

Coming to Europe from abroad

Lauren Kitchen is a recently retired professional cyclist from Australia. She first came to Europe with the Australian Institute of Sport in her late teens. Lauren spent 10 years living and working in Europe as a professional athlete until her retirement in May 2021.

As an Australian, Lauren is a “third-country national” in Europe. In other words, she is not a citizen of a European country. To stay in Europe legally, Lauren needs permission via a visa or a visa exemption.

Watch our video interview with Lauren to find out more about her experience and key tips for living and working legally in Europe.

[WATCH VIDEO](#)

What is a visa?

A visa is an authorisation from a country for a person to stay ('reside') legally in that country.

What happens if you do not have the correct visa?

You are illegally residing in that country. It is often a criminal offence. If you are illegally in a European country, the following penalties are all possible:

- (1) A fine of up to €43,000
- (2) Criminal prosecution and imprisonment up to 5 years
- (3) Deportation
- (4) Future visa denial
- (5) A ban on future entry to the country of up to 20 years

If you are not legally resident, you will also be unable to access important services like health care. For example, many cyclists who have illegally overstayed in Europe have been unable to get a Covid-19 vaccine.

You WILL get caught!

The European Union is in the process of implementing an EU-wide border control, called the electronic Entry Exit System (EES). It will register all travellers from non-EU countries each time they cross an EU external border. The EES will gather all your key data, including your name, travel document, biometric data (fingerprints and facial image); the date and place of entry or exit will all be registered and shared across the borders of the EU.

It is therefore essential to apply for a visa if you require one. If you do not, you will be found out!

BASIC FACTS ABOUT RESIDING IN EUROPE

In Europe, there are two important concepts. One is “free movement” and the other is “Schengen”.

- Free movement means that all EU citizens can travel, work and live in an EU country without needing a visa.
- The “Schengen Agreement” is an agreement signed by 26 countries in Europe. It allows for free movement without border checks in these 26 countries (“The Schengen Area”) for
 - EU citizens; and
 - non-EU citizens who legally resident in the EU.

There are 26 countries in the Schengen Area:

Austria	Belgium	Czech Republic
Denmark	Estonia	Finland
France	Germany	GreeceHungary
Iceland	Italy	Latvia
Liechtenstein	Lithuania	Luxembourg
Malta	Netherlands	NorwayPoland
Portugal	Slovakia	Slovenia
Spain	Sweden	Switzerland

Any person who is not an EU citizen is a third-country national, and they are NOT entitled to the right to free movement. For any third-country national, you need a visa or a visa exemption to stay in **any of the countries listed above**.

PART ONE: THE SHORT-STAY VISA I.E. COMMON SCHENGEN VISA: 90 DAYS IN 180

- For short stays, there is a common 90-day (3 months) Schengen Visa Policy. This visa allows you to stay of 90 days within a period of 180 days.
- Nationals from some third countries are exempt from the requirements for a Schengen Visa. This list includes Australia, Canada, USA, Mexico and New

Zealand. This means that a citizen can arrive in Europe and stay for up to 90 days without applying for a Schengen visa.

- Many countries still require Schengen Visa, for example, citizens of South Africa and Russia.

How does the 90 day Schengen Visa work?

90 days in 180 days is rolling. Therefore, anytime you wish to enter the Schengen, you just have to count backwards the last 180 days, and make sure that you have not been present in the Schengen area for more than 90 days throughout that 180-day period.

PART TWO: STAYING MORE THAN 90 DAYS

Any rider who is not a European Union citizen requires a visa to stay in Europe for more than 90 days in 180 days. If you are in this situation, you will need to apply for a specific visa in the country where you want to reside.

What do you do?

- Each country will have its own visa policy. It's up to you to find out what visa you need.
- Speak to your team about this when you are talking about your contract. Most cycling teams will have dealt with this question before. Some teams will support riders through this process, while others will expect riders to organise it themselves.
- For example, France has a 'Talent Visa' for people who can prove that they have a national or international reputation in sport. If you are employed by a French cycling team, the team is obliged to help you with your application for the visa. This exact visa is unique to France; it does not exist in other countries.

What information can help you to work out which visa is right for you?

- Which country do you aim to reside in?
- How long do you need to stay?
- Will you be working?
- Will you be employed or self-employed?
- How much is your income?

Where do you apply for a visa?

- Generally, an application for a visa needs to be made in your home country, before you fly. This is important to note!
- Visa applications are usually made at the consulate/embassy of the destination country.
- For example, when an Australian rider applies for a French visa, she must make the application in Australia at a VFS Global Centre or at the Consulate General of France in Sydney.

How much time do you need between your visa appointment and your travel date?

More time is always better! For example, the French consulate in Australia recommends that your appointment for a long-stay visa needs to be at least, a minimum of 3 weeks before your arrival and ideally **up to 3 months before your arrival** in France.

What do you usually need to provide with a visa application?

- The purpose for your application/ stay
- Evidence for accommodation or that you have sufficient means to cover accommodation
- Evidence of sufficient means of subsistence while you will be in the country i.e. bank statements or employment contract with salary
- Proof of adequate and valid travel medical insurance
- Valid travel documentation i.e. your passport, valid for at least 3 months after your intended date of departure (e.g. if you want to stay in Spain until October 2022, your passport is valid until at least January 2023).

Where can you find out more?

- The consulate /embassy for your destination
- Official government immigration websites
- The Cyclists' Alliance legal team
- Your future/current cycling team

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If you have a concern with or dispute under **an existing contract** please contact the TCA info@cyclistsalliance.org