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PRESS RELEASE

**CONCERN WITH CONDITIONS BY VISA PROCESSING AGENTS OF EMBASSIES
AGAINST CONSUMERS OF VISA SERVICES**

The COMESA Competition Commission (the “Commission”) is a body corporate established under Article 6 of the COMESA Competition Regulations (“the Regulations”), with a mandate to, among others: enforce the Regulations, promote competition and protect consumers against offensive conduct by market actors within the Common Market.

The Commission has established with concern that some agents of the embassies and diplomatic missions in Member States impose stringent conditions to visa applicants, including but not limited to the following:

- a) Holding passports of the applicants for considerably long periods, sometimes up to 45 days, thereby curtailing movements of the applicants to other countries;
- b) Processing the visa in longer period than the time indicated on the visa forms and at times going beyond the expected time of travel thereby causing applicants to miss out on planned activities;
- c) Scheduling appointments for visa applicants to the dates that are so close to or past the time of travel; and
- d) Asking applicants to pay visa fees as high as US\$ 179 before allowing them access to select dates for interviews which may not be available before their travel dates.

The Commission has established that the agents charge visa applicants a payment for visa administrative fees, courier of passports and commission for the agents. While the administrative fees may be considered as the cost for the service rendered by the Embassies, the service of processing visa application by agents for which they receive a commission and money for the courier of passports is purely an economic activity that is conducted as a business with the objective of making profits and must therefore comply with the Regulations. Consequently, the agents are considered as undertakings for purposes of the COMESA Competition Regulations and Rules.

The Commission wishes to alert the public that the scope of the Regulations as provided for under Article 3, covers all economic activities whether by private or public persons, within or having an effect within the Common Market and conduct that has an appreciable effect on trade between Member States. The Regulations are also concerned with

enhancing the welfare of consumers in the Common Market and to protect consumers against offensive conduct by market actors. In this regard, the visa processing companies acting on behalf of the embassies and diplomatic missions accredited to COMESA do undertake economic activities in the Common Market and must therefore comply with the Regulations.

Furthermore, part 5 of the Regulations mandates the Commission to monitor and investigate unfair business practices against consumers with regard to false or misleading representation, (Article 27) and unconscionable conduct (Articles 28 and 29), among other prohibited practices. The Commission therefore notes that the conduct of the agents highlighted above, may be regarded as misleading or unconscionable and a possible violation of Articles 27, 28 and 29 of the Regulations.

The Commission wishes also to advocate to the embassies and diplomatic missions to review the practices by their respective service providers considering that the conditions highlighted above in addition to violating the Regulations, have an effect of increasing the costs for securing a visa, and thereby making travel very expensive which ultimately erodes the welfare of consumers.

Should you require more information or concerns on the matter, you may contact the undersigned on +265 1 772 466, mdisasa@comesa.int or Mr. Steven Kamukama, Manager Consumer Welfare and Advocacy Division on skamukama@comesa.int. Affected and concerned consumers may also contact their national competition and consumer agencies or relevant government institutions to present their grievances if they are legitimately affected by any of the conduct listed above.



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