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8 Schengen visa policy and travel inequalities to the European Union

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1 Introduction¹

Visa restrictions and exemptions shape unequal access to international mobility. Freedom of circulation is unevenly distributed, with citizens of high-income countries benefitting from unrestricted travel possibilities, while citizens of low-income countries are subject to visa requirements by most destinations. Visa regimes around the world contribute to a “global mobility divide” (Mau *et al*, 2015; Czaika, de Haas and Villares-Varela, 2018) which this chapter aims to question by examining the European Union (EU) visa regime.

Since the late 1990s, the EU has developed a common visa policy for third country nationals transiting or travelling in the Schengen area for short periods (less than three months). It relies on a common list of countries whose citizens must have a Schengen visa for entering the EU, and a list of countries whose citizens are exempt from that requirement. Schengen visa-restricted and visa-free lists of countries mirror the same divide observed globally. However, the visa-restricted list displays significant disparities in access to mobility, which is far from being uniform across all nationalities subject to Schengen visa requirement. For instance, certain countries benefit from incentive measures, such as the “48-hour visa” procedure provided by several Member States to visa applicants from China and India. In contrast, prior consultation is required for visa applicants from countries like Algeria or Lebanon, leading to extended processing times by several days, sometimes weeks. This apparent lack of consistency raises questions about the layered access to international mobility under the Schengen visa regime. Challenging the notion of a global mobility divide widened by the EU short-term visa regime, this chapter demonstrates that it shapes instead a continuum of (im-)mobility. This concept seeks to highlight that visas not only generate inequality between visa-free and visa-restricted countries, as implied by the notion of “global mobility divide”, but also introduce varying degrees of treatment among nationalities within the visa-restricted category. These nationalities face modulated conditions in the visa application process, exposing additional layers of discrimination. To support this claim, this chapter investigates two instruments of the EU visa policy, located at each end of the continuum of (im-)mobility: the prior consultation procedure and the visa facilitation mechanism, introduced with the 2019 Visa Code recast. By combining legal text analysis with semi-directed interviews with EU officials², this chapter brings evidence of the hierarchical classification of nationalities under Schengen visa obligation. It

highlights how access to mobility is unequal, modulated by various mechanisms of restriction and facilitation of the Schengen visa regime.

This chapter is structured into five sections. The first section provides a review of the existing literature on the impact of visa requirements on global mobility inequalities and questions the influence of the EU visa policy on these disparities. The second part introduces the concept of a continuum of (im-)mobility and elaborates on why it complements the global mobility divide concept to describe the mobility inequalities generated by the Schengen visa regime. The third and fourth parts are respectively dedicated to the examination of the prior consultation procedure and the sanction/facilitation mechanism. These sections delve into the origin and implementation of these instruments, illustrating how they reinforce mobility inequalities intrinsic to the Schengen visa policy, by exacerbating discrimination within the visa-restricted list. The fifth and final section briefly addresses the role of the EU institutions in dealing with such inequalities. The chapter argues that their scope of action is severely limited, due to the significant discretionary powers retained by Member States in this harmonized yet highly sovereign sector.

2 Visa requirements and travel inequalities to the European Union

Visa requirements worldwide produce inequalities of mobility between non-EU nationals seeking to travel to the Member States. Patterns of international mobility in the 21st century are said to reflect a global divide. Nationals from high-income countries enjoy the privilege of unrestricted travel to most parts of the world, while citizens of low-income countries face a range of obstacles that hinder their international mobility. Visa rules play a pivotal role in facilitating the movement of travelers considered desirable or legitimate while curbing undesirable mobilities. This hierarchy is highly visible in the Henley Passport Index, which ranks citizenships by the number of foreign countries their holders can visit visa-free. In 2024, the most privileged nations (France, Germany, Italy, Japan, Singapore, and Spain) share the top of the list, enjoying visa-free travel to 194 countries, while holders of Afghan passports find themselves at the bottom of the list with only 28 visa-free destinations (Henley Index, 2024). Migration studies scholars have identified a “global mobility divide” (Mau *et al.*, 2015), primarily observed between “Global North” and “Global South” countries. Instances of South-South visa restrictions have also been documented (Czaika, de Haas and Villares-Varela, 2018). Visa exemptions often signify the privileged bilateral relationship between two nations, while the imposition of visa restrictions is typically viewed as “an unfriendly act by the government of the affected countries” (Czaika and Neumayer, 2017, p. 76). High-income countries commonly impose visa requirements on low-income countries as a means to control immigration. They tend to waive this obligation only when economic and/or diplomatic interests are at stake (Neumayer, 2006).



Figure 8.1 Schengen visa exemptions and requirements for non-EU countries (2023).

Non-EU countries exempted from Schengen visa requirement are in grey and those subject to Schengen visa requirement are in black. Map produced by the author using MapChart website, based on Annexes I and II of the Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (consolidated version of 15 March 2023).

The Schengen visa regime follows a similar pattern. The current list of visa requirements and exemptions (see Figure 8.1) strongly aligns with the global economic, ethnic, and religious demarcations, imposing travel restrictions on most Member States' former colonies, low-income and refugee-sending countries in Africa, Asia and Central and South America (den Heijer, 2018). From the perspective of critical security scholars, the Schengen visa is viewed as a repressive tool that excludes "undesirables". These are typically foreigners suspected of irregular migration or posing a threat to public order within European territory (Bigo and Guild, 2005). Consequently, visa restrictions discriminate between national groups, preventing individuals from poorer countries, and *in fine* bearing "undesirable" racial and socio-economic identities, from travelling freely.

The determination of visa-required and visa-free countries, resulting in unequal access to Schengen area, was first significantly influenced by national security concerns. In the early 1990s, Schengen legal framework was negotiated by security experts (from national Home Offices, police, or counterterrorism). Diplomats and foreign affairs actors, at that time, were primarily focused on completing the Single Market (Guiraudon, 2010). National security experts viewed the common visa policy as "a compensatory measure for freedom of movement" which should reinforce the tightening of now jointly managed external borders (Meloni, 2006; Infantino, 2019). The creation of the very first visa-restricted list reflects this maximalist conception of border control. Initially, the list was compiled by simply aggregating existing national lists. The common list, comprising over 100 nationalities, was later imposed on new Schengen members without room for negotiation, regardless of economic or diplomatic considerations. For example, Italy had to impose visa requirements on numerous countries that had previously enjoyed

exemptions for tourism-related reasons (Jileva, 2002b). Similarly, new EU candidate countries, particularly those from the former Soviet bloc, had to reintroduce visa requirements for travellers from Russia, Moldova, Ukraine, and Belarus, contributing to the creation of a “new Iron Curtain” (Kosłowski, 2000; Jileva, 2002a).

The evolution of the EU enlargement and the European neighbourhood policy (ENP) has resulted in the EU’s facilitation or removal of visa requirements for specific nationalities. For instance, visa obligations were lifted for Bulgaria in April 2001 and Romania in January 2002 in anticipation of their accession as Member States. The ENP provided a framework for integrating visa policy into EU diplomacy. Since 2007, the EU Commission has concluded several visa facilitation agreements with neighbouring countries. These agreements ensure simplified administrative procedures, reduced visa fees, and in some cases, may be a first step towards visa waiver. Enabling controlled yet simplified access to the Schengen area, visa facilitation agreements would enhance bilateral cooperation by promoting the mobility of non-EU citizens to the EU (Jeandesboz, 2007). However, their geographic focus is highly selective. Visa facilitation agreements have been almost exclusively signed with countries in the Eastern neighbourhood of the EU, although the ENP also encompasses the southern Mediterranean region (Finotelli and Sciortino, 2013).

Furthermore, the European Commission has gradually linked visa facilitation agreements with readmission agreements, introducing a logic of conditionality (Trauner and Kruse, 2008). A readmission agreement defines a country’s obligation to readmit its citizens who are in an irregular situation in Europe. This coupling allows the Commission to use visa facilitation agreements as leverage and incentives for third countries to conclude readmission agreements. The asymmetry and conditionality of this coupling have faced criticism from third countries, such as Morocco, leading to suspend negotiations for a potential readmission agreement (El Qadim, 2018; Laube, 2019). This selective and conditional approach to facilitation contributes to creating divisions among third countries. A similar conception is reflected in a 1998 EU Council document titled “The EU Strategy Paper on Asylum and Migration” which classifies the world into four concentric circles: target countries for migratory flows (EU and North America), transit countries (Central and Eastern European neighbourhood), the third and fourth circles being emigration countries from Middle East, African, and Asian continents (Cobarrubias and Casas-Cortes, 2020). Building upon this concentric conceptualization, EU visa and immigration policies establish a multi-speed mobility regime, wherein incremental access to the territory is contingent on the perceived migration pressure from third countries.

3 The Schengen visa policy as a continuum of (im-)mobility

This chapter aims to analyze inequalities of mobility generated by the Schengen visa regime. The concept of global mobility divide, although powerful in depicting travel inequalities, may fall short of explaining the hierarchical distinctions between countries targeted by EU visa policy, which remain little studied to date. To gain a closer understanding of this modulation based on nationality, this chapter introduces and elaborates on the continuum of (im-)mobility, as a new concept to analyze further

discriminations between third countries subject to the same Schengen visa requirement.

Beyond the legal distinction between visa-free and visa-required statuses, the EU common visa policy involves highly differentiated administrative treatment for visa-required nationalities. To begin with, significant disparities are evident in terms of visa application rejections, as seen in Table 8.1 below. In 2022, the global average refusal rate stood at 17,9%, but certain nationalities faced denial exceeding 40%. The rejection rates, as demonstrated in Table 1 below, align with a concentric circle approach to countries of origin, with a particularly restrictive stance towards nations in sub-Saharan Africa and the Indian subcontinent. Algeria, where French consulates handle over 70% of the applications, presents a relevant case of repressive visa implementation. In 2022, relations with the former colonizer strained after the French government restricted the number of visas issued as a sanction for the Algerian government's lack of cooperation in terms of readmission. Consequently, there was an exceptionally high rate of rejected visa applications.

Table 8.1. Third countries facing highest rates for rejected Schengen visa applications in 2022

<i>Country of issuance</i>	<i>Not issued rate for Schengen visas (%)</i>
Algeria	48.2
Nigeria	45.6
Guinea-Bissau	45.6
Ghana	44.2
Sri Lanka	44.2
Senegal	43.8
Haiti	43.2
Pakistan	43.0
Guinea	42.7
Mali	41.6

Table produced by the author based on *Short-term visa statistics for consulates (2022)*. Available at: https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/visa-policy/statistics-short-stay-visas-issued-schengen-states_en

Although such disparities are striking and reinforce the observation of the Schengen visa policy as discriminatory (den Heijer, 2018), this chapter focuses on the modulation of access to mobility taking place even prior to the implementation of the Schengen visa policy, which remains at the discretion of each national consulate (Alpes and Spire, 2014; Zampagni, 2016; Scheel, 2018; Infantino, 2019). As indicated by the presence of visa facilitation agreements that ease mobility for specific nationalities, the visa-restricted list consists of several intermediate lists and instruments that either facilitate or restrict mobility for specific nationalities. For instance, alongside the common negative list of around a hundred nationalities subject to uniform visas, there exists another common list of twelve countries whose nationals are required to possess an airport transit visa when passing through the transit area of international airports on the territory of the Member States. This list includes Afghanistan, Bangladesh, the Democratic Republic of Congo, Eritrea,

Ethiopia, Ghana, Iran, Iraq, Nigeria, Pakistan, Somalia, and Sri Lanka³. Furthermore, each Member State may impose national airport transit visas to countries not included in the common list “in urgent cases of mass influx of illegal immigrants”⁴. Similarly, a Member State may require other Member States to be consulted during the examination of Schengen visa applications lodged by nationals of specific third countries⁵.

In other words, the Schengen visa-restricted list comprises not a singular list but rather multiple lists of nationalities subject to additional instruments that either facilitate or hinder their international mobility. The Commission may conclude facilitation agreements with certain countries, and the Member States may request further control and checks for other nationalities. This challenges the dichotomy between countries subject to visa requirement and those exempted, which forms the basis for the concept of the global mobility divide. Hence, the concept of continuum of (im-)mobility proves helpful to seize the multifaceted and differentiated access to international mobility within nationalities subject to Schengen visa requirement. This concept is empirically explored through the analysis of two mechanisms that deepen and legitimize inequalities within the Schengen visa regime: the prior consultation procedure and the new sanction/facilitation mechanism.

4 The prior consultation procedure: profiling undesirability

The prior consultation procedure is a legal instrument included in the Community Code on Visas (EC 810/2009). This binding regulation, commonly referred to as the Visa Code, establishes a legal framework and standardized practices for Member States’ consular administrations in handling Schengen visa applications. According to Article 22 of the Visa Code, each Member State has the authority to request other Member States to consult them during the processing of Schengen visa applications from specific nationalities. The Visa Code provides a common list of third-country nationals who are subject to this prior consultation procedure. A third country is included in the list when at least one Member State requests prior consultation. While the additional delay caused by consultation is not supposed to exceed seven days, carrying out necessary checks could extend up to several weeks until the late 2000s. In 2014, the average decision time for visa applications from nationalities subject to prior consultation was 11 days, in contrast to four days for nationalities eligible for “direct visa issuance” (Sénat, 2015). This close surveillance, coupled with longer processing times, makes the prior consultation procedure a restrictive and discriminatory measure that impedes access to mobility for citizens of listed third countries.

The list of nationalities under the prior consultation procedure remained confidential for an extended period. The initial list, negotiated in the late 1990s, included Afghanistan, Algeria, Bahrain, Bangladesh, Burundi, Colombia, the Democratic Republic of Congo, Egypt, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, North Korea, Oman, Pakistan, Palestine, Philippines, Qatar, Rwanda, Saudi Arabia, Somalia, Sri Lanka, Sudan, Suriname, Syria, United Arab Emirates, and Yemen. The list encompassed third countries that were already subject to the airport transit visa obligation for migration control purposes. Additionally, it included a significant number of Muslim countries, associated with terrorist threats. Refugees and stateless persons, irrespective of their nationality, were also included

in the list. In the context of the post-Cold War redefinition of security, the list symbolizes the post-bipolar transnational enemy, posing risks related to both terrorism and unwanted immigration. The inflation of the number of listed nationalities after the 9/11 attacks in 2001 has reinforced the framing of mobility from certain parts of the world as a risk to State security (Guild and Bigo, 2003).

In 2009, the adoption of the Visa Code led to partial declassification of the list. The European Commission and European Parliament advocated for its publicization, emphasizing the need for greater transparency in the Schengen visa policy (Infantino, 2019). The list, annexed to the Visa Code and updated several times a year, identifies third countries subject to prior consultation, without documenting which Member State(s) requested the consultation. French authorities strongly opposed the “naming” of Member States that required consultations, arguing the diplomatic sensitiveness of disclosing such information (Assemblée nationale, 2007). This limited transparency allows Member States to continue surveillance of certain nationalities without risking offending bilateral relations, thereby maintaining a balance between control and diplomacy.

The latest version of the list, updated in March 2023, counts 40 nationalities⁶. Differences among Member States can be a source of tension, with implications for the mobility of the nationalities on the list. For instance, Czech authorities request prior consultation for visa applications from Vietnamese nationals. Vietnamese diaspora forms the third largest immigrant community in the Czech Republic, behind those originating from Ukraine and Slovakia (Alamgir, 2013; Janská and Bernard, 2018). After several decades of labour and student migration during the Communist period, Czech authorities have sought to limit immigration from Vietnam since the 1990s, resulting in the unilateral request to include this country on the consultation list. France, however, has taken a different approach in Southeast Asia by implementing a national procedure known as the 48-hour visa. Designed to enhance France’s tourism attractiveness for emerging outbound tourism markets, this procedure guarantees the examination of visa applications within two calendar days, instead of fifteen days as provided by the Visa Code. However, due to prior consultation and extended processing times, the implementation of the 48-hour visa procedure cannot be carried out in Vietnam, both from a legal and political perspective. As noted by a source within the French Ministry of Foreign Affairs:

We cannot really ask them [*Czech Republic*] to remove the consultation for Vietnam. It is as if the Czechs were asking us to remove consultation for Maghreb countries, where there is a migration risk for us
(interview with a representative of French Minister of Foreign Affairs, 22 March 2019)

Therefore, the prior consultation procedure indeed represents an additional hurdle to international mobility. It subjects the nationalities on the list to heightened surveillance and extended processing periods. Furthermore, it can be viewed as a form of discrimination since applicants are suspected because of their nationality, with an implicit presumption of posing a risk for irregular immigration or terrorism. Eventually, the prior consultation procedure operates on mutual trust and cooperation among Member States (Brouwer, 2021). When faced with divergent approaches

toward the same third country, they tend to reach a consensus over greater control rather than relaxation of surveillance.

5 The new sanction/facilitation mechanism: privileged mobility or punitive shift within the EU visa regime?

In contrast to the prior consultation procedure, this section focuses on a tool designed to ease access to mobility: visa facilitation. Visa facilitation agreements are EU diplomatic tools, which enable citizens from signatory countries to submit simplified Schengen visa applications, requiring fewer supporting documents and reduced fees. Member States' consulates are bound to issue more multiple-entry visas, with validity periods of up to five years. Citizens from Armenia, Azerbaijan and Cape Verde are currently beneficiaries of this facilitated procedure for obtaining Schengen visas. The EU has also concluded facilitation agreements with the Russian Federation in 2007 and Belarus in 2020. However, both agreements have been suspended by the Council of Ministers as diplomatic sanctions in response to the military aggression of Ukraine⁷. Moreover, visa facilitation agreements have been concluded with Western Balkans countries (Bosnia-Herzegovina, Albania, North Macedonia, Montenegro, Serbia), Georgia and Ukraine, followed by visa liberalization agreements, meaning that nationals from these countries may travel to Europe without applying for a Schengen visa. Such agreements were initially conceived as a first step toward visa exemption and even accession to candidate country status. By facilitating mobility and exchange between EU and non-EU civil societies, visa facilitation agreements were meant to reinforce the EU legitimacy in its neighbourhood.

Yet, in response to Member States' concerns regarding irregular immigration, the Commission has been gradually using facilitation as a diplomatic leverage to ensure the cooperation of third countries in return policies. This "stick-and-carrot" shift is exemplified by the codification of a new facilitation mechanism, which includes punitive elements (Vavoula, 2018; Nicolosi, 2020). The latest reform of the Visa Code showcases a new generation of coupling facilitation/readmission. Article 25a of the new text establishes a mechanism sanctioning third countries whose cooperation on the readmission of irregular migrants is not sufficient and confronts Member states with "substantial and persisting practical problems". These sanctions are incremental, beginning with an increase in visa fees from 80 euros to 120 euros, followed by a further increase to 160 euros. Article 25a also introduces an incentive mechanism that rewards third countries for "sufficient" cooperation. Such countries may be eligible for implementing decisions that reduce visa fees to 60 euros and shorten the visa application processing period from 15 days to 10 days.

Before its codification as part of EU regulation, this mechanism operated under an informal "toolbox approach", which the Council would implement on an *ad hoc* basis. An official working at the permanent representation of a Member State and part of the Council visa working group explains how this approach was once applied in the case of Bangladesh:

Bangladesh was making absolutely no effort to advance negotiations of the readmission agreement while being a major source of irregular migration. The Commission warned them that the Council had

unanimously decided the application of stricter visa measures. In two weeks, they had signed the agreement

(interview with an official from a Member State Permanent Representation to the European Union, 27 March 2019)

In other words, the mere prospect of implementing sanctions proved sufficient to secure the cooperation of Bangladesh. Capitalizing on this “positive preventive effect”, the Council pushed for the institutionalization of this “toolbox” within the new Visa Code, with an incentive counterpart for cooperating third countries (Council, 2018).

At least once a year, the Commission is tasked with assessing the efforts made by third countries in return and readmission and submits a list of third countries which may fall under the mechanism to the Council. The 2021 Commission report, intended to remain confidential, was partially disclosed and revealed a list of thirteen countries for which the EU might implement stricter visa measures: Iraq, Iran, Libya, Senegal, Somalia, Mali, The Gambia, Democratic Republic of Congo, Egypt, Eritrea, Ethiopia, and Guinea-Bissau (ECRE 2021). It is noteworthy that most of these countries are already subject to the airport transit visa requirement, listed under the prior consultation procedure and experience high visa denial rates. In other words, the sanction mechanism would further immobilize citizens from such *non-grata* countries. In December 2022, the Council activated the mechanism for the first time for Gambian nationals. Having “repeatedly highlighted the need to achieve real progress on return and readmission” and considering “The Gambia’s lack of cooperation”, the Member States temporarily raised visa fees to 120 euros and suspended certain provisions such as visa fee waiver for holders of diplomatic passports (Council, 2022). Thus, the adoption and the inaugural implementation of this mechanism reinforces the punitive shift of EU visa policy, with a strong emphasis on coercion and exclusion of *mala-fide* countries.

As a result, Schengen visa facilitation carries a certain degree of ambiguity. While the Commission initially used facilitations to strengthen diplomatic ties with neighbouring countries, their conclusion is now contingent upon the third country’s cooperation on return and readmission. This shift from a diplomatic framework to a punitive approach indicates that the EU is more inclined to adopt a strict stance on border control, than to limit cross-national discrimination resulting from its own visa policy. On the contrary, the prioritization of controlling irregular migration at all costs legitimizes the perpetuation or even exacerbation of such inequalities.

6 Concluding remarks: Assessing the role of the EU in fueling or fighting global travel inequalities

Examining the EU visa policy as a continuum of (im-)mobility allows for a more refined understanding of the ongoing debates on asymmetrical access to mobility to the Schengen area. Delving into the various regulatory instruments of Schengen visa policy, such as the prior consultation procedure or the sanction/facilitation mechanism, highlights the clear distinctions between “desirable” and “undesirable” third countries on the visa-restricted list. The intricate interplay of security, economic, diplomatic, and touristic interests produce a system marked by an

arbitrary and profoundly unequal distribution of mobility opportunities. On the one end of the continuum are countries whose nationals face accumulated layers of discriminatory visa measures. Based solely on their nationality, they encounter more visa requirements, longer delays and heightened surveillance through the prior consultation procedure, increased likelihood of seeing their application rejected and eventually higher visa fees if their government is perceived as uncooperative by the EU. These practices of categorizing “undesirable” nations reinforce existing criticisms of the EU visa regime as punitive and exclusionary, thereby contributing to global discrimination on racial, religious, and economic criteria. At the opposite end of the continuum, the “happy few” benefits from facilitated conditions for visa obtention, often granted through EU agreements or national initiatives (e.g. the 48-hour visa). However, this apparent hospitality is tainted by conditionality and conflicted interests between Member States, which frequently results in a *statu quo* in favour of control.

The concept of the continuum of (im-)mobility represents a valuable contribution to the scholarship on travel inequalities. It complements the global mobility divide approach, without invalidating it, by examining internal variations in mobility opportunities and constraints for nationals subject to the same visa regime. Besides, by spotlighting specific third countries subjected to punitive and/or surveillance approaches, the continuum of (im-)mobility reinforces existing research illustrating systemic racism in international visa policymaking (Rosenberg, 2023). This concept of the continuum also opens new avenues for research in the field, questioning potential discrimination between visa-free nationals traveling to the EU. For instance, scholars have already gathered data on the differentiated treatment and profiling of non-EU visitors at airport checks (Crosby and Rea, 2016). With the upcoming entry-into-force of ETIAS, the electronic travel authorization for visa-exempt travelers to the Schengen area, new patterns of discrimination (e.g., processing delays, denials of authorization) could arise, adding extra layers of inequalities.

The European Union’s efforts to reduce travel inequalities and disparities among third countries subject to Schengen visa requirement remain limited. Since the Amsterdam Treaty, the Commission and the Parliament have been able to influence policymaking in the Justice and Home Affairs sector by exercising a “liberal constraint” on the security-focused Member States (Bonjour, Servent and Thielemann, 2018). During the initial Visa Code negotiations in the late 2000s, they for instance advocated for enhancing the users’ rights and increasing transparency and accountability by disclosing issuance and denial rates by consulates (Infantino, 2019). More recently, the Parliament even pushed for the inclusion of a humanitarian visa in the consolidated Visa Code, although this proposal was firmly rejected by the Commission and the Council (Bonnamy and Dupont, 2022). However, the adoption of the New Pact on Migration showed that the Commission aligns with Member States’ preferences and requests (Cassarino, 2021). The close examination of the prior consultation procedure and new sanction/facilitation mechanism in this chapter highlights Member States’ reluctance to delegate more State prerogatives. This intergovernmental resistance is for instance reflected in the Council’s acquisition of new competencies related to sanction and facilitation, as well as the continuation of airport transit visa requirement individual lists in addition to the common list. This

limited harmonization leads to a lack of readability of requirements for Schengen visa applicants, further reinforcing inequalities.

Nevertheless, there are several avenues where EU institutions could contribute to improving the understanding of travel inequalities shaped by Schengen visa policy, even if they do not actively address them. Within the scope of EU competencies, the European Commission could, for example, require Member States to provide more detailed statistics on visa issuance, including variables such as gender, age, or the geographical origin of applicants. Access to such data would indeed enable the quantification of travel inequalities within states and societies, which would significantly advance our understanding of the continuum of (im-)mobility. It would not only measure discrimination among nationalities subject to the same visa requirement but also reveal disparities among different groups from the same third country. This level of specification in data analysis would provide valuable insights into the complex dynamics of travel inequalities and allow for more targeted policy interventions to address these disparities effectively by fighting against profiling in Schengen visa implementation.

Notes

1. This chapter is an extended, reworked, and updated version of an article previously published: Dupont, Juliette. 2021. Des visas Schengen à la carte? Les inégalités au sein du régime européen des visas de court séjour. *Migrations Société* 186(4): 29-42.
2. This chapter is based on five-year doctoral research on the Schengen visa policy and its implementation by French authorities in China and in Algeria, including the analysis of around a hundred institutional and legal documents and 70 semi-directed interviews with stakeholders (EU and national high officials, street-level visa officers, visa applicants) conducted between 2017 and 2022.
3. Regulation (EC) No 810/2009, Annex 7.A “Common list of third countries whose nationals are required to be in possession of an airport transit visa when passing through the international transit area of airports situated on the territory of the Member States”, https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/visa-policy/who-must-apply-schengen-visa_en accessed on 29 September 2023.
4. Regulation (EC) No 810/2009, Article 3.2.
5. Regulation (EC) No 810/2009, Article 22.
6. Regulation (EC) No 810/2009, Annex 16 “Third countries whose nationals or specific categories of such third country nationals who are subject to prior consultation”, https://home-affairs.ec.europa.eu/system/files/2023-02/Annex%2016_Prior%20consultation_en.pdf accessed on 29 September 2023.
7. The EU-Belarus visa facilitation agreement was partially suspended in November 2021 (Council Decision (EU) 2021/1940). The EU-Russia visa facilitation agreement was suspended on 25 February 2022, following Russian military aggression against Ukraine (Council Decision (EU) 2022/333).

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