

# **A research to the construction of a measurement tool for European visa policy**

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**Chapter 1: Introduction**

The European Border-regime is a popular subject for criticism in academic literature. The former decentralized border-regimes of Europe have largely merged into what we now know as the Schengen-area, a visa-free travel zone. A development which has been proven to be beneficial for member-states instance in terms of trade (Davis & Gift, 2014). However, some scientists (Mau, Czaik, Gulzhau, Haas, Neumayer, van Houtum) claim that along with the disappearance of internal border controls came an intensified focus on the area's external borders. Making the Schengen-area into what some call "Fortress Europe" [ CITATION Sme91 \l 1043 ] or "something that much resembles a gated community" [ CITATION Van07 \l 1043 ]. Bearing in mind that an increase in cross-border migration is associated with an increase in foreign direct investment (Javorcik, 2011) and cross-border financial flows (Kugler et al., 2013), excluding other states might be worrisome. This rings especially true when the exclusion is targeted at a specific group of countries, and the selective permeability of the EU-border seems to be doing so.

The showpiece of critics is the European visa-Regulation -formerly named-Black List (Annex I) and White List (Annex II), showcasing countries from which nationals can either enter the Schengen-area with or without the need of a visa-waiver (Van Houtum, 2010; Hijer, 2018). Most notably, a large amount of 'poorer countries' are listed on Annex I and OECD countries predominantly end up on Annex II. It is for this reason the European Visa-regime is under scrutiny. It shows an apparent preference for rich, white and Christian countries (Hijer, 2018) and an aversion to poorer and Muslim countries (Van Houtum, 2010). The only formal explanation given for the method of sifting is that "*the visa requirement should be made on the basis of a considered, case-by-case assessment of a variety of criteria.*" (EURlex 2018/1806). It is this lack of transparency and also the imminent infringement of several statutes of the Universal Human Rights Declaration (Neumayer, 2005), which makes the EU Visa-regime worth investigating. It appears as though the visa-regimes and its asymmetrical outcomes are a virgin subject in academic literature (Whyte, 2008). There still is much improvement to be made in the measurement tools of external visa-policies. Which is why in this thesis, the aim is to answer the following question; What are the current tools to measure the external visa-policies of the Schengen Area and how can they be improved?

Luckily, several studies have already put the EU Visa-regime under scrutiny, in an attempt to shed some light on the supposed dichotomous trend. It is through a small selection of these studies that this thesis tries to achieve a better understanding of the subject. It does so by exploring the literature revolving the subject, starting with the creation of the European borderlessness, the benefits it has reaped from it, but also the increasing emphasis on the external border of the borderlessness zone. It then focuses on the bifurcating visa-policies and which uses they serve. It then moves on to the actual groundwork; reviewing the measuring methods that put the visa-

regimes to the test; this will be done so by firstly thoroughly summarizing each of them and weighing them on their strengths and weaknesses.

The thesis' primary focus is on the Visa-regime deployed by the EU. However, because the Visa-regime is a subject which is in itself connected to the entirety of the world, it seems beneficial to also view research covering entities of which the EU is a part. The first research reviewed in this thesis -the Henley & Partners Passport Index- is a global passport ranking, covering the visa-free travel destinations of each passport. Secondly, we look at the Mau et al. 2017 research on the global mobility divide over time. It emphasises the OECD-countries and tries to expose the global changes that have occurred in visa-policies since the 1970s. Finally, we review Hobolth's first paper in his research on the Schengen visa policy. In his first paper, Hobolth tries to explain the variation of openness of the EU's external border.

Conclusively, an overall analysis of the three methods will be made and applied to the main research question.

## Chapter 2: Theoretical Framework

In this chapter, the thesis will explore the existing theory concerning the EU's border policies. Starting with a brief history of the Schengen Area and the contemporary discourses, the thesis will try to get insight into how the Schengen Area as it is today has come to be. Next, it will discuss the much-contested Annex I and Annex II lists of the EU -the EU blacklist and whitelist for enabling visa-free travel- by going through how it was created and how it is maintained.

Following this, the thesis will set out possible factors contributing to a possible black- or whitelisting of a country. Finally, it will discuss the bifurcation of visa-policy and the introduction of the global mobility divide.

### **--Concerning the Schengen Area--**

The Schengen Area now borrows most of EU states (figure 1), with other candidate-countries making efforts adopting the EU *acquis* to join (Jilena, 2002). Herein showing -to some scholars (Van Houtum, 2010; Jilena, 2002; Zielonka, 2001)- the will of the EU to share their self-perceived superiority with the surrounding neighbours they perceive as "the barbarians" (Van Houtum, 2010).

However, when the Schengen Area first came into existence, it harboured only a handful of states, and it had no such intentions[ CITATION sch19 \l 1043 ]. It was in 1985 June 14th that the heads of the states and governments of The Netherlands, Germany, Belgium, Luxembourg and France met in Schengen, a small town in Luxembourg. Here they signed an agreement to abolish internal border controls; the Schengen Agreement (Schengen I). It was this agreement that meant a breakthrough for Visa-free travel in the Schengen zone

[ CITATION sch19 \l 1043 ]. Since then only more countries have joined the Schengen Area, with the total area now consisting of 26 countries [ CITATION sch19 \l 1043 ].

The disappearance of border controls has proved very beneficial for the countries taking part in it [ CITATION Ade15 \l 1043 ]. The effects are especially noticeable in the border regions: "*In border regions, Schengen thus helps to connect national labour markets and helps smooth income differences at national borders of participating countries. As a consequence, both workers and firms in border regions benefit.*" [ CITATION Ade15 \l 1043 ].

Another research, a very detailed scientific study of the effect that the Schengen Agreement has on trade, one executed by Davis and Gift (2014), shows that Member Countries of the Schengen Agreement are more closely linked trading partners than before. Davis and Gift argue that this is because opening borders increases labour mobility. Which, in turn, can create demand for foreign goods, help spread information about possible foreign trading partners and lower the risk of doing business abroad. Along with other research such as Javorcik's (2011) research -where she shows that cross-border migration has a positive effect on foreign investment- and the study of Kugler et al. (2013) -indicating it may also stimulate an increase in cross-border financial flows- Davis and Gift show a direct positive connection between open borders and growth in trade.

Not only in terms of trade has the abolishment of the internal borders in the Schengen Area proved beneficial, but also in other areas is the 'borderlessness' of Europe appreciated by its inhabitants. The Eurobarometer - a semi-annually survey on a wide range of topics, measuring the European opinion by sampling 1000 votes from each country- shows, for instance, the extent to which Europeans appreciate their freedom of movement. Another research even shows that cross-border movement may help decrease Euroscepticism by increasing an individual's attachment to Europe and aid to the institutionalization of the "European identity"(Kuhn, 2011). Opening borders, or at the least, the removal of border controls, clearly has a multitude of effects which are beneficial for Europe, be it trade, freedom of movement for its citizens or the generating of support for the institution. Why then, does the European Union implement a blacklist (Annex I) listing countries to which the member states must impose visa-restrictions?

### **--The Annex I & Annex II--**

The Schengen Agreement of 1985 was not the only document signed. In June 1990, the heads of the states met again to sign the Schengen Convention (Schengen II) [ CITATION sch19 \l 1043 ]. It confirms the abolition of internal border controls, but also contains the accompanying measures which make up the much-criticized Border Regime;

- *surveillance of external frontiers;*
- *harmonization of visa policies;*
- *[...]*
- *the Schengen Information System (SIS).*

[ CITATION pre19 \l 1043 ]

It shows that with the abolition of internal border controls, the need was felt for extra emphasis on external border controls [ CITATION Hou10 \l 1043 ], especially as more countries joined the Schengen Agreement. Since then, there have been continuous workings at the Border Regime, tightening the external border of the Schengen Area [ CITATION Hou10 \l 1043 ]. The amplest of examples; The Visa List Regulation (Reg. 539/2001). This document comprises the Annex I and Annex II, or in other words which nationals from which countries require a visa when travelling through the Schengen Area. When the already participating Member States discussed the harmonization of the visa policies in the late 1980s and early 1990s, they agreed to put all third countries whose nationals were subjected to visa-requirement in all of the Member States, on Annex I (Hijer, 2018). This list consisted of 73 countries in 1993. Only nationals from third countries whose nationals were exempt from visa-requirements from all Member States (19 in total), were put on Annex II; the White List. The remainder of the countries, countries whose nationals were subjected to visa-requirements in at least one but not in all Member States were later for the most part also added to the Black List, with some exceptions for countries with former colonial ties (Hijer, 2018). This led to the extension of Annex I from 73 countries in 1993 to 103 countries in 1995 and to the 132 countries in 2001 which to this day make up the European Black List (Neumayer, 2005). Neumayer points out that "*Enhanced freedom of movement for insiders was achieved at the expense of decreased mobility for certain outsiders [...]*".

The reasoning behind the decisions that impact so many people were never made public. Moreover, even though it seems a large portion of the Visa List Regulation seems to be inherited, they remain mostly undisputed (Hijer, 2018).

## **Driving Factors**

So why do Member States to this day emphasize the external border of the EU? Van Houtum (2010) states that when desiring to understand the importance of a border for an entity, we must look at the transformational process of the border and from where it stems. It is what he calls 'the bordering'. Van Houtum explains the process of bordering and distinguishes three very closely related concepts; bordering, ordering and othering.

To border, Van Houtum explains, must not be seen as a tacit thing, but as an iterative process. It is the demarcation of the form, size and sovereignty of an entity. It is the defining of a spatial container in which the identity and world view of an entity may take form, which will in return reflect on its border: is the spatial container still a reflection of the entity? The ordering, he explains, is the building of a culture. Practices deemed misfits are purged, and practices in line with the aspired identity are encouraged. The ordering, according to Van Houtum, is the re-coding of an entity, into an accepted form. The last of the three, othering, is the production of the differences. It is where natives come into existence, and the immigrant becomes a threat to the existing order. Othering is where terms such as GDP, ethnicity, religion, health and state form come into play. (Van Houtum, 2010)

Neumayer (2005) touches on this subject by stating that the right to exert border-control has "*historically been viewed as inherent in the very nature of sovereignty*" (Collinson, 1996), thus corresponding with Van Houtum's bordering theory.

As one of his main reasons for wanting to keep out, Neumayer (2005) -and so do many others (Mau et al., V. Houtum, Ademmer et al., Hobolth)- poses the fear of visitors overstaying their visas and turning into immigrants. As it turns out, a mere 20% of the illegal immigrants cross the border illegally. The most abundant group by far of illegal immigrants applies for a Visa and travel the conventional route. Ironically, this makes the Visa-regime a very eligible candidate for controlling and deterring immigration, it is quoted by Neumayer as "the first line of defence" (Torpey, 2000).

But why is immigration so feared by receiving nations? Van Houtum earlier touched the subject of bordering, ordering and othering, and Kuhn annotated that the borderlessness within the Schengen Area may be contributing to a 'European Identity'. It may be precisely that which is feared; erosion of the Western Identity and the Nation as its container. As Ademmer et al., pose it; it may be the very borderlessness within that creates the image of the dystopia -that which is feared- of the outside.

A different sound to the general scholarly consensus; M. Heijer, in his paper "Visas and Non-discrimination" comes to a less critical conclusion about the visa-regime, compared to the general scholarly consensus. Heijer states: "The EU has developed a system of review that is based [...] on non-discriminatory benchmarks and objective data and statistics. [...] it displays neither direct nor indirect signs of discrimination.". He is, however, not very clear on the specific benchmarks, data and statistics he is mentioning. The existing much-discussed Annex I and -II lists and the notable uneven distribution of visa-free mobility among countries of certain religious and racial groups, still ask for illuminating.

According to Neumayer, states use visa-policies in order to encourage economic and political interests, but also to control immigration and endorse security. Neumayer sets out, a clear divide of a number of possible motivations. From this the following motivations for posing visa-restrictions are summarized; fear of visa-overstayers, fear of individuals posing a threat to the nations 'order'; criminals/persons suffering from infectious disease/politically insubordinate/terrorists. Following other literature (Whyte, 2008; Mau et al., 2017; Van Houtum, 2010; Hobolth, 2014; Urry, 1990) the fear of the poor is added to that list.

Neumayer also gives several possible reasons to exempt countries from visa-restrictions; trade-interest, attracting foreign investment, attracting tourism, facilitating scientific- and business contacts and making a political statement of trust -i.e. within regional blocs (Czaika, Haas & Villares-Valera, 2018).

### **--Implications of Visa inequalities--**

What the bifurcation of visa-policies leads to, is a profoundly unequal divide of visa-freedom across the globe.(Mau et al., 2017). Scholars speak of a Global North and - South (Van Houtum, 2005:2010; Shumate & Dewitt, 2008; Mau et al., 2017), in which countries from mainly Africa and Asia do not share in the visa-freedom offered to others (figure ...). The implication of this -excluding countries from participating in the mobility freedom- is "the lottery of birth" (Hirst and Thompson, 1999). A system wherein one's freedom of movement is co-defined by their nationality. A system which Neumayer (2005) calls a "system of privilege".

The consequences for these countries, however, may extend themselves beyond a restricted travel-freedom. Altundal and Zarpli, two professors at the Syracuse- and Pittsburgh University, have found there is a direct link to be found between progressive political reform and visa-openness; more visa-free possibilities for a sending country has a positive effect on the country's democracy-score [ CITATION Ric19 \l 1043 ]. Furthermore, Altundal and Zarpli state that there are indications that visa liberalization is a precondition in economic-growth and social integration (Henley & Partners, 2019).

World Map

## **THE THREE TOOLS**

In this chapter, the three tools are summarized, critically reviewed on strengths and weaknesses and analyzed on their findings. The first tool that is looked at is the Henley & Partners Passport Index. It is chosen for this thesis because the tool implements a very straightforward approach to measuring visa-inequalities worldwide. It makes it very easy to see which countries enjoy the most visa-freedom and which countries enjoy the least. It therefore provides us with an overview of visa-freedom enjoyed by countries within the Schengen area and visa-freedom of the countries outside the Schengen area. It also makes it possible to view the difference between countries which face visa-restrictions imposed by the EU and those that are exempt from it.

The second tool the thesis covers is the research of Mau et al. (2017); concerning how visa policies have evolved. It aims to uncover the change of visa policies over 40 years and tries to shed light on the suspected global mobility divide and whom it targets. Being able to view differences in visa-policies and possibly finding a specific group of countries which are affected the most by a bifurcation in visa-policies, might help understand the processes also driving the visa-policy of the Schengen-area.

Thirdly and finally, the thesis reviews the Hobolth Mobility Barrier Index (MBI), as used by Hobolth in his first paper on border control in the EU (2012). The MBI not only takes into account the visa-policies as the first tools do, but it also takes into account visa issuing practices and consular services of countries in the Schengen Area. This is useful as it also maps out softer mechanisms of deterrence employed by the EU. Hobolth uses the MBI to measure the influence of a selection of variables also discussed in chapter 2. It would, therefore, seem that Hobolth's research and measuring tool, will prove valuable in answering our final research question, which is why the Hobolth's MBI and research are also summarized and analyzed in this thesis.

## **Tool 1: Henley & Partners Passport Index**

### **The Background-theory**

Henley & Partners is a private firm, advising wealthy investors what citizen-by-investment programmes (the practice of buying a passport) to follow, which some countries offer. The Henley & Partners Passport Index is a ranking of all the world's passports. It goes back 14 years. Henley & Partners give out a quarterly report and analyzation on the passport rankings.

The H&P Passport Index makes use of the International Air Transport Association (IATA) database, which the firm continuously updates and improves by extensive online research and usage of open-source data.

### **The Methodology**

The ranking of the passports goes as follows;

The passports are cross-checked with all the travel destinations (Henley & Partners use the terminology 'destinations' because they both count countries and territories). When entering a destination requires no visa with a given passport, a score of 1 is awarded to said passport. This is also the case if a passport-holder can obtain a visa-type which does not need a pre-departure governmental approval, such as a visa on arrival. Destinations for which a passport-holder needs to obtain any visa-type before departure, award no points to a passport.

The total sum of points makes up the total score of a passport and is equal to the number of visa-free travel destinations. The passports are then ranked according to their score. The passport with the highest score receives the highest ranking: 1. If passports have the same score as others, they are ranked the same, for instance; two passports scoring second best will both be ranked as number 2.

The travel-destinations are for reference grouped under regions using "a combination of official United Nations geographic categories and Henley & Partners business categories" (website: Henley & Partners, 2019).

## **The Data**

The passports showing most value are those from countries respectively in Europe, The Americas and Oceania.

(kaart)

The H&P climbers and fallers graph, covering the period of 2009 to 2019, shows (fastest climber comes first) the UAE, Albania, Taiwan (Chinese Taipei), Bosnia and Herzegovina, Serbia, Timor-Leste and Colombia as fastest climbers.

The fallers are (hardest faller comes first) Nigeria, Sierra Leone, Bangladesh, Syria, Mali, Niger and Senegal.

## **Analyzing the content**

Henley & Partners apply a very simplistic distinction between open or shut borders. While it does provide a quick view of a passports worth, it does not take into account softer practices of easing or tightening borders.

Another quality of the H&P Passport Index is portrayed by the following; An interesting seeming contradiction is that in the H&P Q3 report, Ryan Cummings analyzes Africa, using data from the African Union and the African

Development Bank, covering 2016 to 2019. He states that African countries are opening their borders to each other "[...] either through waiving visa requirements or amending existing regulations to ease cross-border travel." (Ryan Cummings, 2019). When comparing this information to the climbers and fallers graph of Henley & Partners Q3 rapport, this seems to contradict each other. However, it does not, because the index applies a relative ranking; the absolute number of visa-free possibilities of a passport may remain unchanged, while the passport moves up or down the rank.

This apparent contradiction is also the case here. For example, in the case of Senegal - one of the biggest fallers, as portrayed by Henley & Partners, has actually seen a rise in visa-free travel possibilities.

The H&P Passport index is a very useful tool to look at how passports relate and position themselves to each other. It is, however, less useful when looking at absolute progress or -retrogress.

## **Tool 2: Steffan Mau, Fabian Gulzau, Lene Laube and Natascha Zaun**

### **"The global mobility divide: How visa policies have evolved over time.":**

#### **The Background-theory**

In their research, Mau et al. try to answer the following questions: "Have borders become more open or more restrictive over time for short-term travellers? Have mobility opportunities been enhanced for all groups of citizens or only a few? And, if so, which groups do benefit?" ( Mau et al., 2017).

In order to do so, they review and analyze two markers in history -1969 and 2010- and compare them with each other.

In their theoretical framework, they put forward the idea of a global mobility divide, a phenomenon which captures an asymmetric growth of visa-freedom across the globe. Mau et al. list several reasons for this growing divide. The main culprit, they say, is the conflicting demands between the need for expedient border-crossing for desired travellers and deterring unwanted immigrants.

This led to the creation of the visa-waiver policy, in which some countries - from which the visitors are deemed trustworthy- are exempt from visa-restrictions, thus opening the border to a select group of people holding a specific passport.

Mau et al. argue that these visa-practices significantly increase the value of the passports of a select group of countries. These states have accumulated a large number of visa-waivers, significantly increasing their mobility. Most notably, OECD-countries often exempt each other from Visa-restrictions, while imposing restrictions upon poor countries and those who are expected to produce the most immigrants.

## **The Data and Methodology**

The data Mau et al. use comes from the Travel Information Manual (TIM), which is a handbook about travel-requirements covering all countries used by airlines and travel agencies. The TIM-database dates back to 1963 and is issued monthly. Mau et al. choose to extract data of visa-regulation from the TIM concerning two years; 1969 and 2010.

They choose 1969 as a starting point because they argue that in the 1970s countries started to adjust their Visa-policies in response to globalisation. 2010 represents the Visa-practices of today.

Before investigating the mobility divide, Mau et al. first try to answer their first research question, finding that in the past 40 years, there has been a moderate overall increase of Visa-free mobility; the average in 1969 being 24,3, which has risen to 32,48 in 2010. Although this is definitely an increase, it seems modest for 40 years of change.

After this, they investigate the global distribution of Visa-waivers. Taking a look at the two figures -figure 1 showing the distribution in the year 1969 and figure 2 showing the distribution in 2010- it depicts an interesting picture. Figure 1; shows a large number of countries with low and medium visa-free travel possibilities and only a handful of countries benefiting from a high number of Visa-freedom. Figure 2; though showing an increase in countries benefiting from a high number of visa-free travel possibilities, it also shows the disappearance of countries in the middle region of the distribution. What is left is a distribution which indicates polarisation in the visa-freedom. This is the mobility divide Mau et al. talk about in their theoretical framework.

To further illustrate this, Mau et al., compare the average number of visa-free travel opportunities between OECD-countries and non-OECD countries. They find that OECD-countries enjoyed higher numbers of visa-freedom in 1969 - 46,53 as opposed to a number of 18,06 from non-OECD countries-, but that the growth rate also is significantly higher than that of non-OECD countries, as the number of possibilities of OECD countries has grown to 75,53 as opposed to 21,91.

Mau et al. then dissect the dataset of countries into the continents, to compare them with each other, in the hopes of new insights to, for example, clustering or definite 'losers' and 'winners'. They find that the Americas and Europe are the definite winners; North America having gained 17,97, South America having gained 18,08 and Europe having gained 23,38 possibilities. The definite loser is Africa, being the only continent having faced a decrease in possibilities on average of 4,01. They do not form any conclusions on any form of clustering.

According to Mau et al., western states and those that are trusted by them are the winners in the global visa-regime. As they quote Ginsburg (2008) "Visa waivers, then, represent "a level of trust that symbolizes countries' acceptance in the Western alliance of states".

Mau et al. have found that, even though there has been an overall increase in visa-freedom, there has been a bifurcation of beneficiaries. Western states are providing visa-free travel opportunities to each other and those they deem worthy, but all the while, they are shutting doors for poor countries and countries which are expected to send high numbers of immigrants. It all leads up to a global mobility divide, one where western countries suffer travel freedom, while the world remains very much shut or highly restricted to those The West does not deem trustworthy. According to Mau et al., the Global North and Global South is very much a reality.

## **Analyzing the content**

Mau et al. use their data differently from Henley & Partners. Where Henley & Partners create a relative index, Mau et al. show absolute numbers of visa-waiver increase or decrease. Also, the operationalization of 'visa-free possibilities' differs from each other. H&P mark all the destinations exempt from pre-departure visa-requirement, while Mau et al. explain the term as "directed positive relation from one state to any other" meaning the operationalization of Mau et al. does not include visa-on-arrivals. This is also visible in the numbers of visa-free possibilities/destinations; where Mau et al. list Afghanistan benefitting only from one number of visa-waiver programmes in 2010, H&P list Afghanistan as having 26 visa-free travel destinations.

It is important to understand this difference and also take into account the implications they both make for analysis. Henley & Partners might put a view on display too optimistic for the visa-freedom of countries, whereas Mau et al. might have a view too pessimistic.

Although Mau et al. offer a very salient result, depicting evidence of a global mobility divide, at least one point of critique is to be made on the research conducted by Mau et al., which is that taking only two markers in a history of 40 years is very little. Mau et al., do offer an argumentation for the selection of both years, which does not seem to appear out of nothing. Noting, however, that they aim to uncover the *evolution* of visa-policies and *how* they changed over time, they do not appear to be doing so. They instead only describe a difference in visa-waivers between two years, which could very well be an outcome of a discourse the visa-regimes were already following, or which could be the outcome of visa-regimes already having changed course. So even though they are supported by literature, simply jumping over 40 years, seems careless.

A striking note, however, less useful in our research, is the idea Czaika, Haas en Villares-Varela pose; that the observation of 'a global mobility divide' might be an unfair one. Stating that it may stem from a "[...] Western or Eurocentric perspective and a bias created by the fact that Westerners mainly travel through Western airports where they may face only minor constraints." (Czaika, Haas & Villares-Varela, 2018). They talk about the possible importance of regional free-mobility blocs and patterns of multi-polarity.

Mau et al. do address this issue by separating continents in hopes of new insights into global clustering. The results, however, are not an insight into this matter, but rather a ranking of continents. The claim that countries and their regions are the same as continents is to my opinion, blunt and not very insightful. Furthermore, intergovernmental organizations -which would be most likely responsible for clustering outcomes in Visa-changes- are not necessarily bound to the outlines of a continent. They can, for instance, limit themselves to only a part of the continent, which is the case, for example, ECOWAS, ASEAN and GCC. They can also, however, extend themselves beyond the boundaries of continents, as is the case of OECD, safely said one of the most influential Intergovernmental organizations.

Furthermore, Mau et al. merely look at the difference of the mean between 1969 and 2010, whereas it would seem more useful to look at a decrease of the standard deviation -as this would mean the number of opportunities between countries within a continent is coming closer together, thus implying corresponding Visa-policies.

A very interesting occurrence in the text of Mau et al. is to be found in the part where they explain driving factors for Visa-restrictions. Mau et al. discuss the tendency of poor countries, countries with civil conflict or dictatorial regimes to reportedly face higher mobility barriers. They also state that countries that are expected to be risks of sending illegal immigrants, or known sending countries of refugees or Visa-overstayers, face the strongest Visa-restrictions (which could arguably be seen as a self-fulfilling prophecy or paradox).

Thus Mau et al., at this point, though not making a clear connection between 'poor, conflicted or dictatorial countries' and 'illegal immigrant/refugee/Visa-overstayer risk countries', they arguably imply one. The question arising here is: why don't Mau et al. make a connection? This may be an interesting study with which to follow Mau et al.'s up.

When taking Table 2 in a close review, we notice a striking feature in the standard deviation. It appears so that while Non-OECD countries have dispersed in terms of opportunities, OECD-countries have come together with a standard deviation regressing. Mau et al., explain the diminishing standard deviation of OECD-countries to be a result of coding; where the OECD group for both years compiles out of the countries which are OECD-members in 2010. What they do not explain is the increase in the standard deviation of the non-OECD countries. This could be explained by many reasons, one of which would be a global mobility divide within the non-OECD countries as well. This would be a very useful insight into the accumulation of the global mobility divide and should be further investigated.

### **Tool 3: Hobolth Mobility Barrier Index:**

Mogen Hobolth tries to map out how open the external border of Europe is to short-term visitors of different nationalities and seeks an explanation for the variety of openness of the European external border.

In order to get a clear picture, Hobolth creates a map to uncover which countries face travelling-complicating practices, and he uses quantitative statistical research to analyse which theory has the best explanatory power.

#### **The Theory**

The theoretical framework of Hobolth consists of two theories that seem to explain the degree of openness to migration of a country. The first of these theories is the Interest Group Theory. This theory consists out of three schools of thought, Hobolth pursues one; Client politics.

This is the idea that while all of society bears the burden of immigration, only a select part benefits from it. These select few will make a push for liberalization of borders, so they benefit from it while the rest of society pay the cost of security threats.

Three Hypotheses, supported by this theory, are given:

- H1: The higher the tourism expenditure of a sending state, the lower the barrier to mobility imposed by the receiving country

- H2: The higher the level of trade between a sending state and the receiving country, the lower the barrier to mobility imposed by the receiving country
- H3: The higher the number of migrants from a sending state residing in the receiving country, the lower the barrier to mobility imposed by the receiving country

The second of these theories is the Constructivist Security Theory. Hobolth starts from Security Theory; the theory that explains how a public issue elevates to where it becomes something that has to be immediately dealt with. The current schools of the theory - Copenhagen and Paris- only deal with how an issue becomes securitized and not with what the effect is on policy. To remedy this, Hobolth draws on Constructivism, which seeks to demonstrate how core-aspects of international relations are given their form by processes of social interaction. Here Hobolth argues policy is influenced by these public threats. These threats often pertain to security. Here these public threats are the 'fear of the outsider' and 'the poor'. Hobolth derives another three hypotheses out of this:

- H4: The higher the income level of a sending state, the lower the barrier to mobility imposed by the receiving country
- H5: The lower the number of asylum applications from nationals of a sending state, the lower the barrier to mobility imposed by the receiving country
- H6: If the majority of the population in a sending state is not Muslim, the barrier to mobility imposed by the receiving country is lower

## **The Methodology**

To investigate this, Hobolth employs a large-scale cross-sectional quantitative analysis, using a linear regression model. The database Hobolth uses is the European Visa Database, which contains data of European, United Kingdom' and US' visa policies and practices, covering the years 2005 to 2010.

The dependant variable is the Mobility Barrier Index (MBI), which constitutes from several dimensions capturing visa requirements, visa issuing practices and consular services. But it also takes into account population size, travel distance and possible deterrence mechanisms put in place prior to application processes. The independent variables are proxies for; tourism, bilateral trade, migrant communities, income, Muslim- and non-Muslim countries.

## **The results**

Hobolth then turns to descriptive statistics offering the MBI the EU imposes, to show the variation of openness between countries. He concludes that there appear to be substantial differences between sending states.

Hereafter he tests the six hypotheses using a linear regression model. He finds significant proof for five of the six hypotheses. The third hypothesis (the hypothesis that a large number of immigrants from a sending country lobbies for more open borders, thus causing so) is significant, but not in the expected direction. Moreover, he finds that the variables that are used by the Interest Group Model, have a combined  $R^2$  of 17%, while those of the CST have a combined  $R^2$  of 33%.

He concludes by stating that, although the Interest Group Theory has some merit, the Constructivism Security Theory is the one with the greater explanatory power.

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### **Analyzing the research**

Hobolth's research is, as is Mau et al.'s and Henley& Partners's cross-sectional. Both capture data of the Visa-Regimes across the development of time. However, where Mau et al. choose to pinpoint two markers in a timespan of 40 years to analyze development over time, Hobolth chooses to cover a shorter period of 5 years more intensely, to analyze driving factors behind Visa-Regimes. In this manner, Hobolth has a far more extensive dataset to base his results on, which consequently reflects more on the contemporary policies.

Something less strong is Hobolth's third hypothesis. It is in fact very questionable, specifically, in its theoretic setting. As the theory of Client Politics is about an influential select few, lobbying for a cause serving only them, but where a broader group (in this case society) carries the burdens; Client Politics also stresses that those few must possess a significant amount of power. I, for one, do not find it likely that an immigrant group -one which is very likely to be already otherized- can exert such power. Comparing this to Mau et al. stating that immigrant-producing countries face the highest visa-restrictiveness, it makes sense that this hypothesis is proven wrong by the quantitative research. Overall, this hypothesis seems to be a misfit when compared to the other interest group hypotheses.

There are also some control variables for receiving and sending states Hobolth uses, which are added to ensure that the findings are accurate. This reduces the risk of omitted variable bias. The control variables for sending states added are; the level of democracy, colonial ties, the population size of the

sending state and geographical distance. In the case of the receiving states, the control variables are; vote-share of far-right parties, level of trade with countries outside the EU and size of the tourism industry.

It may appear as though population size and geographical distance are measured twice; in the MBI and again as control variables, but this is not the case. In the MBI; population size and distance are assessed and used as indicators of possible deterrence mechanisms.

In the case of the control variables; population size and geographical distance are considered to pick up possible regional relations and the measure of perceived risk or opportunity a sending country may pose.

## **Overall Analysis**

Having analysed the three tools, we can now apply them to our research. The aim was to aid to the construct of a measuring method for the EU Visa-regime and to get a better picture of what drives its policymaking.

So far, what we have found is that the H&P Passport Index shows the value of passports compared to each other. When using it as a tool for analyzing visa-regimes, analyzing one year in its own tells us nothing more than the absolute numbers of visa-free possibilities would. However, when combining the rankings of multiple years, it can give insights to global processes encompassing climbings or falls within the ranking of passports.

To refer back to the previously mentioned example -the case of Senegal-, when analyzing the absolute number of visa-free destinations over several years, compared to analyzing the ranking position over those same years, two different conclusions will come out if. In the first analysis, one would say that Senegal is booking progress in terms of visa-freedom. In the second analysis, one would conclude that Senegal is falling behind in terms of visa-freedom.

The Henley & Partners Passport Index can thus prove very useful to, for instance, expose global and regional dynamics and expose regional highflyers or fallers. It, however, goes back 'only' 14 years.

In the case of Mau et al., who cover time span over 40 years, their main finding is the change in the global distribution of visa-freedom. Where in 1969 there used to be a definite category of countries enjoying moderate visa-freedom, in 2010 that group has dispersed into two more extreme categories, causing the moderate category to have almost disappeared.

When taking Mau et al.'s research alone, this would not per sé indicate any discourse direction. However, one could apply data-analysis on the 14-year

span of the H&P Passport index to see whether it supports the claim Mau et al. make of an increasing divide in mobility rights over the last 40 years.

Out of the three methods of analysing border practices, Hobolth is the most thorough. He uses the MBI, which takes into account all types of visas, much like Henley & Partners, but also takes into account the refusal rate of the visas in practice -something both Henley & Partners and Mau et al. overlook.

Hobolth uses two border policy theory discourses to investigate which approach has more merit. One of the results of the article by Hobolth is the fact that the Interest Group model seems to have a very low explanatory power. Previously this thesis has suggested that this could be because the third hypothesis is not in line with the theory. However, using insights by Mau et al., another reason can be given. In their paper, Mau et al. show the mobility divide that has arisen over the past 40 years between poor and rich countries; where rich countries benefit from visa exemptions to other rich countries, while the poor have very few travel opportunities. Rich countries avoid giving out visas to poor countries because of fear for poor migrants. Perhaps there is no room for interest groups in such a bifurcated landscape. It could be the case that interest groups were more potent before the 1970s, when globalization had not yet spurred nations to change their policy. As it stands, it makes sense that in the global landscape of the mobility divide that is shown by Mau et al., the constructivist security has greater explanatory power.

Even though Hobolth's CST-model accounts for 33% of the variation and his comprised model does so for 42%, this still leaves much room for improvement. Turning to Mau et al., who show that mostly poor countries, countries sending a large number of immigrants and visa-overstayers are denied easy access into other territories; perhaps the addition of a visa-overstayers-variable helps improve Hobolth's CST-model, but also to the comprised model.

An excellent example of visa-overstayers being perceived as a threat to a nation's well being and the subject being elevated to such an extent it becomes an issue that needs to be immediately dealt with is a recent one. To quote Donald Trump in his preamble to new immediate steps combating the issue; those "[...] who abuse the visa process and decline to abide by the terms and conditions of their visas, including their visa departure dates, undermine the integrity of our immigration system and harm the national interest,[...]" (LA Times, 16-8-2019).

Trump plaatje grenzen gaan dicht

## **Conclusion**

The aim of the thesis was to aid in the construction of a measurement tool for the EU visa-regime, and come to a better understanding of the driving forces behind visa-policy. It has attempted to do so by firstly coming to an understanding of how the Schengen Zone has become what it is today and how, through the lens of bordering, the Annex I and II have come into existence. It has explored the literary suspicions of what might be driving factors of the employment of visa-restriction and what might encourage waiving free-travel.

After this I compared three tools; the Henley & Partners Passport Index, Mau et al.'s research on the global mobility divide and how visa-policies have evolved over time, and Hobolth's Mobility Barrier Index and first paper on border control in the EU.

I find that the Henley & Partners Passport Index would, on its own, not give more insight into the driving forces of visa-policies than a simple count of visa-destinations per country would. However, when analyzing the Henley & Partners Passport Index across the years it can showcase a lot more than a simple count of visa-destinations would. It can offer a view into global and regional dynamics, especially when used in addition to other tools..

Mau et al.'s research finds a crude difference in visa-possibility distribution across the globe between 1969 and 2010. However, because they only use two markers in a 40 year time span, their research would surely benefit from adding an extra marker to pinpoint whether the changes are linear or not. To involve Henley & Partners Passport Index, which has a database dating back 14 years, the Passport Index might help underline their statement.

Addressing the driving forces behind visa-policies; they do find a link between border openness and the factors of wealth of a nation and visa-overstayers.

Hobolth tests the influence of six variables in two sets according to two different theories; Client Politics; -tourism/ trade/ migrant community receiving country- and Constructivist Security Theory; -GDP sending country/ muslim-majority in sending country/ asylum applications from sending country-; and finds they all exert some amount of influence. However, he also finds the second set to have more explanatory power, and that the overall explanatory power does not exceed 42%, leaving a lot of room for improvement.

A noticeably absent variable in Hobolth's models is 'visa-overstayers', which Mau et al. showed to have a link with visa-restrictiveness. Therefore, I suggest adding the variable to Hobolth's second set. Also noticeable in Hobolth's models is the missfit of 'migrant community in receiving country' as a

lobbying party. I therefore suggest leaving this variable out of the Client Politics model.

## **Final Notes**

However, another note might be taken from a remark made in Henley & Partners Q3 report (2019), which is that “African countries are becoming more open to each other, either through waiving visa requirements or amending existing regulations to ease cross-border travel.” (Cummings, 2019). Bolstering the thought that we might be viewing the world from a Western gaze (Czaika, Haas & Villares-Varela, 2018) and in the notion of the self-perceived superiority of the Western *aquis* (Van Houtum, 2005; Jileva, 2002) and Westphalian state (Jackson et al, ...), we might be overlooking that perhaps non-Western countries do not hold the same value of the visa-regime, and also make use of different border regulation. That being said, it remains a fact that the EU and other Western states -the biggest beneficiaries of the global visa-regimes- do hold value and live by the visa-regime as a means of border control.

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