



International Organization for Migration (IOM)
The UN Migration Agency

Visas in ACP Countries: Key Challenges and Way Forward

Informing discussions of the
ACP-EU Dialogue on Migration
and Development



This Action is funded by
the European Union



This programme is supported by the
Secretariat of the ACP Group of States

This publication has been produced with the financial assistance of the European Union. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the ACP Secretariat, ACP States, the European Union or the International Organization for Migration (IOM).

The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of the ACP Secretariat, ACP States, the European Commission or the IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

The ACP Secretariat, the ACP States, the European Commission or the International Organization for Migration do not make any warranties or representations, either express or implied, with respect to the accuracy or completeness of this report. Under no circumstances shall they be liable for any loss, damage, liability or expense incurred or suffered that is claimed to have resulted from the use of this report, including, without limitation, any fault, error, omission, interruption or delay with respect thereto.

This report contains links to third-party websites. The linked sites are not maintained or controlled by the ACP States, the ACP Secretariat, the European Commission or the International Organization for Migration. The ACP States, the ACP Secretariat, the European Commission or the International Organization for Migration are therefore not responsible for the availability, content or accuracy of any linked site or any link contained in a linked site. These links are provided for convenience only, they do not constitute neither a recommendation nor an incitement to use any service. The inclusion of any link does not imply any endorsement of the linked website by the ACP States, the ACP Secretariat, the European Commission or the International Organization for Migration.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and wellbeing of migrants.

Editing: IOM Regional Office for the EU, EEA and NATO – Lize Nevens

Cover concept and publication layout: Roland Huisman

Cover image: © OIM 2011/Emiliano Capozoli

This publication was not formally edited by IOM Publications Unit

Publisher

International Organization for Migration

Regional Office for the EU, EEA and NATO

40 Rue Montoyer

Brussels 1000

Belgium

Tel.: +32 2 287 70 00

E-mail: ROBrussels@iom.int \ acpeumigrationaction@iom.int

Website: acpeumigrationaction.iom.int

© 2019 International Organization for Migration (IOM)

All rights reserved. This publication may not be reproduced in whole or in part, stored in a retrieval system or transmitted in any form or by any means (whether electronic, mechanical, photocopying, recording or otherwise) without the prior written permission of the editor.



International Organization for Migration (IOM)
The UN Migration Agency

Visas in ACP Countries: Key Challenges and Way Forward

Informing discussions of the
ACP-EU Dialogue on Migration
and Development



This Action is funded by
the European Union



This programme is supported by the
Secretariat of the ACP Group of States

Table of contents

Acknowledgements	3
List of abbreviations and acronyms	4
1: Introduction	6
2. What is a visa?	11
3. The work of the ACP-EU Dialogue and the ACP-EU Migration Action on Visas	19
4. Key Issues and Analyses	35
4.1 Regional partnerships on mobility	37
4.2 Improving visa legislation, policies and processes	54
4.3 Visa and new technologies	71
5. Summary of recommendations and conclusions	81
6. Country fiches	93
Bibliography	128

Acknowledgements

The publication of this report was made possible with the financial support of the European Union.

This report was a joint effort of many people, both within and outside of IOM. The editor would like to thank all those involved during the process.

The first drafts of this report were compiled by Mr. Greg Watts, who also conducted several of the ACP-EU Migration Actions' Technical Assistance interventions under discussion in this publication, and who also moderated the Peer-to-Peer meeting in Lusaka, Zambia. Important contributions were also made by Mr. Greg Mills, who compiled the Actions' Regional Thematic Analysis on Visa in the Pacific and also conducted several Technical Assistance interventions in that region.

The report benefited from comments and contributions from IOM staff in the different ACP regions. Special thanks go out to Neil Roberts (IOM RO Nairobi), Donato Colucci (IOM RO Bangkok) and Elizabeth Warn (IOM RO Pretoria).

The inputs of several IOM Brussels and HQ staff, were invaluable for finalizing this publication. Specifically, the contributions of Katy Barwise, Kristiina Lilleorg, Renza Tovazzi (IOM RO Brussels), Deepali Fernandez, Farbod Saatsaz and Patrick Concoran (IOM Headquarters) were very important in the process of drafting this report. In addition, the expertise of the whole ACP-EU Migration Action team was an essential resource for compiling this report. Finally, the report also received inputs from DG DEVCO and DG HOME.

Finally, the ACP-EU Migration Action wishes to thank the participants of the Peer-to-Peer exchange meeting on Visas that took place in Lusaka, Zambia in May 2018. This report was informed to a large extent by the information gathered during the open discussions and through the active engagement of delegates from different ACP countries (Benin, Djibouti, Eswatini, Guyana, Liberia, Mauritius, Namibia, Niger, Nigeria, the Marshall Islands, Solomon Islands, Sudan, Trinidad and Tobago, Tuvalu, Vanuatu and from host country Zambia) and regional organizations (African Union, the Common Market for Eastern and Southern Africa, the Caribbean Community and the Melanesian Spearhead Group).

List of abbreviations and acronyms

ACP	Africa, Caribbean, Pacific
AfDB	African Development Bank
API	Advance Passenger Information
BA	Baseline Assessment
BMIS	Border Management Information System
CARICOM	Caribbean Community
COMESA	Common Market for Eastern and Southern Africa
CVQ	Caribbean Vocational Qualification
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ESTA	Electronic System for Travel Authority
ETA	Electronic Travel Authority
EU	European Union
GAMM	Global Approach to Migration and Mobility
GATS	General Agreement on Trade in Services
ICAO	International Civil Aviation Organization
IOM	International Organization for Migration
MFTA	Melanesian Free Trade Agreement
MHAI	Ministry of Home Affairs and Immigration
MoU	Memorandum of Understanding
MSG	Melanesian Spearhead Group
NSA	Non-State Actor
P2P	Peer-to-peer
PACIN	Pan-African Citizens Network
PIDC	Pacific Immigration Development Conference
REC	Regional Economic Community
RO	Regional Organization
SADC	Southern African Development Community
SDGs	Sustainable Development Goals
SIS	Schengen Information System
SMS	Skilled Migration Scheme
SOP	Standard Operating Procedure
SPC	Secretariat of the Pacific Community
TA	Technical Assistance
UNCTAD	United Nations Conference on Trade and Development
UNWTO	United Nations World Tourism Organization
VIPA	Vanuatu Investment Promotion Authority
WTO	World Trade Organization





Introduction

The **ACP-EU Dialogue on Migration and Development** (hereafter ‘the Dialogue’), launched under the Cotonou Agreement, brings together the 79 African, Caribbean and Pacific (‘ACP’) countries and 28 European Union (‘EU’) States to discuss migration issues from a development perspective. In the framework of the Dialogue, five topics of discussion were set. For each of these topics, specific recommendations guide the discussion between ACP and EU Member States.

The Dialogue considers “**visas**” to be one of the strategic priority topics for exchange between Member States from ACP and EU and has therefore come up with related thematic recommendations (“ACP-EU Dialogue recommendations on visas”). It is in this context that the ACP-EU Migration Action has been conceived: a tool to concretize the Dialogue’s recommendations. As of 2015, the ACP-EU Migration Action (hereinafter “the Action”) has been implementing Technical Assistance interventions benefiting ACP Governments and Regional Organizations (ROs) with the objective of giving concrete implementation to the recommendations on visas. The Action programme is funded by the 10th European Development Fund and operates under the auspices of the ACP Secretariat and the European Commission. The programme is implemented by the International Organization for Migration.

This report was commissioned by the ACP-EU Migration Action in 2018 as part of the programme’s efforts to collect, analyze and disseminate information and knowledge on the results achieved through its activities. It builds on the recommendations of the Dialogue and on the work of the ACP-EU Migration Action on visas, to provide food for thought for the Dialogue. The structure of the report is as follows:

Structure of the report

Section 2: What is a visa?

There is no commonly agreed definition of what precisely a visa is. The interpretation of the term if left to the discretion of individual States. This Section will therefore set the scene of this publication and describe what a ‘visa’ is. At the same time, it explores how visas and visa policies relate to migration management and to a broad range of public policies, hence impacting on the economy and on the development of communities. It will also highlight the links between the topic of visas and the Sustainable Development Goals as well as the objectives of the Global Compact for Migration.

Section 3: The work of the ACP-EU Migration Action on visas.

This section provides an overview of the work of the ACP-EU Migration Action in the context of the ACP-EU Dialogue on Migration and Development. While the ACP-EU Dialogue provides a broad mandate to exchange on visa-related policies, the analysis of the Actions’ work highlights a need to broaden the discussion on this topic. Throughout the implementation of the Action’s work on visas in ACP countries, and during the exchanges organized by the programme, three main topics of interest emerged: (i) regional cooperation on mobility, (ii) visa legislation, policies and processes and (iii) visas and new technologies.

Section 4: Key issues and analysis.

This section discusses the topics that were developed under Section 2 - (i) regional cooperation on mobility, (ii) visa legislation, policies and processes and (iii) visas and new technologies – taking into account the broader discourse on migration and development that was elaborated under Section 1. The aim of this section is to extrapolate specific recommendations in these topics, based on case studies from the different interventions by the Action in ACP countries.

Section 5: Summary of recommendations and conclusions.

This section summarizes all other sections in key conclusions and recommendations.

Section 6: Country Fiches.

Provides a brief overview of all the Technical Assistance Interventions conducted by the ACP-EU Migration Action.



What is a visa?

Visa systems are the primary way in which States regulate and enable the entry and stay of non-nationals in their territory. Most countries operate on the basis that any foreign national seeking to travel to and enter their country requires a visa, unless otherwise specified. There is no universally accepted definition of a “visa”,¹ in part because there are many different legal and administrative constructs which are used to govern the entry of non-nationals into various states. Hence, the interpretation of the term is left to the discretion of individual States. Generally speaking, visas are an authority issued by a State, for a non-citizen to travel to, enter or remain in a State for a specific purpose. The issuance of visas is essentially a risk management system. Information is collected about the applicant and on that basis, the applicant’s risk profile is determined. If the estimated risk threshold is considered acceptable, a visa is issued. If not, the visa is denied.

Visas typically also include limits on the duration of the foreigner’s stay, the territory within the country they may enter,² the dates they may enter, the number of permitted visits (for a permitted period) and on the nature of any activity (e.g. no work or study) whilst in the country in question.

There are broadly three different ways in which States authorize non-nationals to travel to, enter or remain in their territories. This authority is given by means of:

- a visa granted offshore before the bearer travels – people apply for visas using paper-based applications or, as is increasingly prevalent, by means of online application processes. Pre-travel visas are largely issued by overseas diplomatic missions - embassies, consulates, high commissions, etc., outside the receiving country. However, outsourcing of visa issuance to private companies and other entities, including international organizations,³ is increasingly common;
- b Visa on Arrival (VOA)- under this model, there is no screening of the passenger prior to arrival at the border. Visas, especially VOAs, may be considered an important revenue source;

1 The lack of common definition of a visa might hinder collaboration between different countries (for example in the context of Regional Organizations). IOM (2019), Glossary on Migration, 3rd edition uses the following definition: “An endorsement by the competent authorities of a State in a passport or a certificate of identity of a non-national who wishes to enter, leave, or transit through the territory of the State that indicates that the authority, at the time of issuance, considers the holder to fall within a category of non-nationals who can enter, leave or transit the State under the State’s laws. A visa establishes the criteria of admission into, transit through or exit from a State.”

The EU also uses a common definition as defined in REG801/2009 (Visa Code), Article 2(2): “‘visa’ means an authorization issued by a Member State with a view to: (a) transit through or an intended stay in the territory of the Member States of a duration of no more than three months in any six-months period from the date of the first entry in the territory of the Member States; (b) transit through the international transit areas of airports of the Member States.”

2 Or countries they may enter in case of regional visas.

3 See for example www.iom.int/facilitating-migration.

- c an authority to remain which is granted to a person who has already entered the issuing country (e.g. allowing a person with a tourist visa to obtain a student visa).

A further border crossing scenario applies in many parts of the world where borders (land or maritime) divide communities which have traditional links (family, cultural and economic) with each other. In such circumstances, neighbouring States may have arrangements to accommodate such traditional movements. Most African States have land borders with other States between which traditional movements occur. Supplementing these arrangements, many countries grant so-called visa waivers or visa exemptions to certain categories of people.⁴

Whether a country requires a specific traveller to possess a visa to enter the country, is often dependent of either or both the nationality or the category of the applicant. Nationals of designated states can be required visas by a specific country based on factors such as: hostile relations between countries, significant socioeconomic imbalances, political instability in country of origin, national security concerns such as espionage or sabotage, originating country as source of terrorism, reciprocity, etc. Furthermore, a visa is usually required if the category- the basis upon which a person is seeking to enter another country- is of a nature which requires thorough examination and consideration, for example applications to take up employment, to settle, etc.

An understanding of the different modes of entry is an important precursor to any review of a visa system⁵ – a comprehensive approach allows States to address their people movement challenges in a holistic way. In order to achieve a coherent policy platform, States need to consider all the movement scenarios discussed above when they update or reform their visa processes. This should happen in the context of a whole-of-government approach.

4 The term visa waiver can also be expressed as a waiver of the requirement to obtain a visa in advance of travel. For example, Tuvalu’s agreement to a visa waiver for EU nationals effectively means that EU nationals are granted an authority to enter (or VOA) on arrival for a prescribed period and with prescribed conditions. In the case of Tuvalu, nationals of any country can obtain a VOA but under the agreement, the period of stay for EU nationals is more generous (90 days) and there is no fee.

5 The term “visa system” is used a number of times in this publication. A visa system includes:

- The visa architecture or structure which regulates the number and types of visa categories used by a country to accommodate various purposes of entry;
- The aggregated rules which define the criteria for the various types of visa (in the form of legislation);
- The aggregated rules which define the conditions applying to the various types of visa;
- The systems, processes, policies and administrative structures used to deliver the visas.

Visa policies as part of migration management

Visa policies are an essential component of a country's or region's migration management policy. On one hand, visas are an instrument for managing and facilitating entry and admission. At the same time visa policies also play an important role in tackling irregular migration and ensuring security. Balancing these two sides of migration management has become increasingly pertinent as there are more people on the move today than ever before. Good governance of mobility, in turn, creates value for the development of people, increases the competitiveness of the countries concerned and enriches respective societies.

Governments that requested visa-related TAs to the ACP-EU Migration Action recognized a need to adapt, modernize and improve their visa systems to deal with migration trends and pressures.

Countries often use visa policy to promote particular types of regular migration, when this is considered to be in their economic, social, political or environmental interest (e.g. attracting specific groups of highly skilled workers, enabling labour mobility to relieve skill shortages, promoting tourism, foreign or diaspora investment). In such cases, visa policies and practices can facilitate migration either by waiving visa restrictions for these groups or by offering simplified and faster visa application procedures. This is often accompanied by bilateral agreements with countries concerned.

Visa policies also play a role in improving integrated border management in view of effectively managing security threats and supporting the reduction of illicit cross-border movements of both goods and people (e.g. trafficking in human beings). The role of visa policy in tackling irregular migration is particularly evident at the visa-issuing stage. Visa officers generally seek to assess the visa applicant's willingness and ability to return. Many cases of irregular migration occur not only through crossing borders irregularly, but by entering through regular channels (including with a valid visa) and overstaying the visa period or not complying with the visa's conditions. Countries generally take the risks of overstaying and visa violation into account when developing their visa policies. Specific instruments such as biometrics data and international cooperation and information exchange are also used to further reduce the risk of irregular migration.

Certain visa policies can serve as a tool for discouraging irregular migration by offering regular alternatives instead. Putting in place humanitarian visas for example, can reduce the need for migrants to undertake perilous journeys, whereas now they often

have to rely on unscrupulous visa brokers and migrant smugglers.⁶ The beneficiaries of such visas are often not eligible for international protection under the Geneva Conventions but do face certain situations of vulnerability that may compel them to leave their country of origin, e.g. economic hardships, lack of adequate medical treatment facilities, or consequences of natural disasters. In addition, states can apply new approaches to existing visa categories (e.g. family reunification visas as a complement to asylum policies) to enhance the availability and flexibility of pathways for regular migration. Moreover, visa systems can also be adapted to respond positively to humanitarian needs and situations. Special visa categories for victims of trafficking or for refugees are good cases in point.

Visas and broader public policies

At the same time, visa systems impact numerous areas of public policy, the economy as a whole and community interests. These impacts derive from both the nature of visa policies (e.g. does the visa policy encourage or discourage foreign investment) and the efficiency with which services are delivered (e.g. how long does it take to obtain different categories of visas). A well-designed and well-managed visa system supports a State's capacity to foster international business and trade linkages, develop and reinforce its tourism industry, attract foreign investment, enable international labour mobility, and benefit from increased regional and international cooperation, and is in that sense linked to development.

Visa systems reviews should therefore start with a comprehensive investigation of a Governments' primary policy positions - i.e. determining what the position and objectives are in terms of tourism, labour migration, foreign investment, regional integration and cooperation, etc.

Discussing visa systems between different States and in the context of Regional Organizations is crucial in the context of regional integration processes. Regional integration can in turn allow for increased national and local economic development, and in certain instances for mobility of labour and cooperation. The liberalization of

⁶ The European Parliament requested that the European Commission table, by 31 March 2019, a legislative proposal establishing a European Humanitarian Visa, giving access to European territory- exclusively to the member state issuing the visa- for the sole purpose of submitting an application for international protection. MEPs stress that, despite many announcements and requests for safe and legal pathways for asylum-seekers into Europe, the EU lacks a harmonised framework of protected entry procedures. They underline that, due to insufficient legal options, an estimated 90 per cent of those granted international protection reached the European Union through irregular means. Humanitarian visas would help to address the intolerable death toll in the Mediterranean and on the migration routes to the EU (at least 30 000 persons have died at EU borders since 2000), to combat human smuggling, and to manage arrivals, reception and processing of asylum claims better. European Parliament (2018) Humanitarian visas to avoid deaths and improve management of refugees. Press Release, 11 December.

visas (non-imposition of a visa) at regional level is often cited as a first step of regional integration.

For visa policies to be effective and beneficial for development and for protecting migrants' rights, it is imperative that **visa policies are consistent and complementary with broader migration policies, human rights standards, as well as with other policy fields (trade, labour, investment, tourism, etc.)**. Intra-governmental discussions, and a whole-of-government approach are hence essential to harnessing the movement of people for national development. The emphasis on the positive benefits of well-designed visa systems is entirely consistent with the Sustainable Development Goals – specifically with Target 10.7 to “facilitate orderly safe and responsible migration and mobility of people including through the implementation of planned and well-managed migration policies.”

Section 2: Key Points and Recommendations

Key Point 1

Visas are an authority issued by a State, for a non-citizen to travel to, enter or remain in a State for a specific purpose. A visa usually sets limitations on the foreigners' stay, for example regarding its duration, the activities that are allowed during the stay, the dates of stay and permitted period.

Key Point 2

Visas are issued either before travel, on arrival or when the person is already in-country (authority to remain).

Key Point 3

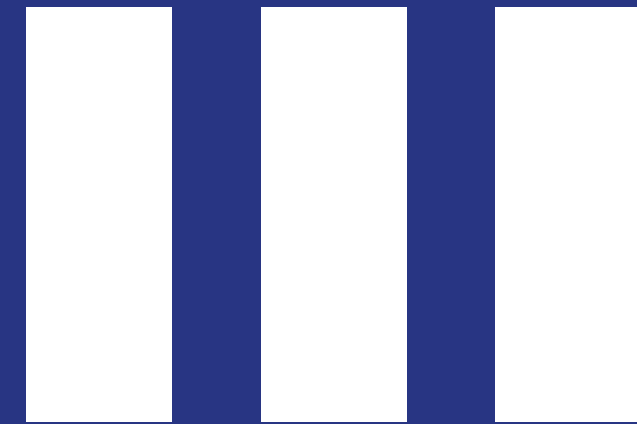
Visa policies are an essential component of a country's or region's migration management policy. They are an instrument for managing and facilitating entry and admission, for promoting particular types of regular migration and for responding to humanitarian situations. At the same time visa policies also play an important role in tackling irregular migration and ensuring security.

Key Point 4

Visa policies impact other areas of policy, the economy and community interests. Well-managed visa systems can help to foster international business and trade, tourism, investments and regional cooperation.

Recommendation I

For visa policies to be effective and beneficial for development, and to protect migrants' rights, it is imperative that visa policies are defined through a whole-of-Government approach, ensuring consistency and complementarity with migration policies, human rights standards, as well as with a State's position in other policy fields (trade, labour, investment, tourism, etc.).



The work of the ACP-EU Dialogue and the ACP-EU Migration Action on Visas

The ACP-EU Dialogue on Migration and Development

Comprehensive discussion on migration between the African, Caribbean and Pacific (ACP) Group of States and EU partners has taken place since 2010 in the context of the ACP-EU Dialogue on Migration and Development. In that year, the ACP-EU Council adopted a Joint Declaration on Migration and Development, in which the Parties committed to strengthen and deepen their dialogue and cooperation in the area of migration, building on three pillars: migration and development, regular and irregular migration.

Experts of the EU and the ACP countries met on 15 February 2012 in Brussels to discuss their respective visa policies.⁷ The meeting has demonstrated the necessity to deepen, in a framework to be defined, including at regional and national level, mutual knowledge of the EU's (particularly the Visa code) and ACP's visa policies.

At that same meeting the shared objectives of the two parties were summarized as follows:

- To continue the **exchanges on visa-related legislation and practices**, including on the implementation of the **Visa Code**,⁸ that provides applicants in ACP countries with a more stable, harmonized and transparent framework;
- To deepen the exchanges on specific aspects, in particular on the **fees associated to visa applications and travel medical insurances**, the **appeal procedures** against decisions refusing a visa and the alerts in the Schengen Information System;
- To continue the reflection on the best ways to improve **accessibility to visa application procedures** and to the information on such procedures. The ACP Party wishes that the reflection covers also the issuance of visa;
- To consider, building on the positive experience represented by the **common visa application centre** known as "Schengen House", the added value of replicating this model in other ACP countries;
- In accordance with Protocol N° 2 to Annex VI to the Cotonou Agreement, on privileges and immunities:

7 ACP Group of States and Council of the EU (2013). www.register.consilium.europa.eu/doc/srv?l=EN&f=ST%202115%202012%20INIT.

8 European Parliament and European Council (2009) Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009: establishing a Community Code on Visas (Visa Code). Available from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0810:20160412:EN:PDF>.

- To encourage a broad application of the accelerated procedure already implemented for processing visa applications, according to modalities to be defined, for members of official delegations who attend meetings in the framework of the dialogue and the cooperation between ACP countries and the EU;
- To explore how to optimise the possibilities offered by the Visa Code and by national legislations of ACP countries, to issue long term multiple-entry visas to permanent members of delegations attending official meetings in the framework of the ACP-EU dialogue and cooperation, following the principle of reciprocity.

In this context, the ACP side also raised the issue of a possible visa waiver for diplomatic passport holders.

The Dialogue recommendations provide a broad mandate to examine "visa-related legislation and practices". All the ACP-EU Migration Action's TA interventions on the topic fit broadly within the parameters of this recommendation. Drawing on the results of the TAs implemented by the Action however, further detail could be added to this recommendation, as to reflect more adequately the needs that emerged from different ACP countries.

Improving the accessibility to visa application procedures is of particular importance to facilitating regular migration. The point on issuance of visas relates to the methodology and governance of visa systems. If the relevant processes and transactions are clear and the bureaucratic mechanisms are responsive and effective, then there are clear benefits to the migrant and the receiving State. Hence these recommendations remain entirely valid.

Some specific visa-related issues are mentioned in the Dialogue recommendations but had limited coverage in the TA conducted by the Action. The issue of fees was discussed in some of the consultative processes during the TA but was not central to the final recommendations resulting from the TAs. Alert systems are a crucial adjunct to the visa system as they can identify persons who are of concern to national authorities for a number of possible reasons, including contravening immigration laws and other forms of criminal association, convictions or involvement in transnational crime or terrorism. While not a primary focus of the Action's TA interventions, the issue of alerts has been a common topic of discussion as the adequacy of alert systems influences a State's capacity to establish meaningful border control arrangements and combat transnational crime.

Links with Migration and Development Frameworks

Since the issuance of the ACP-EU Dialogue on Migration and Development, global policies relating to migration and development have evolved and changed. The adoption of the 2030 Agenda for Sustainable Development and related goals (Sustainable Development Goals, SDGs) in 2015 marked the first time that international policy formally recognized that “international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination”. While visas are not specifically mentioned in the SDGs, several of the 17 SDGs (and related 169 targets) relate to visa policies.

Visas and the Sustainable Development Goals

A comprehensive approach to visa policies, taking into account links to facilitating regular migration, trade, business and tourism and enhancing efficient border management at the national and regional levels can contribute to meeting several targets under the SDGs. The most important one being target 10.7 under Goal 10: *“Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”*.

Well managed, integrated border management and visa policies may also have an (indirect) impact on sustainable economic growth (SDG 8), as that requires more international integration and interaction between states (e.g. on border security, facilitation of trade, etc.). Addressing skill shortages through labour mobility (Target 8.2) and youth labour mobility (Target 4.4) is also part of this. Effective border management ensures that relevant checks are in place, to enable the majority to travel relatively restriction free, while focusing only on those that pose a genuine risk. Those presenting a risk include people who carry out nefarious activities including money laundering, human traffickers and smugglers, or those that smuggle drugs, illegal arms etc. Moreover, the better management of borders facilitates the movement of traders, mobile populations, etc. to cross borders more efficiently – hence enabling faster and more efficient trade.

In addition, effective border and migration management is also closely related to SDG 16 – as institutional and human capacities for good governance are key for delivering effective public policies and strategies. Improvements at border management level, such as greater intra-service, inter-agency, bilateral, regional and international cooperation, can help in combating transnational organized crime and terrorism.

Strengthened national institutions under the form of robust identity management frameworks empowers people including migrants, supports the reduction of illicit cross-border movements of both people and goods (Targets 16.4 and 16.a) and can reduce the incidence of corruption and bribery (Target 16.5). It also helps identify and protect migrants in vulnerable situations, enabling border agencies to refer those in need of protection or assistance to the appropriate bodies. Special attention should be paid to the protection of vulnerable migrants such as women, unaccompanied minors, elderly applicants, those from marginalized communities and refugees throughout the visa application process and at borders. The provision of reliable and secure legal identity for all (Target 16.9) is also a part of responding to vulnerabilities and is a cross-cutting issue related to fundamental rights. It includes instituting measures to ensure travel and identity document security, and building border officials’ capacity to detect false, forged or stolen travel documents.

By supporting concrete green measures related to border infrastructure, for instance including renewable power sources, e.g. solar panels, but not limited to, in the construction and refurbishment of remote border posts, States can contribute to the retrospective upgrade of sustainable trans-border infrastructure (Targets 9.1, 9.4 and 9.a). Transborder infrastructure should furthermore be affordable and equitable to all migrant groups.

Global Compact for Migration

The Global Compact for Safe, Orderly and Regular Migration⁹ (henceforth “Global Compact for Migration”) also presents a significant opportunity to improve migration governance, to address the challenges associated with migration, and to strengthen the contribution of migrants and migration to sustainable development. The Global Compact for Migration is the first inter-governmentally negotiated agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner. This non-binding agreement was officially adopted in December 2018.

The Global Compact for Migration is consistent with target 10.7 of the 2030 Agenda for Sustainable Development - in which Member States committed to cooperate internationally to facilitate orderly, safe and responsible migration. In Annex 1 of this publication, a table is included on the Global Compact Objectives and specific action points that are linked to visa policies, processes and visa legislation.

⁹ International Organization for Migration (2018) Global Compact for Migration. Available from www.iom.int/global-compact-migration.

EU Migration policy and Legal framework – selected overview

The European Consensus on Development, which defines the EU's common vision and framework for action for development cooperation, aligns the EU's development policy with the 2030 Agenda for Development. In this context, the links between development policy and mobility and migration are highlighted. In this context, the positive contributions of well-managed migration and mobility to inclusive growth and sustainable development are acknowledged by the European Commission.¹⁰

Visa policy primarily falls under the Home Affairs portfolio in the EU and its Member States. However, migration in general, including visa policy, are increasingly featured in the EU's external policy. The EU's Global Approach to Migration and Mobility (GAMM) defines four equally important objectives: (i) better organizing legal migration, and fostering well-managed mobility, (ii) preventing and combatting irregular migration, and eradicating trafficking in human beings, (iii) maximizing the development impact of migration and mobility and (iv) promoting international protection and enhancing the external dimension of asylum.¹¹ The GAMM introduces a 'more for more' approach, which means that incentives such as visa facilitation are offered to countries that cooperate on migration management. Mobility Partnerships (MP) and Common Agenda's on Migration (CAMM) are the most elaborated bilateral cooperation frameworks. Both are based on the objectives of the GAMM, but MPs also include the negotiation of visa facilitation as well as readmission agreements, whereas CAMMs do not. To date, only one MP has been signed with an ACP country: Cabo Verde.¹²

In parallel, within the EU, the 2015 EU Agenda on Migration¹³ defines as a priority to address immediate challenges and improve the Union's migration management capacities. A new policy on legal migration, including a well-managed regular migration and visa policy, constitutes one of the pillars for the Agenda. In the same year, the Valletta Summit was organised to define cooperation modalities with African partners. Its action points include "engaging, in a spirit of partnership, in the creation of positive

synergies between negotiations on visa facilitation and discussions in other areas such as readmission".¹⁴ This may be achieved by the negotiation or conclusion of visa facilitation and readmission agreements, as well as the facilitation of issuing visas as well as procedures related to legal migration.¹⁵

The EU established different provisions relating to legal migration, such as the Blue Card for highly skilled workers from third countries- who play a key role in strengthening the EU's competitiveness. The EU faces significant labour and skills shortages in certain sectors, which have the potential to limit growth, productivity and innovation. These shortages are projected to continue to increase in the future.¹⁶ The EU therefore established the EU Blue Card, a framework for attracting highly qualified non-EU citizens.¹⁷ The 2016 update of the EU Blue Card Directive aimed at harmonizing across the EU and simplifying the scheme, making the admission conditions more inclusive and flexible and for example, improving access to EU long-term residence under certain conditions and rights of family members.¹⁸

Complementary to the EU Blue Card, the Seasonal Workers Directive was established in 2014.¹⁹ Seasonal workers may obtain an EU Blue Card valid for the specified period of work they will perform as seasonal workers in the hosting EU state – typically for working in agriculture, horticulture and alike.

Another legal migration pathway involves the right to family reunification, as per Council Directive 2003/86/EC.²⁰ Family reunification constitutes one of the pathways with the greatest potential to contribute to regular and orderly migration, as presence of family members reduces risks of abuse and exploitation, faster settlement and integration, and mitigating the negative developmental, emotional and health effects of long-term separation of family members.²¹ The EU Council Directive recognizes the right to family reunification and determines the conditions for the exercise of this right. A first evaluation of the Directive Implementation (2008) has shown a relatively low impact, partly due to the high degree of discretion given to Member States when

10 Council and representatives of the governments of the Member States meeting within the Council, the European Parliament and the European Commission, Joint Statement, The new European Consensus on Development – 'Our World, Our Dignity, Our Future', 2017, available at www.ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-final-20170626_en.pdf.

11 European Commission, Global Approach to Migration and Mobility. Available from www.ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en.

12 Ibid.

13 European Commission, Communication on a European Agenda on Migration, COM(2015) 240 final, 13 May 2015, available at www.ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.

14 Valletta Summit on Migration, Action Plan, 11-12 November 2015, available at www.consilium.europa.eu/media/21839/action_plan_en.pdf.

15 Ibid.

16 European Commission, Revision of the EU Blue Card Directive (2016) Available from www.ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160607/factsheet_revision_eu_blue_card_en.pdf.

17 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

18 See <https://www.eesc.europa.eu/resources/docs/browsers---the-revision-of-the-eu-blue-card-directive.pdf>

19 Council Directive 2014/36/EU of 26 February 2014 on the conditions of entry and residence of third-country nationals for the purposes of employment as seasonal workers.

20 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

21 IOM, Global Compact Thematic Paper: Family Reunification (2018).

setting admission conditions.²² In 2014, the EU renewed its commitments to Common Basic Principles (CBPs) for Immigrant Integration and the Commission released Communication on guidance for the application of Directive 2003/86/EC.²³

ACP-EU Migration Action Technical Assistance interventions on Visas

As of 2015, in an effort to implement the ACP-EU Dialogue Recommendations on Visas, the ACP-EU Migration Action has conducted Technical Assistance interventions in several ACP countries. The Action has received 16 requests in the Visa sector covering 13 countries and 2 Regional Organizations (ROs) (plus one follow-up action).

A regional breakdown of all the visa TA interventions (both in progress and completed) is given below. Note that the Member States of the Common Market of Eastern and Southern Africa (COMESA) cover more than one region of Africa.

ACP-EU Visa TA Interventions by Region



²² Report from the Commission to the European Parliament and the Council on the application of Directive 2003/86/EC on the right to family reunification.

²³ European Commission COM(2014) 210 final of 3 April 2014. Communication on guidance for application of Directive 2003/86/EC on the right to family reunification.

TA Intervention Themes

The themes of the ACP-EU TA interventions under the umbrella of “visa” can broadly be categorized into three areas. These three areas will guide the discussion under Section 4.

- **Regional partnerships on mobility** – The need for more international dialogue and (regional) cooperation on visa policies, considering their impact on mobility and development, are crucial. This was indeed a recurrent topic, both within the Actions’ technical assistance interventions as well as within the Peer-to-peer meeting. Inspired by international good practices and some drawing on the European Union (EU) experience, regional bodies throughout the ACP regions have established zones of free movement and/or of free trade. These allow for increased national and local development, in certain instances mobility of labour and cooperation – all ultimately contributing to the enhanced prosperity of their citizens. The liberalization of visa policies is often a core part of regional integration processes and often a first step in regional free movement of persons. Two regional organizations (COMESA and Melanesian Spearhead Group (MSG)) have requested assistance from the ACP-EU Migration Action. Both interventions were requested as to support the implementation of the ROs’ legislative and statutory moves toward the elimination of visas (and, therefore, greater free movement) between Member States. This report will analyse these interventions and also go deeper into the most significant barriers that limit increased free movement at the level of regional organizations.
- **Improving visa legislation, policies and processes** – Visa systems impact numerous areas of public policy, the economy and community interests. These impacts derive from both the nature of visa policies (e.g. does the visa policy encourage or discourage foreign investment, for example) and the efficiency with which services are delivered (e.g. how long does it take to obtain different categories of visas). The facilitation of visa application processes – the procedures involved if a prospective traveller wants to obtain a visa – is an important aspect in the creation of a more enabling environment for enhanced mobility. This is dependent on legislative aspects and on the streamlining of the application procedures themselves. Many countries also consider smoother visa application processes as an important part of a strategy for a country to attract and facilitate investments, business, trade, provision of professional services and tourism activities. In many of the countries of intervention, the Action worked on streamlining visa policy/legislation, and on application and/or processing procedures.

- **Visa and new technologies** – A rather recent development in the field of visas, online visa application systems (sometimes referred to as e-Visas), has very much become a growing trend. In the context of the ACP-EU Migration Action, several countries have requested interventions related to the implementation of modern visa technologies. These technologies can make visa application and issuance procedures easier and more efficient for travellers. Though their introduction comes with a cost, new technologies can also help in addressing security concerns more effectively. They are also increasingly important for recording, storing, analysing and exchanging data. This section will explore different new technologies that are now being considered or implemented in ACP countries, and their impact on the efficiency of the overall visa process.

Broadly, the TA interventions can be related to the following ACP-EU Dialogue recommendations: “continue the exchanges on visa-related legislation and practices” and “continue the reflection on the best ways to improve accessibility to visa application procedures and to the information on such procedures”. Nevertheless, throughout the Action’s work, topics of interest emerged that are not explicitly mentioned in the recommendations – such as technology in relation to visa applications and processing, regional integration and the relevance of visa policies in relation to of trade, business and tourism facilitation, etc.

In this respect, through the work of the Action it emerged that the Dialogue’s recommendations on Visas do not adequately cover the full range of priorities in this sector and that therefore they could be further enriched and expanded.

The table below indicates the themes of the Technical Assistance interventions by country/RO:

Table 4: TA Interventions by theme

COUNTRY/RO	Regional partnerships on mobility	Improving visa legislation, policies and processes	Visa and new technologies
COMESA I			
COMESA II			
Namibia			
Sudan			
Benin			
Guyana			
Liberia			
Vanuatu			
Melanesian Spearhead Group			
Republic of the Marshall Islands			
Barbados			
Tuvalu			
Tonga			
Eswatini			
Mauritius			
Niger			

In Africa and the Caribbean, most interventions relate to the modernization of visa application procedures, mostly an assessment on the feasibility of an e-Visa system was requested. In the Pacific, interventions are more focused at improving the legislation, policies and procedures related to visa.

ACP-EU Migration Action: The Peer-to-peer Exchange Meeting (Lusaka, May 2018)

With the aim of sharing the findings and contributing to knowledge development within the ACP region, the Action organized a **Peer-to-peer Exchange Meeting on Visas**. The meeting was a forum for the Actions' stakeholders to exchange on **challenges, lessons learned and good practices** identified through the implementation of activities of the Action, and to follow up and discuss **the joint ACP and EU Dialogue** recommendations on Visas to pursue a more in-depth dialogue.

Representatives from different ACP countries, as well as from a variety of Regional Organizations (COMESA, MSG, Caribbean Community (CARICOM) and African Union (AU)) were represented at the meeting, along with visa experts and IOM staff.

The meeting agenda was divided in three themes, along the lines of the TA intervention themes (Regional cooperation on mobility – improving visa legislation, policies and processes – visas and new technologies). High level outcomes relate to the definition on visas as well as free movement, the balance between maintaining security and facilitating mobility, the role regional organizations can play in aligning visa policy and best practices, the range of technology available and the challenges in their implementation.²⁴ These discussions, along with the outcomes of the different TAs, have fed the analysis under Section 3 of this publication.

Based on the above, this publication aims at linking the work of the Action, – implemented through Technical Assistance Interventions and the P2P Exchange, to the actual visa – specific recommendations formulated under the ACP-EU Dialogue process, trying to eviscerate challenges and portraying way forwards, for the direct use of ACP Governments or ROs, and for a future reflection of the ACP and EU partners in the context of the Dialogue.

²⁴ For a detailed analysis on the outcomes of the P2P Exchange meeting, see www.acpeumigrationaction.iom.int

Section 3: Key Points and Recommendations

Key Point 1

The requests for Technical Assistance Interventions to the ACP-EU Migration Action can be categorized in three distinct topics:

- Regional partnerships on mobility;
- Improving visa legislation, policies and processes;
- Visa and new technology.

Key Point 2

The ACP-EU Dialogue recommendations on visa provide a broad mandate to “exchange on visa related policies and practices” but throughout the Action’s work, specific topics emerged that are not covered under the Dialogue recommendations (regional cooperation, technology, links with development, trade, tourism, etc.). At the same time, some specific visa-related issues were mentioned in the Dialogue but had limited coverage in the TA interventions (fees, alert systems, etc.).

Key Point 3

Visas are not directly mentioned in the Sustainable Development Goals but visa policies impact several of SDG targets, especially target 10.7 relating to the implementation of well-planned migration policies.

Key Point 4

Visa policies impact other areas of policy, the economy and community interests. Well-managed visa systems can help to foster international business and trade, tourism, investments and regional cooperation.

Recommendation 1

The ACP-EU Dialogue recommendations on Visas could be further enriched and expanded to reflect the range of priorities that emerged through the Actions’ work. At the same time, the Dialogue recommendations could be explicitly linked to the SDG framework.





IV

Key Issues and Analyses

In the course of the implementation of the ACP-EU Migration Actions' work on visas, it became evident that the scope of the Technical Assistance topics requested, was broader than the interpretation of the topic 'visa' framed within the recommendations of the ACP-EU Dialogue. In Section 2, we have defined the topics that were recurrent within the Actions' TA interventions. These topics were also discussed during the Peer-to-Peer exchange meeting on Visas in Lusaka, Zambia (May 2018). Taking into account both the work of the Action and the background of the Global Compact for Migration and SDGs, as discussed under the previous section, this section will aim to provide specific recommendations pertinent to the ACP context. The discussion will be based on the TA requests that the Action received, and the discussions that were held during the P2P exchange meeting. The chapter is built up following the three topics that the Action worked on in the course of its TA interventions:

4.1: Regional partnerships on mobility

4.2: Improving visa legislation, policies and processes

4.3: Visa and new technologies

4.1 Regional partnerships on mobility

Free and Liberalized Movement of Persons

Inspired by international good practices and drawing on the European Union experience (Schengen), regional bodies throughout the ACP have in place free movement agreements – with the aim of complementing and facilitating free trade agreements. These agreements allow for increased national and local economic development and in certain instances mobility of labour and cooperation. Although many regional blocs in ACP have free movement agreements in place, they often have yet to be ratified and implemented.

Liberalization of movement of persons is an important principle for encouraging growth in trade, investment, business, professional services and tourism, and is crucial to enhanced regional integration, all factors ultimately contributing to the prosperity of citizens. Under its fifth objective, the Global Compact for Migration indicates the availability and flexibility of pathways for regular migration as one of the key priorities to address. International and bilateral cooperation, such as free movement regimes, is indicated as one of the pathways to reach this objective.²⁵

However, as with the term visa, the Peer-to-Peer event revealed that **“Freedom of Movement” as a term is similarly lacking a formal, agreed definition in the ACP context.** Most ACP regional organizations, including the African Union and the continent's Regional Economic Communities (RECs) like COMESA, the East African Community (EAC), ECCAS, ECOWAS, and the Southern African Development Community (SADC); the Caribbean Community (CARICOM) in the Caribbean; PIDC and MSG in the Pacific are focused on broader regional integration issues, including regional trade and development. Although the concept of Freedom of Movement is regarded by most, if not all, regional organizations as critical to the promotion and growth of trade, commerce, investment and tourism, the level of ambition associated with that “freedom” varies amongst the regional organizations.

Provisions regarding movement of persons in regional integration agreements can cover the mobility of persons in general. Others provide for the free mobility of labour in general or certain types of labour (e.g. higher skilled workers). Yet others facilitate the mobility of service suppliers or are limited to offering simplified procedures for

²⁵ United Nations General Assembly (2018). Global Compact for Safe, Orderly and Regular Migration: Final draft. Available from www.refugeesmigrants.un.org/migration-compact.

movement related to investment activities. Some agreements may offer the facilitated admission of specific categories of persons, such as tourists, students, family members, business visitors, entertainment and media professionals and nonwage earners. In its most evolved form, a zone of free movement can entail a common external border and an absence of internal border controls, as is the case of the European Union.

Whatever form it takes, three questions are essential to increase the chances of success. First, are national policies aligned with regional ones? The more convergence there is between the trade and security considerations of the participating states, the easier it is to achieve freedom of movement. Secondly, do participating states have the capacity to implement ratified free movement protocols (or even to sign and ratify them)? This includes the ability to develop an appropriate legislative framework and operational guidelines. Finally, what mechanisms exist for data sharing? This is particularly relevant with regards to the entry into and stay within the zone of free movement by citizens of non-participating states. These factors should also be taken into account when developing capacity-building interventions.

Visa liberalization in the context of regional protocols

A first step towards free movement and enabling increased mobility for citizens, is facilitating entry provisions, often through **visa liberalization**. This step comes *before* the stage of enabling residency and/or employment, which are associated with the later stages of regional integration.

All free movement arrangements have as a goal the right to move freely between Member States, either with no visa required, or with visa free travel for a set period of days (for example 90). In the framework of its Agenda 2063,²⁶ the African Union has elaborated a draft protocol on the free movement of persons, right of residence and right of establishment. It foresees different provisions enhancing free movement, among which the right of entry and the abolition of visa requirements.²⁷ The first 10-year implementation plan of the Agenda emphasized, among others, the need to waive visa requirements by 2018 and the implementation of an African common passport by 2023. As we will see further however, African States are, at the time of writing, still far from reaching visa-free intra-African travel. We note that the overall trend is positive, and that states usually implement visa liberalization on a step-by-step

26 Agenda 2063 is the framework for guiding Africa's development until 2063. Free Movement of Persons and the African Passport are one of the 13 Agenda 2063 fast track programmes and projects. See African Union, Agenda 2063 – SDGs. Available from www.au.int/en/ea/statistics/a2063sdgs.

27 Other provisions are: the establishment of an African common passport, the free movement of border communities, the harmonization of national laws and policies on immigration, the free movement of students, researchers and workers, the mutual recognition of skills, right of residence, portability of social security, protection of property, remittances and right of establishment. UNCTAD (2018). Economic Development in Africa: Migration for Structural Transformation, United Nations: New York.

basis, for example starting with trusted categories of travellers.²⁸ However, in 2016, still 54 per cent of Africans need visas to travel in Africa.²⁹

The COMESA Free Movement protocol³⁰ (adopted in 1998 but yet to be fully signed and ratified) is another example of a protocol prescribing visa-free travel for nationals of Member States (and visas-on-arrival for the first two years of implementation) as one of the requirements for achieving a Common Market. The Protocol states that:

“a genuine Common Market shall be achieved only when the citizens of the Member States can move freely within the Common Market.”

and

“citizens of the Member States holding valid travel documents shall, upon entry into force of this Protocol, not be required to obtain visas before travelling to the territory of other Member States.”

and

“Member States agree that, within two years from the entry into force of this Protocol, citizens of a Member State holding valid travel documents shall be free to enter into the territory of another Member State through an official entry point without the requirement of a visa, for up to ninety days at a time.”

However, in 2017, COMESA's reciprocal open visa policies in the region amounted only to 21 per cent.³¹ As highlighted in the related TA intervention, many COMESA countries have signed and ratified the free movement protocol including this provision but implementation remains weak. During the related Technical Assistance intervention, the lack of a formally agreed upon definition of 'visa' was highlighted as a hindering factor. However, another important reason is that individual countries may not wish to implement provisions related to liberalizing visas.

28 Namibia provides a good example. In May 2016, the country scrapped visa requirements for holders of diplomatic/official passports from African Union Member States. Although visa exemptions certainly do not apply to all Africans, these measures are widely seen as a precursor to a continent-wide visa-free regime. See Mukeredzi, T. (2016) (2016) Seamless Borders and Development. The Africa Report.

29 Ibid.

30 COMESA Protocol On The Free Movement Of Persons, Labour, Services, Right Of Establishment And Residence, 29.06.98.

31 African Development Bank (2017), Africa Visa Openness Report 2017. Available at: www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/2017_Africa_Visa_Openness_Report_-_Final.pdf.

The reasons why individual countries may enforce restrictive visa requirements or liberalize them are numerous, interrelated and complex. Those who cite the need for visa liberalization generally cite the potential for increased trade, commerce and tourism, as well as the overall potential economic benefits. Those who call for more restrictive visa policies may highlight concerns around irregular migration, political or economic instabilities, security issues, reciprocity and other existing Agreements as well as the overall socioeconomic and political context. **Visa liberalization and more restrictive visas are competing policy priorities, which are generally promoted by different Ministries with different policy objectives. Therefore, it is important to apply a whole-of-government approach to visa policy formulation. Generally, visa policies should be informed by a thorough analysis of all these related migration, trade/development and security aspects.**

These differences came out quite clearly during the Actions' 2018 Peer-to-Peer event in Lusaka. While regional organizations promote free movement and enhanced regional integration, national governments raised concerns on security, the possibility of controlling the inflow of travellers and on protection of their labour markets (see further below on the latter point). As observed by IOM and also confirmed at the Peer-to-Peer meeting:

“A fundamental obstacle to the acceptance and implementation of increased mobility is the phrase “free movement” itself. For some, free movement denotes the total elimination of borders between countries and lack of regulation on migration flows. Using this term may be misleading and can result in negative public sentiments towards liberalized movement and even migrants themselves.”³²

Many states, in particular the African participants to the Peer-to-Peer meeting, stated that the aim of free movement is to facilitate movement whilst still retaining controls.³³ Participants of the event stated that free movement should not necessarily mean a relaxation or reduction in a country's capability to intercept arriving passengers (for security or other interest). Nor should it interrupt a country's ability to prevent persons of interest boarding a flight, ship or train in the first place. Light touch (security only) security controls can be maintained and can, for example, be operated using carrier data (Advance Passenger Information- API) – this is covered in more detail in Section 3. If Member States indeed waive (pre-travel) visas, as per free movement protocols, but continue to exercise existing border controls on visiting citizens of Member States, there is actually no difference with the concept of a visa on arrival, except for the fee that is often charged for the latter. Additionally, the removal of any fee would be an important

element in promoting free movement. In turn, efforts in enhancing mobility of persons can contribute to economic growth, that can easily exceed revenues collected through visa fees.

Beyond these diverging interests, awareness on existing regional protocols on free movement seems to be lacking at national level. This also limits countries' capacity to fully implement them. As already mentioned above, different policy areas, and hence different Ministries are affected by considerations related to visa liberalization and a whole-of-government approach is needed to ensure implementation. Regional organizations therefore have a role in promoting free movement protocols and on finding ways of monitoring their implementation. A follow-up Technical Assistance intervention in COMESA is now looking into the development of an online monitoring system for the implementation.

32 IOM (2010) Free Movement of Persons in Regional Integration Processes, International Dialogue on Migration, n. 13.

33 See ACP-EU Migration Action (2017) Peer-to-Peer Meeting Report. Available at: www.acpeumigrationaction.iom.int/peer-peer-exchange-meeting-visas.

Enhanced mobility, trade and tourism in ACP countries

Trade

Provisions on liberalizing movement of persons are mostly related to agreements regarding the facilitation of trade. The General Agreement on Trade in Services (GATS), is a treaty developed by the World Trade Organization (WTO) to remove barriers to trade at the global level. GATS states that services can be traded internationally in four different ways — known as the four modes. Mode 4 refers to the presence of persons of one WTO member in the territory of another for the purpose of providing a service. Its scope of interpretation of free movement is rather limited, since it does not concern persons seeking access to the employment market in the host member, nor does it affect measures regarding citizenship, residence or employment on a permanent basis. While global trade liberalization has moved forward in facilitating the movement of capital and goods, the same is not true for human mobility at the global level, which is markedly lower than the movement of capital and goods.³⁴

At the regional level, provisions on the movement of persons are often adjoining agreements or separate protocols related to another treaty at the level of a regional organization. Very often, they are related to an agreement on free trade as countries are recognizing links between migration, trade and development.³⁵ For example, the COMESA Free Movement Protocol was developed in the framework of the organizations' efforts to create a Common Market. The African Union's promotion of visa-free travel fits their goal to promote intra-African trade and investment, business and employment. In the Pacific, Melanesian Free Trade Agreement (MFTA) also foresees to implement provisions regarding regional labour mobility.

Case studies suggest that facilitation of movement is linked to enabling trade. Rwanda, for example, that has abolished work permits for East-African Community citizens, making mobility much easier, has increased its trade with neighbouring Kenya and Uganda by 50 per cent.

34 IOM (2010).

35 Mukeredzi, Tonderayi, Seamless Borders and Development, The Africa Report, 9 August 2016. Available from www.theafricareport.com/West-Africa/seamless-borders-and-development.html.

During the Peer-to-Peer event, different stakeholders from the African region highlighted the importance of small scale cross-border traders. For many border communities, cross-border trade supports livelihoods and creates employment, including for disadvantaged and marginalized groups. In addition, many cross-border traders are female.³⁶ According to some estimates, (formal and informal) cross-border trade contributes to the income of about 43 per cent of Africans.³⁷ However, to date, border procedures are heavy for cross-border traders, who end up paying a lot when crossing a formal border post. This drives people towards informal border crossings, which, in turn, makes it harder to gather information on the kinds of cross-border flows, their profiles and labour market destinations – hence hindering the formulation of evidence-based policies. Furthermore, procedures for obtaining permits for cross-border movements are often centralized in the capital, which is difficult to reach for these people.

At the regional level, initiatives are being implemented to mitigate these issues. COMESA, for example, is currently implementing the COMESA Trade Information Desks at border posts in an effort to decentralize the provision of information for cross-border traders.³⁸

Tourism

Visa policies, particularly by increasing visa openness, can create an enabling framework for tourism: another limb of national development. According to the UNWTO,³⁹ over the past six decades, tourism has continued to expand and diversify; it is now one of the largest and fastest-growing economic sectors in the world. From 1980 to 2014, international tourist arrivals (i.e. overnight visitors) grew four-fold from 279 million in 1980 to 1,132 million in 2014, corresponding to an average growth of 4.2 per cent a year.

Many new tourist destinations have emerged alongside the traditional ones of Europe and North America. In order for ACP countries to fully reap the socioeconomic benefits international tourism can generate for a country, it is necessary to put in place conditions that make the country competitive, the most important of which is to make destinations easy to visit.

36 Soprano, Carmine, Africa opens the gate to cross-border trade, World Economic Forum, 22 August 2014. Available from www.weforum.org/agenda/2014/08/africa-cross-border-traders/.

37 Soprano, Carmine and Brenton, Paul, Small-Scale Cross Border Trade in Africa: Why it Matters and How it Should be Supported, International Centre for Trade and Sustainable Development, 5 June 2018. Available from www.ictsd.org/bridges-news/bridges-africa/news/small-scale-cross-border-trade-in-africa-why-it-matters-and-how-it.

38 See www.gltfp.comesa.int/trade-information-desks/.

39 UNWTO (2016) Visa Openness Report 2015, World Tourism Organization: Madrid.

The UNWTO determines a ‘visa openness index’ for all countries in the world.⁴⁰ The index indicates how easy it is for nationals of all countries in the world to access a certain country. It takes into account no-visa policies, visas-on arrival and e-Visas. Generally speaking, ACP countries seem to move towards more openness for people worldwide.

Most open destinations

Openness:	Openness:	Openness:
100	99-80	79-70
<ul style="list-style-type: none"> - Cook Islands - Micronesia - Niue 	<ul style="list-style-type: none"> - Dominica - Haiti - Equador - Indonesia - Macao SAR, China 	<ul style="list-style-type: none"> - Hong Kong SAR, China - Mauritius - Vanuatu - Fiji - Saint Kitts and Nevis - Montserrat - Guyana - Saint Vincent and the Grenadines - Cambodia - Timor-Leste - Samoa - Cabo Verde - Jamaica - Guinea-Bissau - Togo - Palau - Nepal - Uganda - Mozambique - Mauritania - Comoros Islands - Madagascar - Seychelles - Tuvalu - Maldives

The above diagram, taken from a UNWTO presentation to the International Civil Aviation Organization (ICAO)⁴¹ in 2017, shows the top 34 countries in terms of visa openness. It is interesting to note that many of the countries scoring highest on the visa openness index are located in the Caribbean and the Pacific. In the Caribbean, no-visa policies are common, while the Pacific region either works with no-visa or visa-on-arrival policies.⁴² In 2015, during an ACP-EU Ministerial Meeting, short stay visa-waiver agreements (for persons not carrying out paid activity) were signed between several Caribbean and Pacific countries and the EU.⁴³

40 UNWTO (2016) Visa Openness Report 2015, World Tourism Organization: Madrid.
 41 ‘Visa Openness report’, presentation by Dr. Dirk Glaesser (UNWTO) to ICAO.
 42 UNWTO (2016).
 43 ACP Secretariat (2015) EU signs visa waiver agreement with 7 ACP countries, 28 May 2015.

Specifically, for Africa, the African Development Bank (AfDB) developed an African Visa openness index, measuring openness for intra-African travel.⁴⁴ The initiative dovetails with the ambition of the African Union to have all Africans travelling visa-free across the continent and measures the progression that is made towards that goal. The 2017 report shows a positive trend in visa openness on the African continent, with most African countries improving their visa openness or keeping the same score as the year before. However, we are still far from achieving visa-free travel for all Africans in Africa. In 2016, 54 per cent of Africans need visas to travel in Africa, as compared to 55 per cent in 2015.⁴⁵

A number of ACP countries are able to point to tangible economic benefits that have resulted from putting in place well-managed and progressive visa policies. For example, tourism in the Seychelles has increased by 7 per cent annually between 2009 and 2014 when the country abolished visas for African nationals.⁴⁶

ACP-EU Migration Action Non-State Actor (NSA) Intervention: Pan-African Citizens’ Network (PACIN – formerly CCPAU)

According to UNCTAD (2017), intra-African travel is already an important market (four out of ten international tourists in Africa are African) that can be stimulated. For the moment, the relatively low visa openness of most African countries (together with other factors, such as the complexity to apply for a visa) towards African nationals is a huge impediment to intercontinental tourism.⁴⁷ The NSA intervention by PACIN – funded by the ACP-EU Migration Action, aimed at raising awareness on intra-African travel, the opportunities it offers in terms of creating cultural and economic exchange, but especially on the difficulties that it entails. The NSA conducted advocacy work at the Government level (Kenya). It also produced a travelogue,⁴⁸ following the story of pastor Nick Korir’s 23,000km motorcycle adventure from Nairobi to Africa’s ‘southernmost’ tip. The aim was to spark debate on how Africans move within and beyond their borders.

44 African Development Bank (2017). Three index categories are used to measure visa openness: ‘No Visa required’, ‘Visa on Arrival’ and ‘Visa required’. Each category is weighed based on its degree of openness. ‘No visa’ is weighed by 1 (high openness), ‘Visa on arrival’ is weighed by 0.8 and ‘visa required’ by 0. Country scores rank from 0 to 1 – the higher the score, the more open visa open it is.
 45 Ibid.
 46 African Development Bank. Visa Openness report 2016 (2016).
 47 UNCTAD (2017) Economic Development in Africa Report 2017: Tourism for Transformative and Inclusive Growth, United Nations: New York.
 48 International Organization for Migration (2017) Borders and beyond: A Motorcycle Journey Through Africa. Available from www.features.iom.int/stories/borders-and-beyond/.

Residence and Employment Provisions

In the context of advanced regional integration, the liberalization of residence and employment provisions comes into the picture. In the European Union, for example, free movement of persons is a fundamental right guaranteed by the EU to its citizens. It entitles every EU citizen to travel, work and live in any EU country without special formalities. Schengen cooperation ("The Schengen Agreement") enhances this freedom by enabling citizens to cross internal borders without being subjected to border checks.⁴⁹

For many of the regional organizations across ACP, **residence and employment provisions related to free movement protocols, have yet to reach the stage of full implementation.** As already mentioned above, there can be (political) reluctance for countries to move towards enhanced free movement for a diversity of reasons. In addition to security and control concerns, countries also have concerns in terms of labour market protection.

Therefore, in many cases, provisions in protocols relating to the free movement of persons do not apply to lower-skilled occupations, as some countries are concerned that their nationals may not be able to compete with foreign workers. They often apply solely to certain occupations, for example highly skilled professionals or in specific sectors where there may be labour market gaps (e.g. health professionals). Such professionals can contribute by way of their specific skills sets, knowledge or experience base. They can also contribute to the public revenue system through taxes and are more likely to have capital to invest and to create jobs in the host country.^{50, 51}

49 European Commission, Migration and Home Affairs. Schengen, Borders & Visas. Area. Available from www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas_en.

50 UNCTAD (2017). Economic Development in Africa: Tourism for Transformative and Inclusive Growth.

51 These provisions might, however, pose challenges of brain drain in certain countries: as educated and skilled nationals are offered the possibility to move to a country where they might receive higher remuneration and/or better conditions of service. See IOM (2010) Free Movement of Persons in Regional Integration Processes.

The CARICOM Free Movement Protocol is an example of a protocol providing for the mobility of certain skill categories. Specifically,

"Article 45 of the revised Free Movement Protocol, part of the CARICOM Single Market and Economy (CSME), establishes the compromise of its Member States to allow the free movement of its nationals within the community. Article 46 restricts this to eleven categories of skilled migrants (specifically: university graduates, artists, musicians, media workers, sportspersons, teachers, nurses, those who hold associate degrees or equivalent qualifications, artisans with a Caribbean Vocational Qualification, and household domestics with a CVQ or equivalent qualification)."^{52, 53}

Migration tends to be a concern for countries with high unemployment rates and for regional economic communities whose members' economic development differs greatly. For purposes of labour market protection, most no-visa regimes therefore are valid for determined periods of time. For example, South Africa, a country that undertook policy efforts in giving due consideration of the African Union's Agenda 2063 and of regional integration within SADC,⁵⁴ still requires a visa for fellow nationals of SADC after 90 days in the country.⁵⁵ The country's white paper on migration also indicates that SADC nationals can get time-bound special work visas, but their number would depend on empirical evidence on the country's labour market dynamics.⁵⁶

However, even where the will to implement provisions regarding mobility is present, **implementation of residence and employment provisions is often complex as it is subject to changes in national legislation of the Member States.** Often, this means that implementation can be quite slow or difficult.⁵⁷ For example, differing national labour market regulations are hindering provisions related to labour migration. An important point relates to the mutual recognition of skills and certificates. Another factor relates to differences in or lack of access to social security benefits. Even in ECOWAS, which is, according to the Economic Commission for Africa (2012), the most advanced regional economic community in Africa in terms of implementing protocols relating to the free movement of persons, there is still progress to be made in meeting commitments that grant migrant workers equal treatment with nationals in areas such

52 IOM (2017). Migration in the Caribbean: current trends, opportunities and challenges. Working Papers on Migration. In spite of the protocol, Thomas-Hope (2005) observes that its Member States are reluctant to allow for free passage of all CARICOM inhabitants, with some stricter visa requirements for inter-CARICOM travel for nationals of some Member States (e.g. Haiti). See Thomas-Hope, Elisabeth (2005).

53 CARICOM offers mobility for service providers mainly as per GATS 4 (and to some additional professional and academic categories):

54 UNCTAD (2018). Economic Development in Africa: Migration for Structural Transformation.

55 UNCTAD (2017). Economic Development in Africa: Tourism for Transformative and Inclusive Growth.

56 UNCTAD (2018). Economic Development in Africa: Migration for Structural Transformation.

57 IOM (2010) Free Movement of Persons in Regional Integration Processes.

as security of employment, job loss, re-employment and training.

Regional organizations can play an important role in facilitating these processes, and in monitoring and evaluating the implementation of mobility protocols.

The Technical Assistance intervention in the Melanesian Spearhead Group (MSG) provides a good case study of how the implementation of provisions on mobility requires alignment and modifications in the domestic laws and regulations of Member States (see box).

Technical Assistance in Melanesian Spearhead Group:

Objective: Facilitate free movement of people in the MSG region, through the progressive implementation of the Skills Movement Scheme (SMS)

The Melanesian Spearhead Group (MSG) is a sub-regional organization of the Melanesian countries (Fiji, Papua New Guinea, Solomon Islands and Vanuatu) in the Pacific region, headquartered in Vanuatu. The MSG represents 95 per cent of the Pacific region's population, land area and natural resources.

For the Pacific islands, facilitating labour migration is important. It is a critical pathway for the region to deal with the depletion of natural resources and the livelihood stress that come with climate change. (1) Labour migration schemes are currently in place at the intra-Pacific level and with other countries. The MSG Skills Movement Scheme (SMS), governed by a specific Memorandum of Understanding (MoU) aims at facilitating the temporary movement of skilled MSG nationals within MSG countries, for the purpose of taking up employment without compromising national laws and policies on health and safety, minimum working conditions and border requirements. The Technical Assistance implemented by the ACP-EU Migration Action worked towards a progressive implementation of the SMS. The legal basis is the Melanesian Free Trade Agreement (MFTA), of which Chapter 7 is dedicated to labour mobility and subsumes the main provisions of the MoU of 2012.

The Technical Assistance intervention looked at the necessary modifications each Member State would have to undertake to their domestic laws and regulations. Depending on the country's procedures and specificities (also:

resistance towards visa-free travel), specific recommendations were elaborated. For Fiji, Solomon Islands and Vanuatu, the introduction of a visa and work permit exempt status was proposed. For Papua New Guinea, a new visa class for persons entering under the MFTA Chapter 7 provisions was proposed.

The TA also looked at assessment of skills. Some MSG countries have well established procedures and standards for qualifications recognition, employment services, and monitoring and assisting nationals working abroad. These governments accept responsibility for all actions and outcomes of their nationals abroad and expect other countries to do the same. Other countries are tending to outsource functions where possible due to resource constraints. For the smooth implementation of the scheme, each country should have clarity on these mechanisms. All the MSG countries are working through the Secretariat of the Pacific Community (SPC) to register their qualifications assessment process. There is no need to duplicate a process that is well advanced.

For the MSG Secretariat, as well as for each of the individual Governments, promotion of the scheme and provision of clear, and accessible information (through the official websites) is key. Additionally, the MSG Secretariat should establish a mechanism to monitor the implementation of the SMS and to collate the data from each of the Member States reporting on the scheme.

- (1) IOM (2016) Effects of Climate Change on Human Mobility in the Pacific and Possible Impact on Canada.
- (2) Further information, see MSG Technical Assistance Intervention.

Regional Partnership on Mobility case study: EU Common Visa Policy⁵⁸

The ACP-EU Dialogue recommendations encourage exchange and mutual knowledge on Visa policies. This section will therefore highlight the main elements of the common EU visa policy.

The EU guarantees free movement for its citizens within its territory, which entitles all EU citizens to travel, work and reside in any EU Member State without formality. For this purpose, it has also established a border-free area (no internal border controls) and created an integrated common external border of the Schengen area – which is codified in the Schengen Borders Code and other relevant instruments.⁵⁹ The Schengen Area does not include all EU Member States (Bulgaria, Cyprus, Ireland, Romania and the United Kingdom still apply border controls), but also includes non-EU States (namely Iceland, Liechtenstein, Norway and Switzerland).

The creation and development of the so-called Schengen Area has prompted the adoption of a common visa policy for transit through or intended stays in the territory of a Schengen State of no more than 90 days in any 180 days period and for transit through the international transit areas of airports of the Schengen States. Long-term visas (over three months) remain subject to national procedures. In 2018, the 26 Schengen States issued 14.3 million “Schengen visas”.⁶⁰ The main legal instruments defining the EU’s common visa policy are the following:

- Regulation (EU) 2018/1806 establishes the list of non-EU countries whose citizens are required to hold a visa when travelling to the Schengen area and those who are exempt from such a requirement.⁶¹
- The EU common Visa Code defines the procedures and conditions for using visas for short stays in and transit through the territories of Schengen States, and lists the non-EU countries whose nationals are required to hold an airport transit visa when passing through the international transit areas of EU airports and establishes the procedures and conditions for issuing such visas. The current code dates back

58 Information extracted from: www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en.

59 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) and subsequent amendments. See also Regulation (EU) 2017/0245 amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders.

60 European Commission, Visa statistics: Schengen States issue 14.3 million visas for short stays in 2 018, 16 April 2019, available at www.ec.europa.eu/home-affairs/news/20190416_visas-statistics-2018-schengen-states-issue-millions-short-stay-visas_en.

61 Regulation (EU) 2018/1806 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, available at www.eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1806.

to 2009⁶², but is currently being reformed. In April 2019, a new Visa Code was approved formally by the European Parliament and now awaits formal adoption by the Council of Ministers. The main changes introduced are:

- Faster and clearer procedures for legitimate travellers;
- An increased visa fee of EUR 80 (versus EUR 60 previously);
- The introduction of a mechanism to use visa policy as leverage to influence cooperation with non-EU countries of readmission, whereby cooperating countries are granted advantages and non-cooperating countries are imposed restrictions)
- Regulation (EU) 2017/1370 created a uniform format for the visa sticker with modern security features to prevent forgery.⁶³

62 Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code), available at www.eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ajl0028.

63 Regulation (EU) 2017/1370 of 4 July 2017 laying down a uniform format for visas, available at www.eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1370&from=EN.

Section 4.1: Regional Partnerships on Mobility

Key Points and Recommendations:

Key Point 1

Freedom of Movement is regarded by most, if not all, ACP regional organizations as critical to the promotion and growth of trade, commerce, investment and tourism. However, the degree of “freedom” varies amongst the regional organizations. In some ROs, the free mobility of persons in general is provided. In others, free movement is limited to mobility of labour in general or certain types of labour (e.g. higher skilled workers) is provided. Yet others are limited to offering simplified procedures for specific categories of persons, such as tourists, students, family members, business visitors, entertainment and media professionals and nonwage earners. In its most evolved form, a zone of free movement can entail a common external border and an absence of internal border controls, as is the case of the European Union.

Key Point 2

There was consensus among the P2P participants that the aim of free movement is to facilitate movement whilst still retaining controls. Free movement should not necessarily mean a relaxation or reduction in a country’s capability to intercept arriving passengers (for security or other interest) – nor should it interrupt a country’s ability to prevent persons of interest boarding a flight, ship or train in the first place.

Key Point 3

While many regional organizations prescribe provisions for the enhanced mobility of people, implementation remains weak. This is due to several factors, among which:

- lack of consensus at member state level for implementing free movement protocols (for reasons related to economy, security, etc.);
- lack of awareness about free movement protocols;
- lack of capacity to implement free movement protocols;
- lack of information from Member States on the implementation of protocols;
- difficulties to align national policies to regional protocols.

Recommendation 1

Regional organizations have a role to play in:

- raising awareness on existing protocols by providing clear and accessible information;
- identify and mitigate concerns of individual Member States (e.g. security, economic, unbalances between Member States, etc.), leading them to not implement protocols;
- monitor and evaluate implementation of free movement protocols;
- communicate interests in free movement – especially commercial interests and opportunities for national and regional development;
- aligning policy and best practice regarding implementation of free movement protocols.

4.2

Improving visa legislation, policies and processes

As already mentioned above, if changes in visa policies are to influence development, a comprehensive approach is essential to also take into account the effects and relations of visa policies on other areas of governance. Often, the capacity within departments responsible for visa issues (immigration) to focus on this broader context and to spearhead these comprehensive approaches, is limited. Indeed, this requires a whole-of-government approach and coordination between Ministries and at regional level.

Taking a look at the Technical Assistance interventions received by the ACP-EU Migration Action, many of the request submitted by Immigration departments (or equivalents, often within Ministries of Interior), aim at streamlining visa and immigration procedures at the legal, policy and operational level. Removing layers complexity, bureaucracy and delay, is important to facilitate mobility for different types of visitors. Moreover, removing or at least simplifying visa regimes is an important step towards achieving integration at the regional level and can foster international tourism, investment and trade.

In many of the examined ACP countries however, visa legislation and processes are lengthy, opaque, inefficient and in some cases, expensive. Some of the most recurrent features are:

- A complex and/or lengthy visa application process **requiring excessive information and supporting documentation**;
- A logistically difficult visa application process requiring **one or more journeys to a diplomatic mission** which may or may not be within a reasonable distance and may, sometimes, be situated in a third country;
- A **lengthy decision-making** period;
- A visa application **fee**, usually non-refundable should the application be refused, which appears excessive or even punitive;
- A **payment system** which involves cash or making bank transfers in advance of the application (e.g. Namibia);
- A complex and/or lengthy landing/ disembarkation card completion process which may or may not be made available by the carrier before arrival;
- Insufficient border desks and/or arrival hall space leading to **lengthy queues at border control**;
- A **border examination process** which appears unnecessarily long, especially if the traveller holds a visa and has already been through a clearance process.

The next section will look further into some specific challenges and, based on the Technical Assistance interventions by the Action, provide recommendations for enhancing visa legislation, policies and procedures in ACP countries.

Visa legislation and policies

Challenge: Defining comprehensive Visa/Immigration Legislation

As highlighted above, sound visa legislation and policies take into account important factors such as broader migration policies, regional migration trends, trade and development interests and security concerns. Visa policies and legislation should create an enabling framework and efficient, clear and accessible visa application and issuance procedures that can attract investments and eventually contribute to economic growth. Additionally, legislation should pay adequate attention to vulnerable categories of migrants, so that their protection needs are met.

Various TA interventions have identified situations where the immigration legislation or visa-related procedures are in conflict or incongruent with other legislation or with the actions and interest of other government departments. Defining visa legislation should hence involve a comprehensive consultative process – including all areas of government affected or having an interest in immigration decisions and flows, as well as a broad range of non-State actors such as business, transportation, social and cultural interest groups, human rights entities.

The Technical Assistance Intervention in Liberia provided recommendations for a review of the Aliens and Nationality Act – which forms the basis for the visa policies in the country. Apart from recommendations on the visa process itself, the TA recommended on several considerations regarding vulnerable groups (refugees, stateless persons, etc.), with specific attention to gender. Additionally, the recommendations aimed to capitalize on the development potential of the Immigration Act.

Technical Assistance intervention in Liberia

Objective: Provide recommendations for Liberia's Aliens and Nationality Act:

Strengthening visa admission criteria: Recommendations on how to create new visa categories that facilitate legitimate travel to Liberia while at the same time preventing bona fide travellers from entering the country.

- Create specific visa categories to more accurately reflect the intentions of the foreign national and their ability to meet a specified criterion;
- Standardize the duration of entry depending on admission category to promote consistency of endorsements and compliance by foreign nationals;
- Standardize the criteria of the issue and renewal of residence permits;
- Prohibit switching category of entry to reduce the opportunity of entering Liberia with the purpose of seeking unauthorized employment;
- Give full recognition to the unique position held by ECOWAS citizens and the free movement protocol;
- Structure the qualification process for permanent or indefinite residence to make it more transparent and encourage compliance.

Diaspora Engagement: Recommendations on how to engage diaspora in rebuilding and investing in Liberia:

- Permit Liberians who are naturalized in another state to maintain Liberian citizenship, thus promoting greater opportunity for return.

Elimination of discrimination: Recommendations on eliminating discrimination in the current Act:

- Eliminate discriminatory provisions and terminology;
- Eliminate outdated terms and ensure opportunity for discrimination based on race, colour or gender is removed where possible;
- Eliminate residency requirements for children acquiring citizenship;
- Allow mothers and fathers to pass on citizenship to promote gender equality and avoid the opportunity for statelessness;
- Permit naturalization of spouses regardless of gender.

Protection: Recommendations on how to include the rights of stateless persons, asylum seekers, refugees and victims of trafficking in the Act:

- Make provision for foundlings to reduce the opportunity for statelessness;
- Endeavour to ensure Liberia's international legal obligations are fully incorporated;
- Address the needs of trafficked and smuggled persons;
- Allow excludable aliens to remain while seeking asylum;

- Allow stowaways to claim asylum;
- Recognize that asylum seekers may not have travel documents on entry;
- Recognize that refugees wishing to integrate, may not have travel documents to facilitate the application of residence permits;
- Eliminate penalties faced by transportation companies where a person has been rescued at sea;
- Ensure penalties for traffickers are enforced with sufficient reference to the Act to Ban Trafficking in Persons;
- Ensure penalties are not enforced against the victims of trafficking and smuggling;
- Ensure non-citizens are not returned to a country where they face human rights abuses, degrading treatment or similar;
- Protect against the deportation of stateless persons who have not committed serious crimes.

Development and structure: Recommendations on how to facilitate the development of the use of technology within operational processes:

- Remove reference to monetary fees and fines by the establishment of a regulatory framework which can be reviewed more easily and regularly;
- Create offences relating to the abuse of passports such as forgery and including the offence of possession of a forged document without the need to demonstrate that the intent was to deceive.

Promoting Engagement with Society: Recommendations on how to encourage the inclusion of foreign nationals in society whilst maintaining the security structure, as to benefit Liberia's economy:

- Discontinue the requirement of a declaration of intent to facilitate the application of naturalization following published criteria to promote a greater take up;
- Eliminate provisions on the settlement of immigrants within Liberia;
- Create an expedited naturalization process for the spouses of Liberian citizens to promote inclusion and contribution to society;
- Allow naturalised citizens to reside or own property abroad.

Challenge: Lack of clarity and consistency

Normally, the higher-level powers relating to visas and to the granting of entry are set out in primary legislation (i.e. the Migration or Immigration Act). Most primary legislation for visas and borders appears to be based on a set of common principles e.g.

the right to deny entry to anyone other than a citizen of that country. In the experience of the TA intervention experts, primary legislation in the examined ACP countries is usually sound.

The legislative details of what might entitle someone other than a citizen to enter a country (for example by category – student, tourist, employment) and what conditions might be imposed on that stay (e.g. duration, restrictions) are normally found in the regulations, where they exist. The regulations set out the powers of visa and border staff (e.g. right to refuse, to search, to examine, etc.) and provide the legal justification for their actions.

If immigration and visa regulations are not clear/not sufficiently well defined, there is the risk of leaving them open to a variety of interpretations. Poor or inadequate regulations can lead to uncertain and inconsistent practices, leaving immigration departments and their staff vulnerable to legal and operational challenges. ACP-EU Migration Action interventions in Guyana, Namibia, Vanuatu and Tuvalu identified limited or unclear regulations as a cause of inconsistent and potentially unlawful actions by immigration staff. An example from the Technical Assistance intervention in Namibia is given below:⁶⁴

Technical assistance Intervention in Namibia

Objective: Develop a list of concrete recommendations on the harmonization of the Visa Manual and the Immigration Control Act in order to streamline visa services

In Namibia a group of British volunteer workers who had been providing charitable support to a school in the south of the country were arrested for working without permission and their passports were confiscated. Namibian regulations did not contain the necessary details (they largely contain examples of stamps and endorsements). Therefore, it was not clear whether voluntary workers should be treated as visitors, business visitors, workers or indeed whether they qualify at all. Such lack of clarity leads to arbitrary practices. The Namibian court system subsequently ordered that the passports be returned so that the volunteers could leave Namibia.

64 Watts, Gregory (2016) ACP-EU Migration Action: Harmonization of the Visa Manual with the Immigration Control Act (Namibia), TA/005/2015.

Another impediment is the lack of harmonization between primary legislation and regulations. The Technical Assistance in the Republic of the Marshall Islands⁶⁵ is an example of this as it looked at better aligning the Visa Act and Visa Regulations:

Technical Assistance Intervention in Republic of the Marshall Islands

Objective: Provide recommendations for a visa policy inclusive of standard operating procedures (SOPs), migration data management system, and compliance framework;

One of the key issues identified concerning the Marshall Islands' immigration legislation was the unnecessary duplication between the Act and the Regulations. Agreement was reached between the PIDC and IOM with regards to the preferred location of each component of the legislation between the Act and the Regulations; the Act containing the legal requirements that must be satisfied for clients to receive the various immigration services, and the Regulations to contain the criteria, documentation and actions (policy and procedures), that clients are required to follow to meet the legal requirements specified in the Act.

Challenge: Defining common Legislative Processes and Model Laws

At the start of this publication, an issue was raised about variation in the definition of “visa”, critical to the success of agreements and protocols. A possible move toward overcoming such variations, and hence facilitating implementation of regional agreements is the development of a “model law”. COMESA Model Law on Immigration provides an example of that approach.⁶⁶ The COMESA Legal and Institutional Affairs Unit has worked closely with its Member States in an exercise of collecting all National Laws on immigration with the aim of undertaking a comparative analysis upon which to base a COMESA Model Law. This Instrument seeks to assemble internationally recognized principles and key elements of immigration law in a clear and concise format. The alignment of Member States' legislation with the COMESA Model Law, facilitates movement of persons and goods within the RO and facilitates the adoption of common protocols. Some countries, however, see this as a potential threat to national sovereignty and independence.

65 Norton, Ross (2017) Technical Assistance in Marshall Islands.

66 COMESA “Model Law on Immigration”.

A similar approach on common legislation is being trialled in the Pacific with some states undergoing reviews which would align their legislation (to a large extent) with a legislative framework developed under the auspices of the Pacific Immigration Development Community (PIDC). This process is at an early stage and is unlikely to involve all Pacific States. Nevertheless, it represents a starting point in terms of an effort to achieve greater consistency across the region and a more comprehensive suite of immigration practices and powers. Some of these reviews have coincided with Actions' technical interventions⁶⁷ designed to improve and modernize visa systems and there has been good communication between these parallel capacity-building programmes.

Visa architecture

Many of the Technical Assistance interventions by the ACP-EU Migration Action required a review of the visa 'architecture' i.e. the revision of the different visa categories that a country offers (e.g. student, tourist, business, etc.). In many countries, the available categories do not adequately cover the profiles of people wishing to enter the country, making application difficult for both the applicant and the decision maker (either in pre-screening stage or at the border). For example: if there is no designated visa category, should a voluntary worker seeking to do charitable work for a recognized organization in return for no more than basic lodgings, apply for a visit, a business visit or a work visa? A misinformed decision can lead to accusations of attempted deception and/or of unauthorized working.

Many Technical Assistance interventions involved proposing new visa categories or rationalizing the existing ones. Appropriate qualification criteria were also developed alongside. Many ACP countries would benefit from developing or improving visa categories and qualification criteria in line with the in-country situation. It is also important to ensure that this information is clear and easily available to all prospective travellers. Visa application forms should also be aligned accordingly.

As already mentioned, visa policies can create an enabling environment for a country to attract investment and business. One of the ways to do this is to consider visa categories for people who are keen to invest in the country, such as business travellers. In the case of Vanuatu, visa requirements for investors have been developed incrementally and there is some confusion about the requirements which currently apply. Consultation with the Vanuatu Investment Promotion Authority (VIPA) and other parties during the Technical Assistance suggested that a simplified and consolidated approach is required.⁶⁸

67 Norton, Ross (2017) Technical Assistance in Marshall Islands.

68 Mills, Gregory (2016) ACP-EU Migration Action: Recommendations on the Vanuatu Visa system, TA/019/2015.

The same could go for diaspora members – as many ACP countries are interested in engaging their diaspora for productive investments in national development.⁶⁹ Indeed, the Global Compact for Migration also states that diasporas should be provided with flexible modalities to travel, work and invest easily in their country of origin. In cases where, for example, dual citizenship is not an option,⁷⁰ specific visa classes with flexible arrangements could provide a solution.

Another means of facilitating visas for regular travellers, is far greater use of long-term double and multiple entry visas for those business and other visitors who have demonstrated over time that they can be trusted with that status. In some countries, such as the United Kingdom, multiple visas valid for 10 years are not uncommon. This has the additional advantage of significantly reducing costs for processing visa applications. In just the same way that a traveller with a single visa is still subject to border controls and can be refused at the border, so can a traveller with a multiple entry visa. If there is reasonable cause, a long-term visa may equally be revoked.

Visa categories can also equip States better to manage their humanitarian obligations, including their response to natural disasters, transnational crime (including trafficking in human beings) and asylum claims. While visa systems alone cannot fully address these challenges, they are an element of a sound and national approach. In the past, trafficking victims in transit or destination countries have often been considered "illegal entrants" and faced criminal penalties in some circumstances. This issue has been taken into account in the Actions' TAs – including recommendations that States create visa categories providing temporary legal status to victims of trafficking, asylum seekers and recognised refugees. In the Republic of the Marshall Islands, the Government passed the "Prohibition of Trafficking in Persons Act 2017", enabling the prosecution of human trafficking cases. The Technical Assistance included a recommendation on a separate visa class for victims of trafficking, enabling them to stay in the country for 5 years if they are found to fear persecution upon return to their country of residence.⁷¹ Similarly, separate visa categories for people meeting the definition of a refugee as per UN Convention Relating to the Status of Refugees, should be considered. Further training and sensitization about these issues is indispensable.

69 IOM (2017) Remittances in ACP Countries: Key Challenges and Ways Forward, IOM: Brussels. GCM objective 19 also discusses the need to create conditions for migrants and diasporas to fully contribute to sustainable development in all countries – for example by facilitating flexible modalities to travel, work and invest with minimal administrative burdens, including by reviewing and revising visa, residency and citizenship regulations, as appropriate.

70 For example, this is the case in Liberia. Once naturalization in another country is acquired, one loses her/his Liberian citizenship. The TA recommended an amendment to the Aliens and Nationality Act as to permit Liberian citizens to maintain citizenship, hence promoting their (temporary) return. See Pownall, Sara (2016) ACP-EU Migration Action: Revision of Liberia's Aliens and Nationality Act, TA/011/2015.

71 Norton, Ross (2017) Technical Assistance Intervention in the Republic of the Marshall Islands.

Challenge: Category switching

Both the Technical Assistance interventions in Liberia and Namibia raised the point of "category switching" i.e. a person arriving under a certain category, having to comply to certain (or no) visa requirements but then switching to a category that would normally require a specific visa before arrival. If intentional, this is often a means of acquiring work illegally. When deciding on visa applications, the visa issuing country should consider the risk of the applicant violating the conditions of the specific visa requested. This is particularly the case with regards to overstaying or the risk of taking up unauthorized employment, especially in an informal economy setting.

However, category switching can also be a useful tool for enhancing availability and flexibility for regular migration. An appropriate framework for in-country applications for a different visa category would enable this and can benefit both migrants, as well as the visa issuing country and country of origin. Examples include persons entering on a short-stay tourist visa and being able to apply for a work visa if they have been offered a job prospect during their stay.

Challenge: Limited accessibility of information

Allowing full public access to visa and border legislation, regulations, procedures and working practices obliges the country operating those practices to maintain the highest quality of delivery and of service. It also enables those seeking access to that country to become fully aware of the visa and entry requirements and the criteria for meeting them. This avoids inconsistencies in practices executed by ministries, departments and individual officers within the same country. Improving the clarity and availability on information on visas is a major focus of both the ACP-EU Dialogue's recommendations and the Global Compact for Migration. As noted in the Global Compact (objective 3), improving public/client access is normally best achieved by means of an immigration website.

Visa application process

Challenge: Lack of delegation

In few ACP countries, the granting/denying of a visa is considerably slowed down because of insufficient delegation within the processing of visa applications. In those cases, too many officials or officials of an unnecessarily high rank are involved in basic decisions i.e. rejecting or approving each visa application. Decisions of this nature

could instead be determined by individual government officials of lesser seniority. By introducing clearly articulated guidelines and a robust quality assurance layer, including random sampling, senior staff could be released for more appropriate work and waiting times would inevitably be reduced.

The Namibia Technical Assistance provides a clear example of this issue:

All applications for anything other than a short-term visit to Namibia are processed by the "Immigration Selection Board (ISB)" which was established under Section 25 of the Act and is constituted as follows:

"The Board shall consist of not less than five and not more than seven members as the Minister may appoint" to include a Chairperson and decisions based on the majority."

The Board meets once a week and comprises senior representatives from the Ministry of Home Affairs and Immigration (MHAI), the Ministry of Education, the Ministry of Trade and Industry, the Police, Security and Intelligence Services. The Board considers approximately 120 Employment Permit applications and a smaller number of permanent residence permit applications per week.

During the TA intervention the MHAI indicated that, given the senior and broad membership required for the ISB, achieving a weekly quorum is challenging, thus resulting in delays.

Challenge: Complex, resource intensive processes

In several countries where TA's were conducted, the visa system is characterized by complex processes, high costs to applicants, and a significant degree of bureaucracy and duplication of work. The TA in Sudan⁷² noted that, for the Sudanese case, visas can only be issued to applicants with a Sudanese sponsor. All foreign nationals have to register with the authorities after arrival. Those residing in Sudan also have to seek an exit visa if they wish to leave the country. Furthermore, liaison between the various agencies concerned in the visa process relies upon paper-based communication. This can cause delays in the processing of applications and hinders the full sharing of information on visa applicants. Immigration Officers do not have access at the border to details of visas issued overseas, which results in a duplication of the work.

⁷² Gray, Andrew (2016) ACP-EU Migration Action: Rationalizing and strengthening the Republic of Sudan's Visa Policy and Practice, TA/006/2016.

The TA expert's recommendations included:

- Consider visa liberalization by removing visa requirements on low risk nationalities and members of African Regional Economic Communities (RECs);
- Consider allowing applicants from lower risk nationalities to apply for visas on arrival without having to seek authorization prior to travel;
- Remove requirement for visa sponsorship by Sudanese nationals/organizations;
- Introduce 'premium visa products' such as multiple entry visas obtainable abroad and fast track application procedures for selected nationalities or applicant type.

Challenge: Outsourcing

Responding to the challenges of increasing volumes of visa applications, countries are increasingly relying on external service providers to take over the administrative aspects of application processing. This offers advantages in terms of cost-savings, increased territorial coverage (where consular coverage is limited) and enhanced processing capacities.⁷³ These service providers are often one of the first contact points for migrants making an application. Given the sensitivity of this public task, great care must be exercised. Strong monitoring is required, including frequent unannounced audits and the use of feedback from applicants. The cooperation between national authorities and service providers should also be transparent and national authorities should publish up-to-date lists on service providers. Finally, adequate protection of personal data and privacy by the service providers should be ensured.

Data

Challenge: Internal data gathering and sharing

TA experts frequently experienced a lack of management information/statistics/quantitative data either because it does not exist or because there was a reluctance to share them.

Immigration data can be used to inform the development of future visa policies and procedures on an evidence-, risk assessed basis. However, as to arrive to this point, there is a need for this information to be collected in a harmonized way, stored and analysed.

This data can also be utilized to inform decisions in other policy areas. For example, keeping track of the profile and the reasons for visa requests (i.e. for what reason – work, business, leisure-, specifically for work, in what sectors – agriculture, tourism, etc. –, for what period, etc.). This kind of data can be very helpful for policy development on

⁷³ International Organization for Migration, Policy Principles Underlying Visa Processing.

business, investment and tourism at the national level.

Statistics can relate for example to:

- Visa applications by nationality and category. How many granted/refused?
- Arriving passenger numbers and nationalities, application categories;
- Refusals of leave to enter (both with a visa or benefitting from a visa waiver);
- Overstayers/ deportations;
- Asylum Applications;
- Carriers liability statistics;
- Appeals/ legal challenges etc;

Governments should enhance their capacity to capture, analyze, use and share data. However, at the same time, they should introduce data protection legislation and procedures to ensure that visa and immigration data is captured, stored and managed appropriately. They should also make sure that any service providers adhere to the highest standards of privacy and data collection.

Challenge: Regional/International data sharing

Countries with obligations arising from bi- and multilateral agreements and protocols, often coming from membership to regional organizations, must be prepared to share data. This is necessary to facilitate free movement while at the same time retaining confidence in levels of security. As with internal data sharing and analysis, this can contribute to formulation of better policies given that data will help to obtain a better understanding of country and region-specific strengths and weaknesses with respect to migration management.⁷⁴ At the same time, data sharing is necessary for security, particularly on persons of interest not covered by Interpol. A good case in point is the Schengen Information System⁷⁵ (SIS II) which:

“is a large-scale information system that supports external border control and law enforcement cooperation in the Schengen States. The SIS enables competent authorities, such as police and border guards, to enter and consult alerts on certain categories of wanted or missing persons and objects. A SIS alert not only contains information about a particular person or object but also clear instructions on what to do when the person or object has been found. Specialized national ‘SIRENE Bureaux’ serve as single points of contact for any supplementary information exchange and coordination of activities related to SIS alerts.”

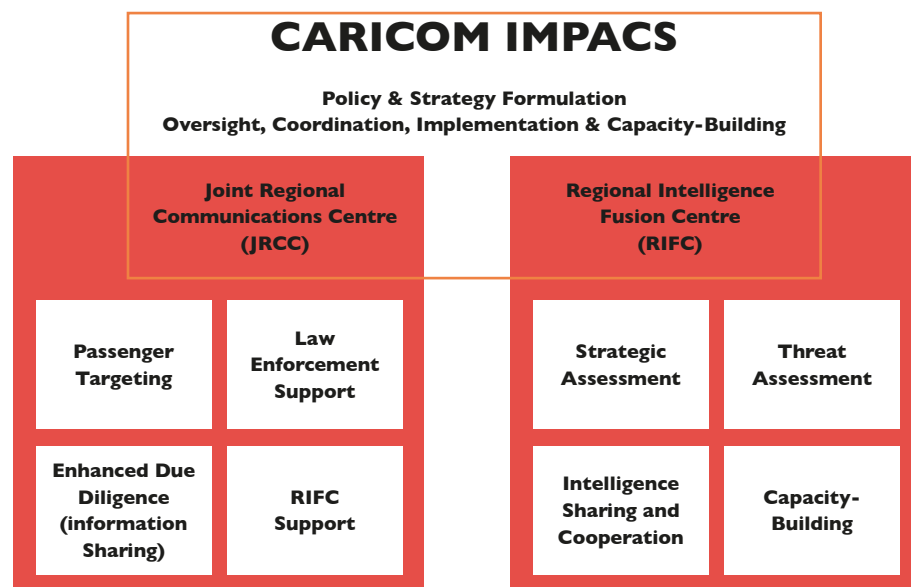
⁷⁴ IOM (2010)

⁷⁵ European Commission, Schengen Information System. Available from www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en.

As indicated earlier in this report, at the P2P, several ACP states, particularly African ones, expressed reluctance to share data with other countries and implied that risks of sharing sensitive data outweighed the benefits of greater cross border cooperation.

In the Pacific region, PIDC has set up an Information Sharing Working Group, which should support and lead the organizations' ongoing efforts to set up a regional mechanism for information sharing regarding border management issues. In February 2018, the Group had its third meeting, discussing the development of a regional PIDC MoU for information sharing, discussing the establishment of a regional network of accredited contact points, options of hosting a regional workshop to enhance PIDC Members' capacity to use readily available platforms to collect, store and analyze information sharing, and developing standardized regional Immigration data types that would facilitate seamless information sharing between agencies.⁷⁶

CARICOM is also striving towards enhanced cooperation on data and intelligence sharing, as demonstrated by the diagram below. Under CARICOM IMPACS – the CARICOM Implementation Agency for Crime and Security – intelligence is being collected and stored at the regional level.



76 PIDC Secretariat, PIDC Information Sharing working Group meets in Honiara, 28 February 2018.

Training

A general need that emerged from the TA interventions is the development of training materials and programmes for visa and border staff. As covered earlier in this report, most countries have adequate primary immigration and visa legislation but many do not have sufficiently broad and detailed regulations. Apart from dictating what border and visa staff may and may not do (and under what authority) it is from the regulations that the business processes, the procedures and the work instructions must flow.⁷⁷

Without these fundamentals in place it is very difficult to train staff consistently and to the required standard. Governments need to ensure that intra-departmental communications and training and development are given priority and that staff are fully aware of their responsibilities and obligations. Ideally permanent training facilities and trainers should be in place although there are a number of training and development methods that meet different levels of learning need. These are just a few:

- Classroom or Instructor-Led Training
- On the Job Training
- Online or E-Learning
- Mentoring/ coaching
- Shadowing

Regular training activities can help maintain quality standards and decrease errors, complaints and legal challenges. Border staff can also be trained to understand trade agendas and their responsibility in facilitating them.

Given the level of authority exercised by border officials – they are the ones taking the final decision on granting entry or not- it is important to recognize that this is an area which may be susceptible to varying levels of corruption. In these circumstances, it is critical that there are clear operating procedures and that border staff are not only properly trained and tested against those procedures but that they are held to account for any breaches.

Where operations and responsibilities inevitably overlap at a departmental level (immigration, police, customs, coast guard, MFA), it is important that staff roles and responsibilities are clearly demarcated whilst ensuring that departmental objectives are realized.

77 International Organization for Standardization (2015) ISO 9001:2015. Quality management systems-- Requirements www.iso.org/standard/62085.html.

Section 4.2: Improving visa legislation, policies and processes

Key Points and Recommendations

Visa legislation and policies

Recommendation 1

Visa policies and legislation should create an enabling framework, with efficient, clear and accessible visa application and issuance procedures that can foster different forms of mobility and investments, and eventually contribute to economic growth. Additionally, legislation should take into account broader migration policies, regional migration trends, trade and development interests, security concerns and pay adequate attention to vulnerable categories of migrants, so that their protection needs are met.

Recommendation 2

The regulations – legislative details setting out how the legislation is to be implemented by officials– should be harmonized with the primary legislation, and they should be clear and consistent. This way, both travellers as border officials are (legally) protected against inconsistencies coming from diversifying interpretations of the law.

Recommendation 3

The adoption of a model law on immigration issues by countries belonging to the same block/regional organization is a useful tool in helping states align and harmonize their legislation and practices. This can facilitate the introduction of common visa and border protocols.

Visa architecture

Recommendation 4

Visa categories should be developed in line with the country's reality and clearly related to specific criteria. Provisions should be in line with development priorities (e.g. for attracting investors/diaspora policies) and international obligations (e.g. protection of refugees). Information on existing categories and corresponding criteria should be readily accessible for (prospective) applicants.

Recommendation 5

Greater use of long-term multiple visas (for certain categories of visitors) can alleviate pressures on the visa application and issuing systems as well as facilitating the movement of regular travellers.

Recommendation 6

Visa issuing authorities should consider the risks of the applicant violating the conditions of the specific visa requested, such as an unauthorized post-arrival change in the purpose of the stay. Provisions should be in place to enable applying for in-country applications for a different visa category under certain conditions.

Recommendation 7

The information on both the legislative basis for visa application (immigration law) as well as on the regulations (categories, requirements) should be easily available for applicants – preferably through an immigration website.

Visa process

Recommendation 8

Clear designation of roles and responsibilities and clear guidelines for the processing of visa applications are necessary – ideally ensuring sufficient delegation of the approval process. Release high rank officials from this duty, while ensuring the quality of the process, for example through regular random sampling.

Recommendation 9

Reconsider complex requirements for visa applications, as least for trusted nationalities or categories of travellers.

Recommendation 10

Outsourcing to external service providers can help in dealing with increased volumes of visa applications or mitigate a lack of consular representation abroad. However, strong monitoring of the service providers is essential to ensure migrants' rights, data protection, etc.

Data

Recommendation I 1

There are several types of immigration data and these can be used to inform the development of future legislation and procedures on a risk assessed basis – on ways to improve immigration procedures, but also for business and labour policies, for example. However, as to arrive to this point, there is a need for this information to be collected in a harmonized way, stored and analysed – all this while ensuring adequate data protection.

Recommendation I 2

To facilitate free movement yet retain confidence in levels of security, countries with obligations arising from bi- and multilateral agreements and protocols, must be prepared to share data. Regional organizations can play a role in facilitating this, or even develop centralized, region-wide systems of data storage and analysis.

Training

Recommendation I 3

Governments need to ensure that intradepartmental communications and training and development are given priority and that staff are fully aware of their responsibilities and obligations. Especially given the level of authority that lies with border staff – and the accompanying risk of corruption – it is necessary that staff is properly trained and tested.

4.3 Visa and new technologies

The global trend towards the use of online visa application tools (such as e-visas), including in ACP countries, is well documented. Several of the TA requests to the ACP-EU Migration Action sought support for the implementation of new, online technologies related to visas.

Online technologies can make visa application and issuance procedures easier and more efficient for travellers. During the ACP-EU Dialogue Seminar on Visas (2017), the lack of diplomatic or consular representation (Schengen consulates) in ACP countries was flagged as an issue. Often, applicants have to travel long distances in their own country, or in some cases to a neighbouring or nearby country, to be able to make an application for a visa. Digital application systems would alleviate part of this problem.

Furthermore, new technologies are increasingly important for recording, storing, analysing and exchanging data. E-Visas, Electronic Travel Authorities (ETAs) and Advance Passenger Information (API), for example, can help in addressing security concerns more effectively and in a timely manner if their implementation includes risk assessment components while providing for smoother movements across borders. The type of new technologies that can be implemented, should depend on a careful assessment of infrastructure and capacities in place, and the financial and human resources available.

Other technologies at border points, such as electronic border gates, rely heavily upon recent advances in biometric recognition systems. Individually or in combination, these technologies can deliver required levels of security and immigration control with reduced human resources whilst facilitating the movement of the traveller through the end to end border management system. Electronic visa systems should also be integrated in the border management infrastructure.

The application of these modern technologies varies widely among ACP countries: while some countries have made the move towards online application systems for visa (“e-Visa”) and are modernizing their border points, others are applying non-digital means (for example wet ink stamps in passports). The move towards new technologies is, for many countries, associated with challenges, the most important of which are listed below.

The Challenges Associated with the Use of New Technologies

Despite the benefits modern technologies can bring, a number of challenges are associated with their adaptation. The most recurrent ones as per interventions by the ACP-EU Migration Action in this topic, were the following:

- *The Cost.* Many of these technologies are expensive and would need to be justified by benefits delivered elsewhere e.g. workforce reductions, swifter processing, etc. Furthermore, capacity-building for staff will often be required in order to train them for the use of these technologies.
- *Poor IT infrastructure.* From the point of view of the Government entity that is processing the applications, insufficient IT support for online systems could be a problem (for example, in remote border posts). For the applicant, a lack of access points for those wishing to make applications online could be a problem. Governments need to be aware of the likelihood of ‘agents’ stepping in to fill any shortfall and the potential for corrupt or extortionate practices.
- *Limited access to e-payment facilities.* Many parts of the world still operate on a cash only basis, while online applications usually operate with e-payment- without which the process is not truly online. Once again, the ‘agent’ issue – someone making the application for the actual applicant, at the associated risk of corrupt practices-can be of concern.

Whenever contemplating the implementation of a new technology, these challenges are to be taken into account. In some cases, the implementation of complex technological solutions is not the best first step to undertake, or at least not in the immediate future, for various reasons including lack of precursor IT infrastructure or lack of resources. While the initial TA request in Guyana⁷⁸ entailed the set-up of a roadmap towards the implementation of an e-Visa system, the intervention concluded by recommending secure vignettes for the short term, while contemplating the full implementation of an e-Visa system only on the longer term. The TA hence tried to strike a balance between the investments that were needed for the system, and the concern for security in the current system (wet ink stamp on the passport), while also giving recommendations for a reform of the visa application procedures and processes. Streamlining and rationalizing the latter was seen as a necessary first step, before considering any technological solution to the visa system.

Given the advantages of an online/e-visa approach, it is very likely that States will move in that direction over time. When reviewing the visa system, it is therefore logical to draft provisions that will already enable a future implementation of an e-visa. When reviewing legislation, it should be ensured that primary legislation does not preclude

⁷⁸ Bell, Patricia (2016) ACP-EU Migration Action: Policy Recommendations and Guidelines for the set-up of an Electronic Visa (e-Visa) and Work Visa System, TA/008/2015.

the possible future use of online visa processing options.

Below follows a list of the most used modern technologies in visa procedures and border management, together with a list of pro’s and con’s for each of them.

E-Visas

One of the most requested TA intervention topics was recommendations and work plans for the implementation of an e-Visa system.

A number of ACP-EU countries such as Kenya, Zambia and Djibouti have recently adopted an online visa application system (commonly known as e-Visas) and some are in the process of investigating the viability of such a system via ACP-EU Migration Action interventions e.g. Benin, Guyana, Eswatini, Niger, Barbados, Mauritius. E-Visa systems don’t normally hold any information than wouldn’t otherwise be captured with a traditional visa application i.e. sufficient information about the applicant (passport biodata) the sponsor (e.g. employer, hotel) and the traveller’s intentions (how long, to do what) together with supporting documentation as required to enable the receiving country to be able to reach a decision to grant the visa or not.

Case study from the Peer-to-Peer exchange meeting: introduction of e-Visa in Djibouti

In 2007 the Government of Djibouti introduced a new law⁷⁹ entitled “Conditions d’entrée et de séjour en République de Djibouti” – Conditions to Enter and Remain in the Republic of Djibouti. The law requires all persons other than nationals or residents of Djibouti and a few other specialist categories (e.g. military personnel on official duty, diplomats etc.) to obtain a visa for Djibouti. Given the country’s limited global diplomatic representation, obtaining a visa was difficult. As a consequence, the Government of Djibouti introduced a universal “visa on arrival” system, which enabled the Djibouti Ministry of Home Affairs to comply in principle with its legal obligation to impose visas whilst at the same time addressing the limited possibilities for overseas visa applications.

⁷⁹ Loi n°201/AN/07/5ème L du 22 décembre 2007.

For the visas on arrival system, however, the payment and printing process was isolated from the eligibility for entry assessment. For those seeking a visa on arrival this involved confusing processes, queueing twice and cash-only transactions with non-audited exchange rates.

In 2017, the Government of Djibouti, secured assistance via IOM to design and implement an e-Visa system and, in April 2018 the system went live. Now, in principle, any non-national and non-resident of Djibouti seeking to visit Djibouti must obtain an e-Visa before travel. Because the arriving passenger has been pre-cleared from both a security and an entry eligibility perspective, and has made payment, the border agent needs only to:

- Confirm, online, that a visa has been granted;
- Conduct an up to date watch-list check;
- Check the authenticity of the travel document;
- Check that the passenger is the rightful holder of that document.

Due to the fact that the airport operates 24/7 but border control processing of flights takes up only about one third of each 24 hours per day. By locating the e-Visa decision making function at the airport, border agents can be allocated to process e-Visas in their 'downtime' i.e. the gaps between arriving flights.

With a modern online visa application (e-Visa) system in place it is conceivable that many of the challenges of traditional visa systems are reduced if not eliminated, as follows:

- Visa applications are completed online. The system can detect errors in completion and lead the applicant through the process providing information for the applicant along the way;
- The application can be completed at any time from any location with online access. Only the applicant's time is involved in data inputting;
- Reduced transaction time;
- Decisions can be made swiftly in the host country by shift-working decision-makers. Applicants can monitor the progress of their application online;
- Visa processing costs are significantly reduced due to reduced dependence on overseas missions. This could be reflected in reduced visa fees. In the case of bi- and multilateral or RO obligations this fee could be waived;
- Simple electronic payment;
- No landing cards required as visa application data is already digitally available to the border officer on arrival;

- No non-national passenger arrives unexpectedly. Security and admissibility checks have taken place before travel. Using carriers' liability legislation can prevent those attempting to travel without the appropriate authority from boarding aircraft, shipping and international rail services. Checks on arrival are minimized and processing times at the border are significantly reduced leading to shorter queues. (At the P2P the Zambian government reported that border processing times for persons with an e-Visa, as opposed to those seeking a visa on arrival, were reduced from 10 minutes to 4 minutes).

If operated well, e-Visas can provide a passenger experience which is a significant improvement upon visa waivers/visas on arrival. As the availability of digital access grows as well as the public's familiarity with it, so does many individuals' desire to complete as many of the formalities in advance of their journey in order to experience swift and seamless processing at the border.

Advance Passenger Information (API)

An Advance Passenger Information (API) system is an electronic communications system whereby required data elements are collected and transmitted to border control agencies prior to flight departure or arrival and made available on the primary line at the airport of entry.⁸⁰

API includes identification details from the passport or other travel document of the passenger together with basic flight information. The identification details can be obtained from machine readable documents, for example passports.

When travelling to or from certain countries, passengers are required to provide passport biodata before or at check-in. Otherwise they will not be allowed to board the vessel. Some of this information is routinely gathered as part of the booking process (e.g. full name, date of birth) and some is collected by the carriers specifically on behalf of the receiving country (e.g. passport number, date of expiry, etc.). This data is passed to the receiving country as Advance Passenger Information (API) during check-in or, in some cases, earlier. Receiving governments can use this data to conduct security database checks in advance of arrival on all nationals including those of the receiving country's own nationals.

80 Annex 9 to the Convention on International Civil Aviation.

Airlines also gather Passenger Name Records (PNR) during the booking process. This is the data that is routinely collected during the booking process and includes addresses, telephone contact details, email and payment details. Until recently this data was not routinely available to the receiving country although new Interactive Advance Passenger Information (iAPI) systems are in the process of being introduced and require that PNR as well as API must be provided⁸¹ at the time of check-in or in advance, if requested by the receiving state.

+ **Pros:** Early provision of API allows the receiving country to conduct security checks before travel and may provide an opportunity to deny boarding, effectively passing responsibility for managing it onto the carrier (airline, shipping company, etc.). This represents a saving on the resource costs of having to process and detain an unwanted arrival. Potentially, this could also prevent a security threat from boarding a flight. PNR data provides invaluable intelligence beyond mere biodata such as flight arrangements, routings, contact details, etc.

- **Cons:** API data and particularly PNR is often provided in an unformatted, unregulated form and interpreting it can involve significant IT and human resource cost.

Electronic Travel Authorities (ETA)

Some countries, such as the USA, Canada and Australia operate an ETA system. The implementation of this type of system has also been agreed by the EU⁸² but is yet to be brought into operation. As is clearly stated on the US website, an ESTA⁸³ (Electronic System for Travel Authority) is not a visa. Generally, ETAs do not involve an assessment of eligibility for entry based on the purpose and duration of the visit but are simply a security check providing permission to travel. An eligibility for entry examination will still be conducted upon arrival.

+ **Pros:** As with API, ETA systems provide the receiving country with advance data, enabling security and criminal record checks before travel. These systems are usually integrated into carrier systems, allowing persons of interest either to be denied boarding (and, potentially, the authorities at the point of embarkation to be informed) or to monitor persons of interest during travel. Because ETA systems are developed by the receiving country, appropriate data is collected and transmitted in the most relevant format. ETAs are generally granted for a defined period allowing more than one journey during

81 International Air Travel Association, Passenger Data Document Library. Available from www.iata.org/publications/api-pnr-toolkit/Pages/index.aspx.

82 www.euimmigration.org/etias-eu-visa.html.

83 United States Customs and Border Protection, What is the Electronic System for Travel Authorization (ESTA)? Available from www.esta.cbp.dhs.gov/esta/.

that period. For the holder of an ETA, he/she can be reasonably assured that he/she is not of a security interest and is unlikely to be denied boarding at check-in.

- **Cons:** ETA systems are costly to introduce and run.

Biometric Visa

Biometrics take many forms, the most common of which are fingerprints, facial recognition, DNA and iris recognition.

Visas may contain biometric safeguards to prevent counterfeiting, alteration or exchange (someone acting as an imposter) of the document. Biometric safeguards for visas may include digital photos that can be read by facial recognition programmes for matching purposes. Fingerprints can also be captured at the time of visa issuance. However, this requires the applicant to be physically present at the time of the application. Fingerprints would normally be stored in a central database rather than within the visa itself.

+ **Pros:** Additional security features within the visa itself reduce the possibility of it being fraudulently used by an imposter, amended or counterfeited. There are cases of persons who have acquired a genuine visa but who disposed of the travel document and visa before presenting themselves in an alternative identity at the border, usually in order to apply for asylum. By fingerprinting visa applicants at the time of application, a fingerprint check on arrival links those persons back to the original identity.

- **Cons:** Biometric systems are costly, given that both the visa application stage as well as the border crossing stage would require equipment that can enrol and read biometric data. Hence these systems are usually only introduced after a full risk assessment to establish a business case for their introduction.

e-Gates

e-Gates are operated at airports in a number of countries. They allow a passenger to be cleared by passing through an electronic gate at the border. Clearance is based on a real-time photo matching the one digitally stored in the chip in the passport together with a watch-list check. The system is semi-automatic: four to eight gates are overseen by an immigration official who, based on a set of criteria, can choose to divert passengers to the regular control.

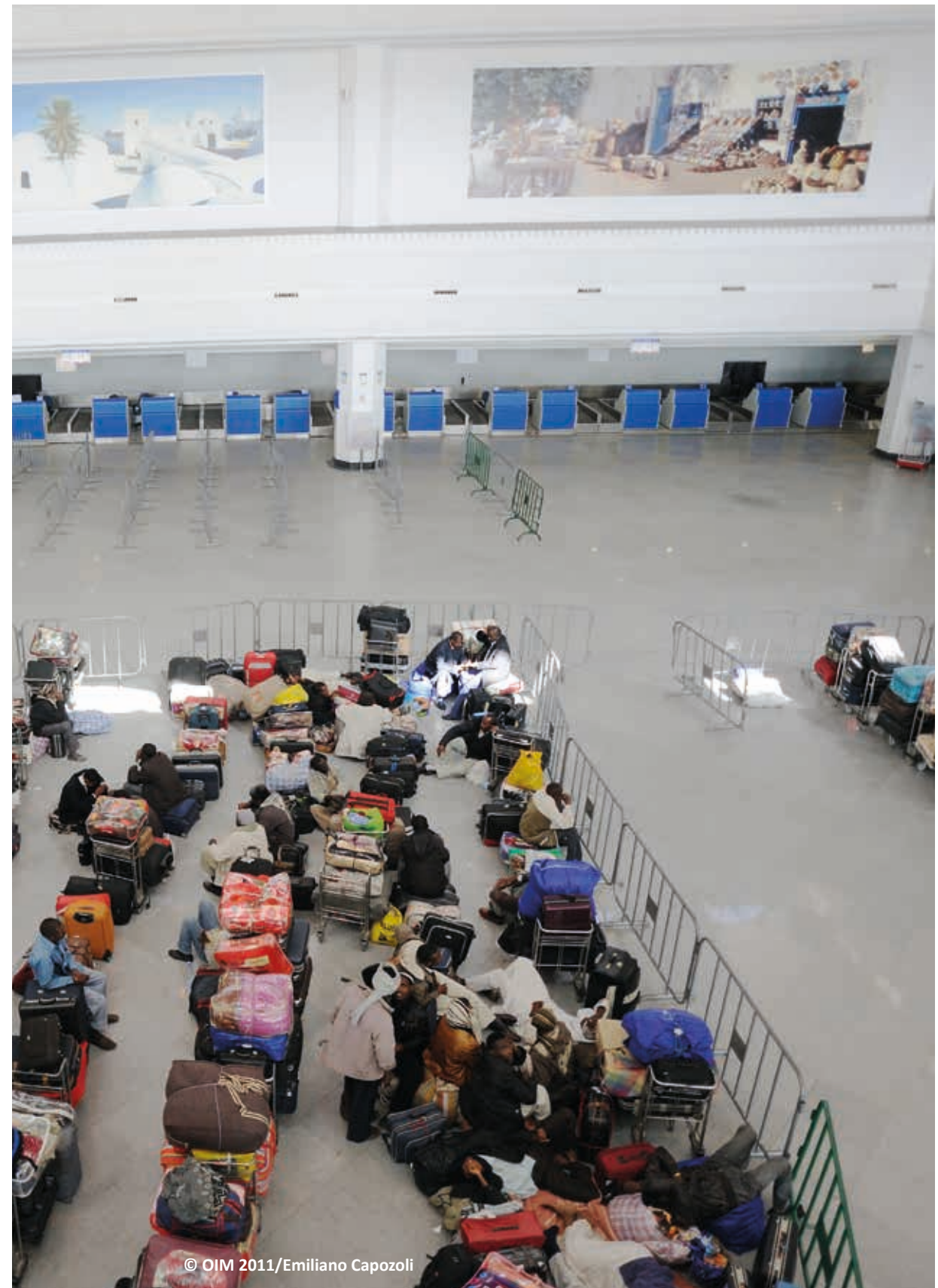
e-Gates are largely accessed by citizens of the host country (or of citizens of Member States of a full free movement protocol) since there are no immigration issues relating to the movement across the border of a country's own citizens and generally speaking they have an automatic entitlement to enter. Those of security interest can be sidelined as referred to above. In some instances, trusted traveller schemes, such as the one in the United Kingdom,⁸⁴ permit regular long-term visitors to register on an e-Gate system, usually for a fee.

+ **Pros:** Fast, facilitated, light-touch e-Gates create an improved passenger experience and a requirement for fewer human resources at the border.

- **Cons:** Probably the most expensive of the technology options. The above front-end solutions have in common that they could ensure smoother travel while maintaining security considerations by incorporating the possibility of checking a potential traveller's profile against national and international watchlists.

The reception and handling of traditional visa applications also requires technological capacities at the back-end. This includes dedicated digital case management systems used by visa authorities to manage the potential traveller's application from the time of application lodgement to the moment of returning the documents and visa decision to the applicant. An example of such software is IOM's proprietary case management solution: Visa Application Processing Software (VAPS). In resorting to any of these technologies, it is useful to consider interoperability with related (international) systems as well as compatibility with data protection and privacy principles.

84 United Kingdom Government, Registered Traveller. Available from www.gov.uk/registered-traveller



DEPARTURES



Summary of recommendations and conclusions

Conclusions

The interventions on the topic of Visas of the ACP-EU Migration Action are based on the recommendations of the ACP-EU Dialogue on that same topic. These recommendations were agreed upon by the ACP-EU Council as important points of discussion and stay applicable. However, based on the Technical Assistance interventions of the Action and the discussions held during the Peer-to-Peer Meeting on Visa, this publication took a broader, more comprehensive approach towards the topic of visa. It discusses visa-related policies and legislation, and the link the topic has with migration management and with the wider migration and development discourse.

Generally speaking, visas are an authority issued by a State, for a non-citizen to travel to, enter or remain in a State for a specific purpose. A visa usually sets limitations on the foreigners' stay, for example regarding its duration, the activities that are allowed during the stay, the dates of stay and permitted period. As visa policies manage movements in and out of a country, they are an essential component of a country's or region's migration management policy. They are an instrument for managing and facilitating entry and admission, for promoting particular types of regular migration and for responding to humanitarian situations. At the same time visa policies also play an important role in tackling irregular migration and ensuring security.

Visa policies also impact other areas of policy, the economy and community interests. Well-managed visa systems can help to foster international business and trade, tourism, investments and regional cooperation, hence contributing to development. Visa policies have to take into account a variety of factors and policy domains. A whole-of-government approach to the issue is therefore required.

At a regional level, visa policies relate to the facilitation of regional integration, which, in turn can support local and national development. Different Regional Organizations, including the ones present at the Peer-to-Peer meeting, have embarked on processes of regional integration. Often in the context of free trade agreements, ROs are working on implementing free movement provisions, enabling mobility of persons within the region. However, what is meant by free movement (who can move more freely, for what purposes, for what duration, etc.) varies greatly from region to region. In most cases however, the abolishing of visa requirements is a first step in implementing these provisions. For most free movement agreements in the ACP context, implementation remains weak. At the level of the individual Member States, barriers remain, such as: lack of consensus on implementing free movement agreements (for issues of security, protection of local markets, etc.), lack of awareness on these agreements, lack of capacity to implement the agreements and to align national policy to them. Regional Organizations have a role to play in providing information, but also in identifying and mitigating possible concerns of individual Member States against free movement and

to communicate interests in favour of free movement (especially commercial interest, opportunities for national and regional development, etc.) Finally, they should also provide with monitoring and evaluation of the implementation of these protocols. Given the requests received in the topic of regional integration and the importance this topic had during discussions with the Actions' stakeholders, the notion of regional integration, and its link to visa policies, merit to be taken up in the ACP-EU Dialogue recommendations on visa.

Many of the Actions' Technical Assistance interventions aim at implementing the ACP-EU Dialogue recommendation to "continue the reflection on the best ways to improved accessibility to visa application procedures". Several TA's however highlighted that a strong and consistent legal basis is an absolute prerequisite for clear visa application procedures. For regional organizations, the adoption of model laws on immigration can help countries in aligning their legislation and practices, and hence facilitate common visa and border protocols. Secondary legislation, relating to the implementation of the primary (immigration) law should be clear as to avoid legal and operational challenges at the level of the border officials.

Different TA's also focalized on the restructuring of the visa architecture, including the various visa categories and related criteria. These should generally be in line with the realities of the country and with the profiles of people requesting visa, as well as with development priorities and international obligations. The information on visa categories and criteria should furthermore be easily and readily available for applicants, preferably through an immigration website. The TA's focusing on the visa process highlighted the importance of having clear roles and responsibilities for processing visa applications and the reconsidering of complex requirements for visa applications, at least for trusted categories of travellers. It also highlighted the ever more recurrent practice of outsourcing the processing of visa applications to external service providers. This releases Government from this workload and mitigates the lack of consular representation. Service providers need to be closely monitored however, to ensure migrants' rights, data protection and transparency.

In line with objective one of the Global Compact for Migration, data collection and sharing, at the national as well as regional level, is crucial as the basis for comprehensive policies. Immigration data can inform not only immigration policies but also on other policy domains (trade, labour, tourism, etc.).

Finally, many of the requesting ACP countries were interested in implementing technological solutions for the issuance of visa. This has the potential to make visa applications more accessible, less complex and cumbersome, and mitigates the limited consular representation of many ACP countries. Over the last years, a whole range of technical solutions became available. However, their implementation is coupled with

challenges related to human and infrastructural capacity, their high implementation cost and the need for reliable internet and payment platforms. Implementation should therefore be considered on an incremental basis, and not before ensuring that basic visa legislation and policies are sound. There is no mention of modern technologies in the ACP-EU Dialogue recommendations, and given their growing importance, it is also recommended to include the topic of visas and technology.

Key Points and Recommendations: overview

Section 2: What is a visa?

Key Point 1

Visas are an authority issued by a State, for a non-citizen to travel to, enter or remain in a State for a specific purpose. A visa usually sets limitations on the foreigners' stay, for example regarding its duration, the activities that are allowed during the stay, the dates of stay and permitted period.

Key Point 2

Visas are issued either before travel, on arrival or when the person is already in-country (authority to remain).

Key Point 3

Visa policies are an essential component of a country's or region's migration management policy. They are an instrument for managing and facilitating entry and admission, for promoting particular types of regular migration and for responding to humanitarian situations. At the same time visa policies also play an important role in tackling irregular migration and ensuring security.

Key Point 4

Visa policies impact other areas of policy, the economy and community interests. Well-managed visa systems can help to foster international business and trade, tourism, investments and regional cooperation.

Recommendation 1

For visa policies to be effective and beneficial for development, and to protect migrants' rights, it is imperative that visa policies are defined through a whole-of-government approach, ensuring consistency and complementarity with migration policies, human rights standards, as well as with a State's position in other policy fields (trade, labour, investment, tourism, etc.).

Section 3: The work of the ACP-EU Migration Action on Visas

Key Point 1

The requests for Technical Assistance Interventions to the ACP-EU Migration Action can be categorized in three distinct topics:

- Regional partnerships on mobility;
- Improving visa legislation, policies and processes;
- Visa and new technology;

Key Point 2

The ACP-EU Dialogue recommendations on visa provide a broad mandate to "exchange on visa related policies and practices" but throughout the Action's work, specific topics emerged that are not covered under the Dialogue recommendations (regional cooperation, technology, links with development, trade, tourism, etc.). At the same time, some specific visa-related issues were mentioned in the Dialogue but had limited coverage in the TA interventions (fees, alert systems, etc.).

Key point 3

Visas are not directly mentioned in the Sustainable Development Goals but visa policies impact several of SDG targets, especially target 10.7 relating to the implementation of well-planned migration policies.

Recommendation 1

The ACP-EU Dialogue recommendations on Visas could be further enriched and expanded to reflect the range of priorities that emerged through the Actions' work. At the same time, the Dialogue recommendations could be explicitly linked to the SDG framework.

Section 4.1: Regional Partnerships on Mobility

Key point 1

Freedom of Movement is regarded by most, if not all, ACP regional organizations as critical to the promotion and growth of trade, commerce, investment and tourism. However, the degree of "freedom" varies amongst the regional organizations. In some ROs, the free mobility of persons in general is provided. In others, free movement is limited to mobility of labour in general or certain types of labour (e.g. higher skilled workers) is provided. Yet others are limited to offering simplified procedures for specific categories of persons, such as tourists, students, family members, business visitors, entertainment and media professionals and nonwage earners. In its most evolved form, a zone of free movement can entail a common external border and an absence of internal border controls, as is the case of the European Union.

Key point 2

There was consensus among the P2P participants that the aim of free movement is to facilitate movement whilst still retaining controls. Free movement should not necessarily mean a relaxation or reduction in a country's capability to intercept arriving passengers (for security or other interest)- nor should it interrupt a country's ability to prevent persons of interest boarding a flight, ship or train in the first place.

Key point 3

While many regional organizations prescribe provisions for the enhanced mobility of people, implementation remains weak. This is due to several factors, among which:

- lack of consensus at member state level for implementing free movement protocols (for reasons related to economy, security, etc.);- lack of awareness about free movement protocols;
- lack of capacity to implement free movement protocols;
- lack of information from Member States on the implementation of protocols;
- difficulties to align national policies to regional protocols.

Recommendation 1

Regional organizations have a role to play in:

- raising awareness on existing protocols by providing clear and accessible information;
- identify and mitigate concerns of individual Member States (e.g. security, economic, unbalances between Member States, etc.), leading them to not implement protocols;
- monitor and evaluate implementation of free movement protocols;
- communicate interests in free movement – especially commercial interests and opportunities for national and regional development;
- aligning policy and best practice regarding implementation of free movement protocols.

Section 4.2: Improving visa legislation, policies and processes

Visa legislation and policies

Recommendation 1

Visa policies and legislation should create an enabling framework, with efficient, clear and accessible visa application and issuance procedures that can foster different forms of mobility and investments, and eventually contribute to economic growth. Additionally, legislation should take into account broader migration policies, regional migration trends, trade and development interests, security concerns and pay adequate attention to vulnerable categories of migrants, so that their protection needs are met.

Recommendation 2

The regulations – legislative details setting out how the legislation is to be implemented by officials– should be harmonized with the primary legislation, and they should be clear and consistent. This way, both travellers as border officials are (legally) protected against inconsistencies coming from diversifying interpretations of the law.

Recommendation 3

The adoption of a model law on immigration issues by countries belonging to the same block/regional organization is a useful tool in helping states align and harmonize their legislation and practices. This can facilitate the introduction of common visa and border protocols.

Visa architecture

Recommendation 4

Visa categories should be developed in line with the country's reality and clearly related to specific criteria. Provisions should be in line with development priorities (e.g. for attracting investors/diaspora policies) and international obligations (e.g. protection of refugees). Information on existing categories and corresponding criteria should be readily accessible for (prospective) applicants.

Recommendation 5

Greater use of long-term multiple visas (for certain categories of visitors) can alleviate pressures on the visa application and issuing systems as well as facilitating the movement of regular travellers.

Recommendation 6

Visa issuing authorities should consider the risks of the applicant violating the conditions of the specific visa requested, such as an unauthorized post-arrival change in the purpose of the stay. Provisions should be in place to enable applying for in-country applications for a different visa category under certain conditions.

Recommendation 7

The information on both the legislative basis for visa application (immigration law) as well as on the regulations (categories, requirements) should be easily available for applicants – preferably through an immigration website.

Visa process

Recommendation 8

Clear designation of roles and responsibilities and clear guidelines for the processing of visa applications are necessary – ideally ensuring sufficient delegation of the approval process. Release high rank officials from this duty, while ensuring the quality of the process, for example through regular random sampling.

Recommendation 9

Reconsider complex requirements for visa applications, as least for trusted nationalities or categories of travellers.

Recommendation 10

Outsourcing to external service providers can help in dealing with increased volumes of visa applications or mitigate a lack of consular representation abroad. However, strong monitoring of the service providers is essential to ensure migrants' rights, data protection,

Data**Recommendation 11**

There are several types of immigration data and these can be used to inform the development of future legislation and procedures on a risk assessed basis – on ways to improve immigration procedures, but also for business and labour policies, for example. However, as to arrive to this point, there is a need for this information to be collected in a harmonized way, stored and analysed – all this while ensuring adequate data protection.

Recommendation 12

To facilitate free movement yet retain confidence in levels of security, countries with obligations arising from bi- and multilateral agreements and protocols, must be prepared to share data. Regional organizations can play a role in facilitating this, or even develop centralized, region-wide systems of data storage and analysis.

Training**Recommendation 13**

Governments need to ensure that intra-departmental communications and training and development are given priority and that staff are fully aware of their responsibilities and obligations. Especially given the level of authority that lies with border staff – and the accompanying risk of corruption – it is necessary that staff is properly trained and tested.

**Section 4.3:
Visa and new Technologies****Key point 1**

There is a range of technologies available that can and, in many cases, are being deployed in planning and implementing improved migration management.

Key point 2

Implementation of new technologies is coupled with challenges related to human and infrastructural capacity, cost, availability of reliable internet and payment platforms.

Recommendation 1

Careful consideration should be given to the challenges associated with implementation of new technologies, particularly the cost, the limitations in access to e-payment facilities and the prevalence of poor IT infrastructure.

Recommendation 2

Consider incremental implementation of technology and make sure that basic visa legislation and policies are sound before embarking on the implementation of modern technology.

Recommendation 3

Given the global trends towards online visa applications, any review of the visa system should include provisions that enable the future implementation of these systems. When reviewing legislation, it should be ensured that primary legislation does not preclude the possible future use of online visa processing options.



© IOM 2003/Erik Slavenas

V I

Country fiches

(status of April 2019)



COMESA

Requesting entity

COMESA Secretariat

Category

Regional cooperation
on mobility

COMPLETED

Support the full implementation of the COMESA visa Protocol
Develop a set of recommendations to address the major obstacles faced by COMESA Member States in fully implementing the Visa Protocol.

ACTIVITIES

Consult with the Member States who have not fully implemented the Protocol and with the COMESA Immigration Unit in order to identify obstacles to full implementation of the Protocol; Develop a set of concrete recommendations for each country on what they can do to implement the protocol, including consultation sessions with the COMESA Secretariat to devise an appropriate strategy to support them for full implementation of the Visa Protocol.

KEY AREAS OF FOCUS

Identified a series root causes which are inhibiting full implementation, including:

- varied and conflicting interpretations of the term "visa" by the 19 Member States;
- importance of reciprocity in visa regimes;
- weak performance monitoring and evaluation, and limited follow-up action on the implementation of the protocol;
- revenue generation from visa fees and its adverse influence on implementation of the visa protocol;
- misunderstanding of the obligations of the Visa Protocol among Member States;
- differing degrees of buy-in by member states to the Protocol;
- at the national levels, little delegation of tasks and responsibilities for implementing the protocol.

KEY RECOMMENDATIONS

- The development of country action plans;
- The development or terms of guidelines for, and the establishment of, National Monitoring Committees to oversee and manage progress against COMESA commitments;
- An overhaul of the performance Management and Evaluation matrix (WIP - COMESA 2), to include:
 - Revised (specific, measurable, action oriented, realistic) performance criteria;
 - Weighted scoring;
 - The introduction of a digital system allowing Member States to review and update their own progress
- Member States to agree a common definition of the term visa.



COMESA II

Requesting entity

COMESA Secretariat

Category

Regional cooperation
on mobility

ONGOING

Support for the development of recommendations for the design and setting-up of an online monitoring and reporting system for the implementation of the COMESA Visa Protocol.

EXPECTED ACTIVITIES

Development recommendations for the design and set-up of a platform that will provide COMESA Member States the necessary data collection tools and report templates to inform the Secretariat and Member States on progress among all the indicators for tracking implementation of the Visa Protocol;

EXPECTED RESULTS

This technical assistance fits in the efforts towards full implementation of the Visa Protocol;

Strengthened data collection, through the platform, will enhance policy development for COMESA and its Member States;

At the continental and regional levels, the TA contributes to several initiatives: the African Union Agenda 2063 envisioning the removal of visas for all African nationals by 2063, as well as the COMESA and SADC Free Movement Protocols envisioning the removal of visas for African nationals. It contributes to an IOM flagship projects to other RECs to have an online monitoring and reporting system.



VANUATU

Recommendations for an improved visa policy

Requesting entity

Department of Immigration and Passport Services

Category

Improving visa legislation, policies, procedures

COMPLETED



The objective of this intervention was to formulate recommendations for a new visa policy and processes that support the national development process.

ACTIVITIES

Develop a set of recommendations for a new visa policy and related processes in support of the national development strategy of Vanuatu;

KEY AREAS OF FOCUS

The revision of the existing Vanuatu visa architecture was based around principles of transparency and ease of administration. It focused on establishing clear visa categories and defining specific criteria and characteristics for each of them;

Many parties consulted during the intervention noted that it was difficult to understand the existing visa criteria;

The recommendations produced through the TA reflect a balance between international good practice and the particular needs and imperatives of the Vanuatu context.

KEY RECOMMENDATIONS

- A restructure of the Act and Regulations to achieve consistency and clarity around visa requirements;
- The adoption of a Short-Term Employment Visa;
- Simplification of the visa pathways for foreign investors;
- A re-designed visa architecture;
- A visa class for diplomats;
- A visa class for those working in the aid and development sector;
- Revised provisions for entry of cruising yachts;
- Improvements to the visa on arrival system;
- A visa class to cater for the circumstances of former Vanuatu citizens.



TONGA

Support to the Government of the Kingdom of Tonga in the review of Immigration laws

Requesting entity

Division of Immigration,
Ministry of Foreign Affairs

Category

Improving visa legislation,
policies, procedures

ONGOING

This Technical Assistance aims to develop recommendations for reviewing Tonga's immigration legislation, its visa policy and visa processes.

EXPECTED ACTIVITIES

Revision of the existing immigration laws of the Kingdom of Tonga, such as the Immigration Regulation;

Formulation of recommendations as to improve the immigration legislations, including recommendations for new visa policy and visa processes.

EXPECTED RESULTS

More efficient immigration legislation, visa policy and visa processes are expected to facilitate the entry of travellers and investors in Tonga;

The intervention fits within the Tonga Strategic Development Framework (TSDf) 2015 – 2025;

At the regional level, the technical assistance fits within the Pacific Plan – a regional platform of the Pacific Islands Forum – as it enhances good governance and security.



TUVALU

Proposal for an improved visa policy for Tuvalu

Requesting entity

Department of Immigration, Office of the Prime Minister

Category

Improving visa legislation, policies, procedures

COMPLETED

Make recommendations for a new visa system for Tuvalu including on the implementation of the EU/Tuvalu visa waiver agreement.

EXPECTED ACTIVITIES

The TA intervention envisaged a series of consultations with several Governmental bodies, namely:

- The Office of the Prime Minister;
- The Tuvalu Division of Immigration;
- The Ministry of Finance;
- The Ministry of Foreign Affairs.

These consultations led to the finalization of a report with recommendations for a new visa system for Tuvalu, including recommendations on the implementation of the visa waiver agreement between the EU and Tuvalu;

KEY AREAS OF FOCUS

- A set of recommendations for policy change;
- Drafting instructions for visa classes and supporting regulations;
- Implementation Planning Guidelines.

KEY RECOMMENDATIONS

- Exemptions for Government employees, for diplomats and officials and for student dependents are ceased and these applicants are covered under a new visa class (respectively: Development Support Visa, Diplomatic/Official Visa, Family Reunion Visa or the Visitor Visa).
- Exemptions remain in place for crew of commercial vessels and for special groups designated by the Minister.

- Fees for visitor and short-term business visas be abolished but all other fees (including for extension of visitor visas) remain in place.
- Current visa on arrival provisions remain in place although visa criteria are more highly specified.
- An employment visa class with greater protections for the local labour market, strengthened sponsorship provisions, longer periods of stay and a sliding scale of fees depending on length of stay.
- An Investor visa regime which involves a two-stage process – an 18-month Provisional Investor Visa which articulates into a 5 year Established Investor Visa subject to satisfactory investment performance.
- A Family Reunion visa which allows Tuvalu nationals and non-citizens lawfully residing in Tuvalu to sponsor immediate family members subject to meeting defined requirements.
- A Specific Purpose Visa which provides for a variety of different purposes of entry including study, research, lecturing, religious activities, sporting and entertainment activities.
- A Special Circumstance Visa which allows the immigration service to regularize the status of non-citizens in certain circumstances and to address humanitarian issues with the grant of a temporary visa.



ESWATINI

Policy recommendations and guidelines for the set-up of an Electronic Visa system

Requesting entity

Ministry of Home Affairs
(MHA)

Category

Visa and new technologies

ONGOING

Improve the visa processing system, improve immigration services regarding issuance, facilitate easy access through online visa application platform, improved security and quality of visa documents and build credibility to the Eswatini visa processing system.

EXPECTED ACTIVITIES

Conducting of a review of the existing visa system (including IT infrastructure) supporting visa processing in Eswatini;

Development of recommendations and a plan of action on improvement and digitalization of the current visa system.

EXPECTED RESULTS

Guidelines on the set-up of an improved and digitalized visa system with clear exhaustive visa categories, a simplified application process, policy improvements, data repository and IT infrastructure.



NIGER (the)

Implementation of an electronic visa system

Requesting entity

Direction de la Surveillance du Territoire, Ministère de l'Intérieur, de la Sécurité Publique, de la Décentralisation et des Affaires Coutumières et Religieuses

Category

Visa and new technologies

ONGOING



This Technical Assistance will provide recommendations on the establishment of an electronic visa system in Niger and facilitate the issuance of visas and data control.

EXPECTED ACTIVITIES

Write and present a study report with recommendations for:

- The establishment of an electronic visa system;
- The establishment of a database related to the entry and stay on the Nigerian territory;

EXPECTED RESULTS

The intervention will enable the Government to formulate concrete and precise needs for the establishment of an electronic visa system. It will also enable the Government to easily approach a partner for his support in the establishment of such a system;

The intervention is complementary to the National Strategy to Combat Irregular Migration;

The technical assistance will also support the National Police Development Plan (2016 – 2021) which aims at strengthening and modernizing the Police.



SUDAN

Rationalizing and strengthening the Republic of Sudan's visa policy and process

Requesting entity

General Directorate of Immigration and Passports
Ministry of Interior

Category

Improving visa legislation, policies, procedures

COMPLETED



The overall objective of this assignment is to review the visa procedures and assist the Ministry of Interior in its review of the country's visa framework as well contribute to its wider efforts of developing its immigration policy.

ACTIVITIES

A detailed analysis of the current Sudan visa authorization process required for the entry into, stay or exit of visitors in Sudan;

Development of a possible model process for a revised visa authorization process;

Development of a phasing plan for the sustainable implementation of the proposed visa model.

KEY AREAS OF FOCUS

Sudan's visa system is characterized by complex processes, high costs to applicants, and a significant degree of bureaucracy. In practice, visas can only be issued to applicants with a Sudanese sponsor. All foreign nationals have to register with the authorities after arrival and those residing in Sudan also have to seek an exit visa if they wish to leave the country. These requirements, once common practice internationally, have been abandoned in many other countries. The TA focused its efforts on a broad review from the legal/policy as well as procedural point of view.

KEY RECOMMENDATIONS

- Develop a Migration Policy, agreed by all relevant agencies, setting out the vision for Sudan's Immigration policy and how it will achieve a balance between security and travel facilitation;
- Consider the liberalization of the current visa regime, easing requirements on lower risk nationalities or the members of the relevant Regional Economic Communities (RECs) and introducing a conventional visa on arrival system for these groups;
- Remove duplication in processes and to focus gathering of applicant data at the initial visa application stage;
- Remove the requirement for Alien Registration for short term visitors and to modernize the Exit Visa System;
- Clarify lines of responsibility for authorizing visa issues and to improve interagency communication;
- Increase the use of technology at border control posts across Sudan by introducing an electronic border management system at all major Border Crossing Points (BCPs);
- Develop online application and e-Visa systems and to improve electronic information sources for visa applicants and sponsors;
- Offer differentiated visa products such as multiple entry visa and fast track applications for selected groups;
- Develop and implement training programmes for all operational staff;
- Increase the focus on performance management and intelligence analysis.



REPUBLIC OF THE MARSHALL ISLANDS

Proposal for improved visa policy for the Republic of the Marshall Islands

Requesting entity

Division of Immigration,
Ministry of Justice

Category

Improving visa legislation,
policies, procedures

COMPLETED



Improve the overall service delivery of the Marshall Islands and, specifically, putting in place new visa policy for the benefit of the Division of Immigration.

ACTIVITIES

Provide recommendations for a visa policy inclusive of standard operating procedures (SOPs), migration data management system, and compliance framework;

Provide recommendations on how to improve implementation of the EU and RMI Short Stay Visa Waiver Agreement.

KEY AREAS OF FOCUS

Synergies with other interventions in Marshall Islands:

- Pacific Immigration Directors' Conference (PIDC) fact-finding mission on Immigration Legislation (2017);
- Department of Immigration tender for a Border Management System;
- RMI new domestic legislation with regards to Human Trafficking.

Duplication between the Immigration Act and the Immigration Regulations: One of the key issues identified concerning the Marshall Islands immigration legislation was the unnecessary duplication between the Act and the Regulations. Agreement was reached between the PIDC and IOM with regards to the preferred location of each component of the legislation between the Act and the Regulations.

KEY RECOMMENDATIONS

Restructuring of Marshall Islands visa types, ensuring that all visa types contained in the Act are included in the Regulations. In addition, the exempt visa categories should be updated as to reflect the current agreements (particularly the visa waiver agreement between the European Union and the Marshall Islands);

Sponsorship regime: Introduce a formal sponsorship regime for visa categories requiring a sponsor to be introduced. The immigration policy requires that all non-citizens of the Marshall Islands declare that they are of an acceptable standard of character and an acceptable standard of health. The arrival card should therefore be amended to include questions relating to a person's criminal activities and health;

Immigration card: Introduce a card to be completed on departure from the Marshall Islands to evidence a person's movement and be used in the production of movement data;

Immigration website: Develop a website to provide information on visa requirements;

Structure of the Immigration regulations: Amend the structure of the Regulations as to include all information related to the processing of visas. The Act will be reduced as duplication between the Act and Regulations is eliminated. In addition, the Regulations will contain all the information relating to the processing of visas;

Training: Develop a comprehensive training programme for staff relating to the legislation and procedures for each function.



NAMIBIA

Harmonization of the Visa Manual (1990) with the Immigration Control Act (1993)

Requesting entity

Ministry of Home Affairs and Immigration (MHA)

Category

Improving visa legislation, policies, procedures

COMPLETED

The objective of the TA intervention was to develop a list of concrete recommendations on the harmonization of the Visa Manual and the Immigration Control Act in order to streamline visa services.

ACTIVITIES

A detailed analysis of the state of play of the harmonization of the Immigration Control Act and the Visa Manual, including stakeholder consultation.

Recommendations on the visa process in Namibia.

KEY AREAS OF FOCUS

Initial findings from the TA intervention revealed that the Visa Manual was updated and retitled in 1996. Therefore, the Visa Manual postdates the Immigration Control Act (1993). In addition, the Visa Manual already contained a significant number of references to the Act. A considerable amount of “harmonization” -the initial objective of the TA- had, therefore, already taken place. Furthermore, a new Immigration Control Act was in draft and was due to be brought into force by the end of 2016, meaning that any harmonization work required, if any, would be of time limited benefit.

It was agreed with both the Namibian Ministry of Home Affairs and Immigration (MHA) and with ACP-EU (Migration Action) that the primary objective would give way to the secondary set of objectives i.e. to producing a set of recommendations for streamlining visa services.

KEY RECOMMENDATIONS

Findings relating to visa processes broadly fell into three categories:

- A lack of clarity (immigration and visa requirements were often unclear and hence open to interpretation);
- A lack of consistency (contradictory information was provided and/or inconsistent action was taken);
- A lack of central source for visa-related information for users.

Recommendations were provided in these categories:

- Standard Operating Procedures / rationalization of the process /information management;
- Staff organization and staff training needs;
- Reliable processing system - ideally digital;
- Broad-based policy and legislative review.



MELANESIAN SPEARHEAD GROUP (MSG)

Proposal to Improve Labour Mobility in MSG Countries

Requesting entity

Office of the Director General, MSG Secretariat

Category

Regional cooperation on mobility

COMPLETED

The objective was to formulate recommendations to support the governments of Papua New Guinea (PNG), Solomon Islands, Fiji and Vanuatu to best amend their domestic legislations on immigration and labour as to waive visas and work permits to foster the progressive implementation of the Skilled Movement Scheme (SMS).

ACTIVITIES

Consult with different stakeholders in the MSG Secretariat and within the MSG Member States (Ministries of Immigration, Employment, Foreign Affairs and Trade, Attorney General);

Develop recommendations for the amendment of domestic immigration, employment and other relevant legislation, as to allow progressive implementation of the SMS in all MSG countries.

KEY AREAS OF FOCUS

- Overcome MSG countries' reluctance to relinquish sovereignty concerning the entry and employment of foreigners;
- Predominance of concerns of the larger countries, over those of the smaller ones;
- Despite the differences, politically all countries expressed their support for the Melanesian Free Trade Agreement (MFTA) (of which the SMS is a part);
- Departments not directly involved in the drafting of the MFTA were not as clear about the purpose of the MFTA, even when there were changes that directly impacted them.

KEY RECOMMENDATIONS

One of the key recommendations is the introduction of visa and work permit exempt status for persons from MSG countries entering

under the provisions of MFTA Chapter 7 (Fiji, Solomon Islands and Vanuatu) or the introduction of a new class of visas (PNG).

Other recommendations include:

- Waiving all visa and work permit fees. This can be done through Regulations: all respective Acts in each country have a provision to permit the Minister to use discretion to exempt persons or groups from certain requirements, including waiving visas and work permits. The Attorney General (AG) departments, or equivalent, were in agreement that the best (and quickest) way to change legislation for the MFTA would be to use this discretionary power to introduce regulations (instead of creating new Acts);
- Introduction of legislation requiring companies to provide evidence of labour market testing prior to seeking to employ a foreigner (Solomon Islands, Vanuatu);
- Establishment of procedures to confirm the authenticity of qualifications from foreigners (Solomon Islands, Vanuatu). All the MSG countries are working through the Secretariat of the Pacific Community (SPC) to register their qualifications assessment process. There is no need to duplicate a process that is well advanced;
- Establishment of a formal Employment Agent Register (SI, Vanuatu);
- Promoting the scheme;
- Undertaking an overall monitoring of the scheme;
- Further developing and promoting the online jobs database on the MSG Secretariat website.



LIBERIA

Review the Aliens and Nationality Law of Liberia

Requesting entity

Bureau of Immigration and Naturalization (BIN), Ministry of Justice

Category

Improving visa legislation, policies, procedures

COMPLETED

The objective of the technical assistance is to provide policy guidelines and recommendations for the revision of the Alien and Nationality Act of Liberia and to develop a roadmap ensuring the sustainability of the proposed recommendations.

ACTIVITIES

A revision of the Alien and Nationality Act, and policy guidelines/recommendations on its improvement;

Development of a roadmap ensuring sustainability of the proposed recommendations.

- Prohibit switching category of entry to reduce the opportunity of entering Liberia with the purpose of seeking unauthorised employment;
- Give full recognition to the unique position held by ECOWAS citizens and the free movement protocol;
- Structure the qualification process for permanent or indefinite residence to make it more transparent and encourage compliance.

KEY AREAS OF FOCUS

The need for engagement with other government departments was highlighted during the background research for this TA, however the emphasis of departmental ownership needs to be reiterated in future projects.

Diaspora Engagement: Recommendations on how to engage diaspora in rebuilding and investing in Liberia

- Permit Liberians who are naturalised in another state to maintain Liberian citizenship, thus promoting greater opportunity for return.

Elimination of discrimination: Recommendations on eliminating discrimination in the current Act

- Eliminate discriminatory provisions and terminology;
- Eliminate outdated terms and ensure opportunity for discrimination based on race, colour or gender is removed where possible;
- Eliminate residency requirements for children acquiring citizenship.
- Allow mothers and fathers to pass on citizenship to promote gender equality and avoid the opportunity for statelessness;
- Permit naturalization of spouses regardless of gender.

KEY RECOMMENDATIONS

Strengthening visa admission criteria: Recommendations on how to create new visa categories that facilitate legitimate travel to Liberia while at the same time preventing bona fide travellers from entering the country.

- Create specific visa categories to more accurately reflect the intentions of the foreign national and their ability to meet a specified criterion;
- Standardise the duration of entry depending on admission category to promote consistency of endorsements and compliance by foreign nationals;
- Standardise the criteria of the issue and renewal of residence permits;

Protection: Recommendations on how to include the rights of stateless persons, asylum seekers, refugees and victims of trafficking in the Act

- Make provision for foundlings to reduce the opportunity for statelessness;

- Endeavour to ensure Liberia's international legal obligations are fully incorporated;
- Address the needs of trafficked and smuggled persons;
- Allow excludable aliens to remain while seeking asylum;
- Allow stowaways to claim asylum;
- Recognise that asylum seekers may not have travel documents on entry;
- Recognise that refugees wishing to integrate, may not have travel documents to facilitate the application of residence permits;
- Eliminate penalties faced by transportation companies where a person has been rescued at sea;
- Ensure penalties for traffickers are enforced with sufficient reference to the Act to Ban Trafficking in Persons;
- Ensure penalties are not enforced against the victims of trafficking and smuggling;
- Ensure non-citizens are not returned to a country where they face human rights abuses, degrading treatment or similar;
- Protect against the deportation of stateless persons who have not committed serious crimes.

Development and structure: Recommendations on how to facilitate the development of the use of technology within operational processes

- Remove reference to monetary fees and fines by the establishment of a regulatory framework which can be reviewed more easily and regularly;
- Create offences relating to the abuse of passports such as forgery and including the offence of possession of a forged document without the need to demonstrate that the intent was to deceive.

Promoting Engagement with Society: Recommendations on how to encourage the inclusion of foreign nationals in society whilst maintaining the security structure, as to benefit Liberia's economy

- Discontinue the requirement of a declaration of intent to facilitate the application of naturalization following published criteria to promote a greater take up;
- Eliminate provisions on the settlement of immigrants within Liberia;
- Create an expedited naturalization process for the spouses of Liberian citizens to promote inclusion and contribution to society;
- Allow naturalized citizens to reside or own property abroad.



GUYANA

Policy recommendations and guidelines for the set-up of an Electronic Visa and Work Visa System

Requesting entity

Department of Citizenship and Immigration, Ministry of the Presidency

Category

Visa and new technologies

COMPLETED

The objective of this TA intervention was to ensure that Guyana can develop a policy and has the operational processes to deliver a modern visa system that provides benefits to the broader community and is efficient and more user friendly for those administering it and for foreign national clients.

ACTIVITIES

A comprehensive analysis of the current Guyana visa system, including the IT system and visa application process;

An analysis of different existing IT systems for visa processing and recommendations on the most suitable system according to Guyana's needs and capabilities;

Development of recommendations on the short, medium and long term to improve Guyana's visa system (overall as well as IT capabilities).

KEY AREAS OF FOCUS

Whilst the primary objective of the TA was to provide recommendations for the establishment of an e-Visa, it was found that this would require an integrated and advanced computer system that is not currently feasible in the foreseeable future for the Guyanese based on IT capabilities. Findings dictated that the TA concentrated on recommending improvements to the current visa system and provided options on improving security and processes. This would be an integrated system between Guyana Immigration Services and Border Control and the introduction of secure vignettes that would infer leave to enter and remain.

KEY RECOMMENDATIONS

- Set-up an intergovernmental Joint Working Group to implement the recommendations of the TA;
- Clarify visit and business visit categories;
- Outsource front-end processing of visa applications (data entry, uploading of photos, dispatching of passports/documents, etc.);
- Improve the Guyana visa website;
- Make long-term visas only obtainable prior to embarkation from countries of origin;
- Develop the IT systems – including improving the Border Management System;
- Implement a single repository for all immigration records;
- Use secure vignettes to replace wet ink stamps in passports;
- Develop Service Level Agreements for visa processing turnaround times;
- Provide a card payment system to pay for the visa;
- Provide a premium service for work visa applications;
- Develop Standard Operating Procedures for visa processing;
- Improve the different Visa Application Forms;
- Develop guidance for data sharing between Government agencies;
- Develop training for Airline Operators;
- Implement a Central Immigration Intelligence Unit to receive and process data for all Government departments and agencies dealing with migration.



BENIN

Technical assistance for the elaboration of a policy for the implementation of an e-Visa system in Benin

Requesting entity

Direction de l'Emigration et de l'Immigration

Category

Visa and new technologies

COMPLETED

Elaboration of a policy that will put in place an e-Visa system. Develop recommendations and guidelines for the introduction of e-Visas into the country.

ACTIVITIES

A feasibility study on the implementation of an electronic platform for visa delivery, including:

- A detailed state of affairs, analysing the problems and challenges of the current system to obtain a visa;
- An evaluation 'risks versus opportunities' of the implementation of an e-Visa platform in Benin.

KEY AREAS OF FOCUS

The request for the establishment of an e-Visa system was based on:

- Benin's limited diplomatic representation for visa issuance which forces many people seeking a Beninese visa to move across provincial or national borders;
- A growth in visa requests;
- The need to bring consular services closer to a larger number of potential visitors;
- A need to facilitate the process of obtaining a visa;
- A need to reduce the large number of travellers who seek visas on arrival;
- Overall savings in time effort and resource by both the applicants and the issuing authorities.

KEY RECOMMENDATIONS

The report defined key risks and opportunities if Benin were to consider the implementation of an e-Visa platform.

The following risks were identified:

- Possible lack of political support;
- Limited capacity of internet and intranet.

The following opportunities were identified:

- Modernization of the system;
- Applying for a visa becomes easier;
- A better collection, treatment and analysis of travellers' information;
- Interconnectedness;
- Collecting visa fees becomes easier.

After completion of the Technical Assistance, the Government of Benin implemented an e-Visa system.



BARBADOS

Online Entry Visa applications and issuance: electronic visas and business intelligence/ analytics

Requesting entity

Department of Immigration and Passport services

Category

Visa and new technologies

COMPLETED

Provide policy recommendations and practical assistance to: implement an online entry visa application and approval process and implement a user-friendly BI/ analytics system, to be used by all users, for the easy generation of statistical data to be used for reporting, analysis and by extension decision-making/policy making.

ACTIVITIES

An assessment of the Department's existing entry visa application and approval process and its existing methods of generating statistics.

Development of recommendations and a project plan for the implementation of an online entry visa application and approval system which will be integrated into the current Border Management System.

KEY AREAS OF FOCUS

The current processes for visa applications and the IT systems and infrastructure supporting them need modernization. A fundamental decision for Barbados Immigration Department (BID) to take will be whether the Border Management System (BMS) currently in use should be developed, or a new system replace it. In the case of the former, current support frameworks, and the capabilities of proposed add-ons against functional and non-functional requirements, need to be validated.

The introduction of the capture and matching of customer biometrics is another decision for BID to take, but one that can be taken later so long as the enhanced system can support it. The introduction of biometrics supports global security and the prevention of terrorism, but there is a perception that tourism may be disrupted by its introduction into the customer journey. This is something to balance against increasing global and customer acceptance of biometrics, together with approval by the International Civil Aviation Organization (ICAO) as a standard and recommended practice.

KEY RECOMMENDATIONS

Introduction of a fully integrated e-Visa system
An e-Visa system (more modernly called an Electronic Travel System (ETS)) which enables the introduction of an improved customer journey supports online applications, pre-checking of applicants, an improved arrival process and logical, efficient in country applications integrated into a single person file.

Business intelligence validation workshop

The initial consultation phase articulated the frequency and content of reports and statistics requested by and provided to stakeholders. There was a need to collate/collaborate and moderate the need and enhancement of statistics and reports needed by BID and other stakeholders. It is recommended that a stakeholder workshop is carried out where clear use cases on the reports needed by different stakeholders – without limitation and assuming development is possible – should be compiled to feed into requirements.

Technological Development in line with Government Digital Agenda

The Government of Barbados is in the process of launching a Barbados Digital Government Strategy (BDGS) through the Ministry of Civil Service, making clear the commitment to leveraging digital technology in order to enhance its efficiency and improve service delivery to the people of Barbados. This is a project in accordance with the Barbados e-Government Programme (BeGP). A thorough investigation and stock take of all IT systems, architecture, software and hardware will enable a full understanding of the current state, which will provide a baseline for development which needs to be strategically aligned with the BDGS. In addition, alignment with the draft BDGS key strategic initiatives.

Online payments

A universal online payment system for applicants, relatives and other representatives would quickly bring benefits for the Immigration Department and customers alike. Therefore, it is recommended to include an online payment capability in any e-Visa system that is adopted by BID.



MAURITIUS

Assessment study and guidelines for the setup of an electronic visa system in Mauritius

Requesting entity

Passport and Immigration Office, Prime Minister's Office

Category

Improving visa legislation, policies, procedures

ONGOING

This Technical Assistance aims to develop recommendations to the improvements to the current visa system in Mauritius; as to enhance the security and process on the way to the establishment of a future e-Visa system.

EXPECTED ACTIVITIES

Analysis of the existing visa system and other border management related systems in place or under development

Formulation of recommendations for the enhancement of the current visa system (visa categories, security features) as well as for the set-up of an e-Visa system

Development of a plan of action with recommendations for the next steps.

EXPECTED RESULTS

The intervention contributes to the Government's efforts to modernize and secure its border management in line with the National Migration and Development policy;

By facilitating the provision of visas, the e-Visa system will contribute to ease mobility at continental (African Union) and regional levels (COMESA and SADC).

Bibliography

The Actions' reports

ACP-EU Dialogue on Migration and Development

2015, *Recommendations from the ACP-EU experts' meeting on trafficking in human beings and smuggling of migrants*, ACP-EU 2111/15, 11 May 2015. Available from www.data.consilium.europa.eu/doc/document/ST-2111-2015-INIT/en/pdf

ACP-EU Migration Action

2017, *Meeting report: Peer-to-Peer Exchange Meeting: Visas, May 2018, Lusaka, Zambia*. Available from www.acpeumigrationaction.iom.int/peer-peer-exchange-meeting-visas

Bell, Patricia

2016, *ACP-EU Migration Action: Policy Recommendations and Guidelines for the set-up of an Electronic Visa (e-Visa) and Work Visa System*, TA/008/2015.

Gray, Andrew

2016, *ACP-EU Migration Action: Rationalizing and strengthening the Republic of Sudan's Visa Policy and practice*, TA/006/2016.

Mills, Gregory

2016, *ACP-EU Migration Action: Recommendations on the Vanuatu visa system*, TA/019/2015.
2018, *ACP-EU Migration Action: Proposal to improve Tuvalu's visa system*, TA/050/2016.

Norton, Ross and Michniewicz, Pawel

2017, *ACP-EU Migration Action: Proposal to improve labour mobility in the Melanesian Spearhead Group Countries*, TA/028/2016.

Norton, Ross

2017, *ACP-EU Migration Action: Proposal for improved visa policy for the Republic of the Marshall Islands*, TA/034/2016.
2018, *ACP-EU Migration Action: Proposal to improve labour mobility in the Melanesian Spearhead Group Countries*, TA/028/2016.

Pownall, Sara

2016, *ACP-EU Migration Action: Revision of Liberia's Aliens and Nationality Act*, TA/011/2015.

Watts, Gregory

2016, *ACP-EU Migration Action: Harmonization of the Visa Manual with the Immigration Control Act (Namibia)*, TA/005/2015.
2017, *ACP-EU Migration Action: Support the full implementation of the COMESA Visa Protocol among the Member States*, TA/002/2015.
2018, *ACP-EU Migration Action Baseline Assessment: Assessment study and guidelines for the set-up of an electronic visa system in Mauritius*, TA/072/2017.

Other sources

ACP Group of States and Council of the EU

2013, *Report on the 2011-2012 dialogue on migration and development endorsed by the ACP-EU Council of Ministers at its 37th session on 14 June 2012 in Port Vila*, ACP-UE 2115/12, 17 January 2013. Available from www.register.consilium.europa.eu/doc/srv?l=EN&f=ST%202115%202012%20INIT

ACP Secretariat

2015, *EU signs visa waiver agreement with 7 ACP countries*, 28 May 2015. Available from www.acp.int/content/eu-signs-visa-waiver-agreements-7-acp-countries

African Development Bank

2017, *Africa Visa Openness Report*. Available from www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/2017_Africa_Visa_Openness_Report_-_Final.pdf

African Union

n.b., *Agenda 2063 – SDGs*. Available from www.au.int/en/ea/statistics/a2063sdgs

Common Market for Eastern and Southern Africa

n.b., *Trade Information Desks*. Available from www.gltfp.comesa.int/trade-information-desks/

European Commission

n.b.a., *Visa Policy*. Available from www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en
n.b.b., *Schengen, Borders & Visas*. Available from www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas_en
n.b.c., *Schengen Information System*. Available from www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en

European Parliament and European Council

2009, *Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009: establishing a Community Code on Visas (Visa Code)*. Available from www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2009R0810:20160412:EN:PDF

European Parliament

2018, *Humanitarian visas to avoid deaths and improve management of refugees*. Press Release, 11 December.

International Air Travel Association

n.b., *Passenger Data Document Library*. Available from www.iata.org/publications/api-pnr-toolkit/Pages/index.aspx

International Organization for Migration

2010, *Free Movement of Persons in Regional Integration Processes*, International Dialogue on Migration, no 13.

2016, *Effects of Climate Change on Human Mobility in the Pacific and Possible Impact on Canada*, IOM: Canberra.

2017, *Borders and Beyond: A Motorcycle Journey through Africa*, 27 November 2017. Available from www.features.iom.int/stories/borders-and-beyond/

2017a, *Migration in the Caribbean: current trends, opportunities and challenges*, Working Papers on Migration.

2017b, *Remittances in ACP Countries: Key Challenges and Ways Forward*, IOM: Brussels.

2018, *Global Compact for Migration*. Available from www.iom.int/global-compact-migration

n.b., *Policy Principles Underlying Visa Processing*

International Organization for Standardization

2015, *ISO 9001:2015. Quality management Systems – Requirements*.

Mukeredzi, Tonderayi

2016, *Seamless Borders and Development*, The Africa Report, 9 August 2016. Available from www.theafricareport.com/West-Africa/seamless-borders-and-development.html

Pacific Immigration Development Conference (PIDC) Secretariat

2018, *PIDC Information Sharing Working Group Meets in Honiara*, 28 February 2018. Available from www.pidcsec.org/events/pidc-information-sharing-working-group-meets-in-honiara---november-2017/

Soprano, Carmine and Brenton, Paul

2018, *Small-Scale Cross Border Trade in Africa: Why it Matters and How it Should be Supported*, International Centre for Trade and Sustainable Development, 5 June 2018. Available from www.ictsd.org/bridges-news/bridges-africa/news/small-scale-cross-border-trade-in-africa-why-it-matters-and-how-it

Soprano, Carmine

2014, *Africa opens the gate to cross-border trade*, World Economic Forum, 22 August 2014. Available from www.weforum.org/agenda/2014/08/africa-cross-border-traders/

Thomas-Hope, Elisabeth

2005

United Kingdom Government

n.b., *Registered Traveller*. Available from www.faster-uk-entry.service.gov.uk/about?hof-cookie-check#eligibility

United Nations Conference on Trade and Development

2017, *Economic Development in Africa Report 2017: Tourism for Transformative and Inclusive Growth*, United Nations: New York.

2018, *Economic Development in Africa Report 2018: Migration for Structural Transformation*, United Nations: New York.

United Nations General Assembly

2018, *Global Compact for Safe, Orderly and Regular Migration: Final draft*. Available from www.refugeesmigrants.un.org/migration-compact

United Nations World Tourism Organization

2016, *Visa Openness report 2015*, World Tourism Organization: Madrid.

United States Customs and Border Protection

n.b., *What is the Electronic System for Travel Authorization (ESTA)?* Available from www.esta.cbp.dhs.gov/esta/

Annex I

Annex I: Visa related Global Compact for Migration objectives and recommended actions

Global Compact for Migration Objective	Visa-related Global Compact for Migration recommended actions
3. Provide adequate and timely information at all stages of migration	A Launch and publicize a centralized and publicly accessible national website to make information available on regular migration options , such as on country-specific immigration laws and policies, visa requirements, application formalities, fees and conversion criteria, employment permit requirements, professional qualification requirements, credential assessment and equivalences, training and study opportunities, and living costs and conditions, in order to inform the decisions of migrants.
4. Provide all migrants with proof of legal identity, proper identification and documentation	A, B, C, D Improve civil registry systems, with a particular focus on reaching unregistered persons and our nationals residing in other countries, including by providing relevant identity and civil registry documents , strengthening capacities, and investing in information and communication technology solutions, while upholding the right to privacy and protecting personal data. ---- Harmonize travel documents in line with the specifications of the International Civil Aviation Organization to facilitate interoperable and universal recognition of travel documents, as well as to combat identity fraud and document forgery, including by investing in digitalization, and strengthening mechanisms for biometric data-sharing, while upholding the right to privacy and protecting personal data. ---- Ensure adequate, timely, reliable and accessible consular documentation to our nationals residing in other countries, including identity and travel documents, making use of information and communications technology, as well as community outreach, particularly in remote areas. ---- Facilitate access to personal documentation , such as passports and visas, and ensure that relevant regulations and criteria to obtain such documentation are non-discriminatory, by undertaking a gender-responsive and age-sensitive review in order to prevent increased risk of vulnerabilities throughout the migration cycle.

5. Enhance availability and flexibility of pathways for regular migration	B, D, F Facilitate regional and cross-regional labour mobility through international and bilateral cooperation arrangements, such as free movement regimes, visa liberalization or multiple country visas, and labour mobility cooperation frameworks, in accordance with national priorities, local market needs and skills supply. ---- Develop flexible, rights-based and gender-responsive labour mobility schemes for migrants, in accordance with local and national labour market needs and skills supply at all skills levels, including temporary, seasonal, circular, and fast-track programmes in areas of labour shortages, by providing flexible, convertible and non-discriminatory visa and permit options, such as for permanent and temporary work, multiple-entry study, business, visit, investment and entrepreneurship. ---- Foster efficient and effective skills-matching programmes by reducing visa and permit processing timeframes for standard employment authorizations, and by offering accelerated and facilitated visa and permit processing for employers with a track record of compliance.
11. Manage borders in an integrated, secure and coordinated manner	B, C Establish appropriate structures and mechanisms for effective integrated border management by ensuring comprehensive and efficient border crossing procedures, including through pre-screening of arriving persons, pre-reporting by carriers of passengers, and use of information and communication technology, while upholding the principle of non-discrimination, respecting the right to privacy and protecting personal data. ---- Review and revise relevant national procedures for border screening , individual assessment and interview processes to ensure due process at international borders and that all migrants are treated in accordance with international human rights law, including through cooperation with National Human Rights Institutions and other relevant stakeholders.
19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries	H Promote migration policies that optimize the benefits of diasporas for countries of origin and destination and their communities, by facilitating flexible modalities to travel, work and invest with minimal administrative burdens, including by reviewing and revising visa, residency and citizenship regulations, as appropriate.

Global Compact for Migration objective 1 (collection and utilization of accurate and disaggregated data as a basis for evidence-based policies) and Global Compact for Migration objective 23 (strengthen international cooperation and global partnerships for safe, orderly and regular migration) don't have directly related recommended actions but they are cross-cutting.



The ACP-EU Migration Action is a programme implemented by the International Organization for Migration, funded by European Union and supported by the Secretariat of the ACP Group of States.

International Organization for Migration

Regional Office for the EU, EEA and NATO
40 Rue Montoyer
Brussels 1000, Belgium

Tel.: +32 2 287 70 00

ROBrussels@iom.int / acpeumigrationaction@iom.int
www.eea.iom.int / www.acpeumigrationaction.iom.int

