

Reinforcing Interregional Cooperation between the EU and the GCC

Scenarios for a Modification of Visa Policies

Anais Faure Atger and Elspeth Guild

January 2011

Abstract

Both the EU and the Gulf Cooperation Council (GCC) are major political and economic actors, and the development of strategic partnerships in selected areas between the regions is among the priorities on their respective agendas. The existence of complex visa policies and practices between the two regions, however, constitutes a fundamental barrier preventing the promotion of exchanges between these regions when encouraging people-to-people contacts, developing commercial relations or exchanging knowledge. This paper aims at evaluating the possibilities for the visa rules of both regions being modified in order to reflect the privileged partnership that the EU and the GCC are willing to further develop. It concludes by putting forward policy recommendations and three scenarios on the possible ways to overcome current issues and implement new strategies for visa policy in the context of public diplomacy and outreach in EU–GCC relations.

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This paper has been produced as part of the EU–GCC AI-Jisr Project on "Public Diplomacy and Outreach devoted to the European Union and EU–GCC Relations". The AI-Jisr Project is supported by the European Commission.

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Scenarios for a modification of visa policies

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CEPS Paper in Liberty and Security in Europe, January 2011

Introduction

The application of mandatory visa requirements involves prior scrutiny by the destination state of the personal circumstances of a traveller as well as the purpose of his or her trip. The scrutiny aims at ensuring that the planned trip is legitimate and does not jeopardise the security of the state. These requirements have an impact on the international relations between countries and their nationals as they suggest an a priori suspicion towards visitors. Such is the case between the EU and the Gulf Cooperation Council (GCC), and it is considered that the fostering of closer relations between the regions could be improved by reconsidering the application of visa requirements. On the EU side, visa policy has been harmonised for 25 European countries. These include those EU member states fully applying the Schengen rules (all but the UK, Ireland, Bulgaria, Romania and Cyprus)¹ as well as Norway, Iceland and Switzerland. The common EU visa policy consists of a general understanding of the conditions for issuing a visa as well as a list of countries whose nationals are exempt from this requirement. On the GCC side, visa rules for travelling to Bahrain, Kuwait, Oman, Qatar, Saudi Arabia or the United Arab Emirates (UAE) have so far not been subject to harmonisation. This implies that for each country, the entry requirements applying to visitors vary depending on the nationality of the applicant and on the purpose of the journey.

Both the EU and the GCC are major political and economic actors and the development of strategic partnerships in selected areas between the regions is among the priorities on their respective agendas.² The Joint Action Programme adopted in June 2010 reiterates their mutual commitment to reinforce cooperation on economic and monetary affairs, and on investment, trade, the environment, education and scientific research, culture and the promotion of mutual understanding, among other aspects.³ The existence of complex visa policies and practices between the two regions, however, constitutes a fundamental barrier preventing the promotion

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¹ The 14 June 1985 Agreement between the Governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders is referred to as the Schengen agreement. In 1999 the UK and Ireland decided to opt out of the agreement. As a result, the EU's common border policies do not apply to either of these states. Bulgaria, Romania and Cyprus are still to join the Schengen area.

² European Council, *EU Strategic Partnership with the Mediterranean and the Middle East*, Final report approved by the European Council, 10246/04, 8 June 2004.

³ Council of the European Union, 20th EU–GCC Joint Council and Ministerial Meeting, Luxembourg, Joint Communiqué, 14 June 2010.

of exchanges between these regions when encouraging people-to-people contacts, developing commercial relations or exchanging knowledge. Despite historical ties, the EU now faces the increasing presence in the region of other international actors willing to strengthen their influence and ready to propose the necessary incentives to encourage closer relations. Such incentives may include the facilitation of travel between their countries and the Gulf region. Visa policies have indeed long been used as an indicator of the state of international relations between states.

This paper aims at evaluating the possibilities for the visa rules of both regions being modified in order to reflect the privileged partnership that the EU and the GCC are willing to further develop. First, the main aspects of this relationship are presented, focusing on future prospects for development. Second, this paper presents the modalities and procedures for the issuance of visas and highlights the main characteristics of the EU Schengen visa regime applied to the GCC region as well as the main trends of the different GCC visa rules. Third, the existence of visa exemption schemes and visa facilitation provisions for certain nationalities and categories of third-country nationals is analysed. The paper concludes by putting forward policy recommendations and three scenarios on the possible ways to overcome current issues and implement new strategies for visa policy in the context of public diplomacy and outreach in EU–GCC relations.

1. Cooperation between the EU and the GCC

The strategic importance of the Gulf region has on several occasions been acknowledged by the EU member states both individually as well as collectively. The geographical proximity of the two regions and their historical ties are central factors in this respect. These aspects have played a crucial role in the development of an EU–GCC partnership and continue to be decisive in the definition of the external policies of both regions. Evolving economic priorities have nonetheless started to supersede this common history as new trading partners have begun to emerge, attracted by the wealth of these oil-rich countries. In this context, the fostering of social exchanges between the regions may well be the key to an enhanced understanding and cooperation between these major actors.

1.1 From historical ties to a strategic partnership

EU member states and the GCC countries share longstanding historical relations. Nevertheless, for a long time diplomatic relations between the regions were characterised by bilateralism.⁴ While a common EU consulate has existed since 2002 in Riyadh, most EU member states promote the presence and visibility of their own, individual representations in each GCC state. The 1989 Cooperation Agreement⁵ and the establishment of a Joint Cooperation Council with representatives of both sides meeting on a yearly basis now provide the setting within which the governments of both regions meet and exchange views multilaterally. Such meetings take place alternatively in the GCC or in the EU, requiring officials and diplomats to commute regularly between the two regions.

⁴ G. Luciani and F. Neugart, *The EU and the GCC. A New Partnership*, Gulf Strategy Paper, Bertelsmann Stiftung, Gütersloh, February 2005.

⁵ See the Cooperation Agreement between the European Economic Community, of the one part, and the countries parties to the Charter of the Cooperation Council for the Arab States of the Gulf (the State of the United Arab Emirates, the State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar and the State of Kuwait) of the other part – Joint Declarations – Declaration by the European Economic Community – Exchange of letters, OJ L 054/3, 25.2.1989.

Currently the EU is facing increasing competition from emerging powers such as China, India and Brazil in fostering closer relations with the GCC states. Their energy dependence has encouraged some of these countries to promote their presence in the region through, in particular, their involvement in the security debate in the region. Security in the Gulf region is a priority for the EU and an important topic of discussion and mutual assistance for both regions.⁶ Iran's disputed nuclear programme, the war in Iraq and the ongoing instability in Yemen are concerns shared by both actors, which see these as threats to regional stability. Today, the Gulf countries are considered strategic security partners of the EU, and concrete cooperation projects should be further developed.⁷

1.2 Reinvigorating trade and economic cooperation

Between the two regions, the focus has so far mainly been on trade and economic relations. For the EU, not only are the Gulf countries important suppliers of oil and natural gas, but they are also key business partners and investors. The GCC is the EU's fifth largest export market and the EU is the GCC's second trading partner after Japan. Such commercial relations imply regular exchanges and visits of the business community.

Both regional organisations were created on the basis of economic interests grounded on enhanced economic cooperation. This similarity between the EU and the GCC has contributed to promoting cooperation on the basis of mutual learning. The establishment of a customs union together with the GCC's decision to implement a single market and common currency⁸ have further paved the way for privileged relations between the regions, which share common priorities and strategies. Still, this cooperation has cooled somewhat because of the failure to adopt the EU–GCC free trade agreement. Negotiations between the diplomats of the two regions, starting in the 1990s, endured several suspensions before finally being unilaterally called off by the GCC at the end of 2008. The most-often cited reasons for the failure of these negotiations relate to the EU's insistence on inserting a human rights clause in the agreement as well as the level of tax imposed upon importation in the EU. That notwithstanding, informal discussions have continued and it is assumed that official negotiations will resume once an agreement seems likely.⁹

1.3 Promoting mutual understanding through increased exchanges

Strengthening cooperation in the field of education is an important aspect of EU–GCC relations. The liberalisation of the educational sector in the Gulf enabled the development of bilateral agreements between European universities and their counterparts in the Gulf. Examples include the Sciences-Po–University of Kuwait cooperation and the Universität Bonn and Technische Universität München–Abu Dhabi University twinning. Various international universities are now present in the Gulf and the GCC region is eligible under the EU Erasmus Mundus programme. The emergence of these joint programmes illustrates the increasing collaboration between the two regions in the domains of research and development. While this could lead to

⁶ “Regional [c]onflicts...impact on European interests directly and indirectly, as do conflicts nearer to home, above all in the Middle East”, according to the European Council (in *European Security Strategy, A Secure Europe in a Better World*, Brussels, 12 December 2003).

⁷ M. Bauer, C. Hanelt and C. Koch, *The EU–GCC partnership: Security and policy challenges*, Policy Brief, Gulf Research Center, May 2010.

⁸ See the GCC Doha Declaration on the launch of the Customs Union for the Cooperation Council of the Arab States of the Gulf of 21 December 2002.

⁹ C. Koch, *Exploring opportunities in the EU–GCC relationship*, Policy Brief, Gulf Research Center, October 2009.

closer ties between the regions and an enhanced understanding of the respective cultures,¹⁰ such collaboration also requires increased mobility.

As has emerged in connection with trade and economic relations, the dialogue between the two regions has touched upon the issue of human rights. In the proposed free trade agreement between the EU and the GCC, the human rights situation in the GCC region was the subject of a suspension clause. This is a standard practice for the EU, and enforceable human rights clauses are inserted into the EU's free trade agreements with any country or region as a suspension clause.¹¹ The GCC concerns in this regard related to the perception that the insertion of such a condition would be intrusive to the sovereignty of the participating states and that it implied a form of deference to EU standards. The international community and non-governmental organisations regularly express concern about the human rights situation in the GCC region, in particular as regards respect for women's rights, the problem of statelessness, restrictions on the freedom of expression and the circumstances of migrant workers. In the GCC region, where more than three-quarters of the working population are non-native, the insecurity and precarious legal status of residing third-country workers is often pointed out.¹² Increased dialogue between cultures would contribute to the promotion and protection of human rights.

2. Regulating the movement of people between the two regions

The principal aspects characterising EU–GCC relations, described in the preceding section, highlight the necessity of several categories of people – including officials, diplomats, businesspersons, students and professors – to travel frequently between the two regions. Visa requirements, however, hamper these movements.

For short-stay travels to any EU member state, GCC nationals must hold a Schengen visa while EU nationals must, for each GCC state, comply with different rules and procedures. EU cooperation on the movement of people consists of the harmonisation of visa rules and the development of a list of countries whose nationals are subject to mandatory visa requirements. Today, the EU considers its visa policy to be part of a broader vision supporting both internal and external policy concerns, and it has emphasised the need to make access to the Union's territory more efficient for individuals with a legitimate interest.¹³ In the GCC region, requirements for entering each of the six countries are defined at the national level. So far, regional cooperation on visas has not taken place, although it is acknowledged by some states that common visa rules would facilitate travel and tourism.¹⁴

This section presents the main characteristics of the Schengen visa rules as well as some common elements of the various GCC visa regimes.

¹⁰ M. Bauer and C. Koch, *Promoting EU–GCC cooperation in higher education*, Policy Brief, Gulf Research Center, May 2009.

¹¹ See point 17 of the European Parliament resolution of 24 April 2008 on the free trade agreement between the EC and the Gulf Cooperation Council, OJ C 259 E/83, 29.10.2009.

¹² Refer for instance to Amnesty International, *Amnesty International Report 2009: The State of the World's Human Rights*, London, 2009.

¹³ European Council, *EU Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens*, OJ C 115, 4.5.2010.

¹⁴ See "Travel Trade Calls for Common GCC Tourism Visa", *Gulf News*, 21 May 2010.

2.1 Visas in EU law and policy

Taking effect on 5 April 2010, the Community Code on Visas¹⁵ sets out the procedures and conditions for issuing visas either for transit or intended stays of up to three months out of any six-month period in the member states. The Visa Code clarifies which state is responsible for considering an application for a visa by reference to the country where the applicant wants to spend the majority of his or her time in the EU. Member states should cooperate with one another to ensure that an individual's application is dealt with by the appropriate consular authority. Such cooperation has already translated into the processing by certain consulates of Schengen visa applications for the purpose of travelling to member states that do not have consular representation in a particular country. In Bahrain, this implies that the French embassy also provides visas on behalf of Spain, Austria and Greece, the Italian embassy on behalf of Malta, and the German embassy is in charge of providing visas for Belgium, Denmark, Finland, Iceland, Luxembourg, the Netherlands, Norway, Slovenia and Sweden. Eventually and as highlighted in the third multi-annual programme on the EU's Area of Freedom, Security and Justice endorsed in December 2009 (the Stockholm Programme),¹⁶ the EU aims at further developing regional consular cooperation by establishing common visa application centres.

An individual seeking a visa is required to appear in person before the consular authorities. Biometric identifiers in the form of a photo and all 10 fingerprints must be submitted with the visa application and will be held in the Visa Information System, a computerised system currently still under construction that will record the visa history of each applicant.¹⁷ The Visa Code incorporates a list of documents that the visa applicant should produce in order to substantiate the application, including

- documents indicating the purpose of the journey,
- documents in relation to accommodation or sufficient means to cover this,
- documents indicating that the applicant possesses sufficient means, and
- information enabling an assessment of the applicant's intention to leave the member state before the expiry of the visa.

The visa fee is set at €60. An additional service fee may be charged by an external service provider but it cannot exceed half the visa fee. As is apparent from the practices of many consulates, external service providers are used to take care of several aspects of the visa processing system, ranging from managing consular officials' appointments to collecting the documentation and transmitting it to the officials. In the GCC, VFS Global is the company used by several EU consular authorities, including among others France and Germany in Kuwait, Saudi Arabia and the UAE.¹⁸ As the level of involvement of third actors influences the control consular officials have over the process, the Visa Code sets out some limitations on the activities they can perform. They must in particular comply with data protection principles.

According to the Visa Code, all visa applications must be decided within 15 days, although this can be extended in certain situations. One of the issues that complicate the grant of a visa is that member states are free to require other member states' authorities to consult with them before

¹⁵ Regulation 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas, OJ L 243, 15.9.2009.

¹⁶ See European Council, *EU Stockholm Programme: An Open and Secure Europe Serving and Protecting Citizens* (2010), op. cit.

¹⁷ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS), OJ L 213, 15.6.2004.

¹⁸ For an updated list of countries where VFS Global is represented, refer to the company's website (<http://www.vfsglobal.com>).

issuing a visa to a national of a specific country or to categories of persons. This is the case for the Schengen visa applications of nationals of Saudi Arabia,¹⁹ which in practice results in delaying their issuance.

Member states are still allowed to issue national visas. They may do so when the visa request corresponds to stays of between three and twelve months²⁰ or in the event that the application of an individual has been considered negatively by another member state. Such visas enable free movement within the Schengen area for up to three months in any six-month period. Table 1 shows that member states so far only rarely grant national visas.

Table 1. Number of Schengen visas (SV) and national visas (NV) granted in the Gulf by selected member states in 2009*

Country of request	Bahrain		Kuwait		Oman		Qatar		Saudi Arabia		UAE	
	SV	NV	SV	NV	SV	NV	SV	NV	SV	NV	SV	NV
<i>Issuing member state</i>												
Austria	n.a.	n.a.	2,203	18	1,081	7	n.a.	n.a.	6,493	77	3,426	30
Belgium	n.a.	n.a.	1,407	2	n.a.	n.a.	550	3	2,572	19	1,577	26
Czech Rep.	n.a.	n.a.	1,818	6	n.a.	n.a.	n.a.	n.a.	4,271	41	767	61
France	4,153	18	18,236	141	3,093	51	8,828	85	48,774	786	18,758	356
Germany	5,495	25	18,286	98	3,708	112	13,202	40	14,886	490	53,208	498
Italy	2,044	13	4,172	44	1,357	7	3,257	37	22,984	243	13,835	131
Malta	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	715	24	0	0
Netherlands	n.a.	n.a.	2,197	6	1,517	37	913	5	3,115	327	3,764	261
Spain	n.a.	n.a.	16,005	29	948	7	1,166	19	8,525	183	6,400	69

* The numbers in this column include the figures for national visas (D visas) as well as national visas combined with a Schengen visa (D+S).

Source: Council of the European Union, “Exchange of statistical information on uniform visas issued by member states’ diplomatic missions and consular posts”, Doc. 10002/1/10, REV 1, Brussels, 9 June 2010.

Where an individual is refused a visa, he or she has a right of appeal against the decision. The grounds for refusal of a visa are set out in the Visa Code. During 2009, the rejection rates of Schengen visa applicants from the GCC countries were low compared with other regions.²¹ This implies that the vast majority of Schengen visa applications filed in the GCC region are considered positively. An examination of the relevant figures illustrates some variations in rejection rates of visa applications from nationals of the same country, depending on the consulate to which they have applied (Table 2). A Qatari national, for instance, will have a greater chance of obtaining a Schengen visa if he or she applies to the Italian consulate (with a 99.9% probability of a positive outcome) than to the Spanish one (75.9%). This could be a reflection of the level of discretion still in the hands of EU member states when applying Schengen visa rules.

¹⁹ Information provided pursuant to Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas as of 2 April 2010.

²⁰ Regulation No. 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention implementing the Schengen Agreement and Regulation No. 562/2006 as regards the movement of persons with a long-stay visa, OJ L 85, 31.3.2010.

²¹ For countries in the Mediterranean, rejection rates were closer to 25%. Please refer to E. Guild, “When even Machiavelli’s prince needs a visa: Migration, Euro-Mediterranean relations and intercultural dialogue”, *European Foreign Affairs Review*, Vol. 15, No. 3, 2010, pp. 367-384.

Table 2. Rejection rates of GCC nationals applying for a Schengen visa in 2009

	Bahrain			Kuwait			Oman			Qatar			Saudi Arabia			UAE		
	A	I	%	A	I	%	A	I	%	A	I	%	A	I	%	A	I	%
Belgium	n.a.	n.a.	n.a.	1,429	1,407	1.5	n.a.	n.a.	n.a.	585	550	6.0	2,662	2,572	3.4	1,791	1,577	11.9
Czech Rep.	n.a.	n.a.	n.a.	1,930	1,818	5.8	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	4,339	4,271	1.6	889	767	13.7
France	4,162	4,153	0.2	18,476	18,236	1.3	3,146	3,093	1.7	8,903	8,828	0.8	49,712	48,774	1.9	19,741	18,758	5.0
Germany	5,623	5,495	2.2	18,995	18,286	3.7	3,835	3,708	3.3	13,268	13,202	0.5	15,763	14,886	5.5	56,976	53,208	6.6
Italy	2,048	2,044	0.2	4,313	4,172	3.3	1,357	1,357	0.0	3,262	3,257	0.1	23,064	22,984	0.3	14,205	13,835	2.6
Malta	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	892	715	19.8	n.a.	n.a.	n.a.
Netherlands	n.a.	n.a.	n.a.	2,284	2,197	3.8	1,539	1,517	1.4	961	913	5.0	3,233	3,115	3.6	4,155	3,764	9.4
Spain	n.a.	n.a.	n.a.	16,702	16,005	4.2	1,010	948	6.1	1,537	1,166	24.1	9,676	8,525	11.9	7,326	6,400	12.6

Notes: A = number of visas applied for; I = number of visas issued

Source: Council of the European Union, "Exchange of statistical information on uniform visas issued by member states' diplomatic missions and consular posts", Doc. 10002/1/10, REV 1, Brussels, 19 June 2010.

Diplomats and officials

Special provisions for holders of diplomatic, official and service passports exist. Under the Visa Code, all holders of a diplomatic passport benefit from a number of exemptions: they are not obliged to apply for a visa for airport transit, or to hold travel medical insurance; they are exempt from the visa fee (this aspect also benefits service passport holders); and in the event of a visa refusal, their passport is not to be stamped. Specific provisions applying to this group may also be implemented by the member states. The mechanism for notifying these is under the format of a separate list compiled by the European Commission.²² The exemption rule provides that persons who have been accredited with a diplomatic, official or service passport may cross the external borders of the EU area only on production of their documents should a member state decide accordingly. Table 3 recapitulates the notifications to date by EU member states in relation to GCC diplomats and officials.

Table 3. EU member states' exemptions from the visa requirement for diplomats (D) and state officials (S)

	Bahrain		Kuwait		Oman		Qatar		Saudi Arabia		UAE	
	D	S	D	S	D	S	D	S	D	S	D	S
Benelux (Belgium, Netherlands, Luxembourg)											x	x
Finland											x	x
France	x	x	x	x	x	x					x	x
Germany											x	x
Greece											x	x
Italy			x	x							x	x
Malta	x		x		x		x		x		x	x
Spain											x	x
Sweden											x	x

Source: Authors' compilation based on member states' notifications to the Commission under the information pursuant to Council Regulation (EC) No. 539/2001.

Students and researchers

Member states have agreed on common conditions of admission for third-country nationals for the purposes of study²³ and scientific research.²⁴ For students, entry requirements consist of travel documents, medical insurance and parental authority if they are minors. For researchers,

²² See Council Regulation (EC) No. 539/2001 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, OJ L 81, 21.3.2001. See also the online documentation centre of DG Home Affairs of the European Commission, on the page dedicated to visa policy (http://ec.europa.eu/home-affairs/doc_centre/borders/borders_visa_en.htm).

²³ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, OJ L 375, 23.12.2004.

²⁴ Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, OJ L 289, 3.11.2005.

admission is subject to the signing of a hosting agreement between an authorised organisation and a researcher. This agreement must include details of the purpose and duration of the research, the availability of financial resources, evidence of the individual's qualifications and resources, and medical insurance. Extra supporting documents may be requested for journeys undertaken for the purposes of study or other types of training, such as a certificate of enrolment at an educational establishment in order to attend vocational or theoretical courses within the framework of basic and further training, and student cards or certificates of the courses to be attended. For both researchers and students, the visa fee should be waived, and it is expressly specified that the visa or permit shall be granted in a timely manner.

Businesspersons

Businesspersons have the possibility of obtaining multiple-entry visas with a period of validity of between six months and five years. Further documentation may be requested for the purpose of issuing a visa in view of a business trip, including an invitation from a firm or an authority to attend meetings, conferences or events connected with trade, industry or work; other documents that show the existence of trade relations or relations for work purposes; entry tickets for fairs and congresses, if appropriate; documents proving the business activities of the company; and documents proving the applicant's employment status in the company. For benefiting from such a visa, the applicant must have demonstrated his or her integrity and reliability. Such a condition gives a high level of discretion to the issuing authorities for appreciating the legitimacy of the request for a multiple-entry visa. This has led the European Commission to observe a "traditional reluctance of consulates to issue multiple-entry visas with a long period of validity",²⁵ which is expected to be reversed with the implementation of the Visa Information System that will store the visa history of individuals and trace their reliability.

2.2 Visa requirements in the GCC region

Despite a certain convergence in practices, the six GCC countries do not share common immigration rules. The provisions of the 1981 Cooperation Council Agreement regarding the movement of persons foresaw equal treatment in the fields of freedom of movement, work and residence for GCC nationals. The Economic Agreement among the GCC states prohibits discrimination in all economic activities, including movement and residence.²⁶ GCC nationals are allowed to work and engage in all professions in any of the GCC states and they are exempt from visa requirements when entering any GCC country. They may then stay as long as they like. Unlike in the EU, however, border checks are still carried out, thus constituting practical barriers to free movement in the region.

For certain GCC residents and depending on the country of destination, simplified rules exist. So far only selected nationalities and professions are eligible under these schemes, which enable the individual concerned to receive entry permits at the airports and entry points of the country. In the UAE, this is the case for businesspersons, managers of companies and their representatives, accountants, auditors, doctors and engineers, their families and their drivers.²⁷

²⁵ European Commission Staff Working Document, *Evaluation of the Implementation of the European Community's Facilitation Agreements with Third Countries*, 14612/09, VISA 353, Brussels, 16 October 2009, p. 14.

²⁶ See the Economic Agreement between the GCC States Adopted by the GCC Supreme Council (22nd Session, 31 December 2001) in the City of Muscat, Sultanate of Oman, Article 3.

²⁷ The UAE Residency Law is described by Bassma Al Jandaly in "Check out visa criteria for visit", *Gulf News.com*, 20 July 2009 (<http://gulfnews.com/uaessentials/residents-guide/information/check-out-visa-criteria-for-visit-1.441969>).

The entry permit is generally valid for 30 days (non-renewable), except in Qatar, where the duration is of 14 days, renewable once. To benefit from such an arrangement, the individual must hold a valid residence visa issued by one of the GCC countries. The GCC states are currently envisaging the possibility of extending this right to all GCC residents.

Aware that common immigration rules would simplify travel towards their region, since 2009 the GCC immigration authorities have been discussing the possibility of establishing visa rules common to the entire GCC region.²⁸ Such a measure would enable visitors to the GCC countries to move across territories without engaging in subsequent formalities and thus consecrate the status of the region as a tourist destination. A common visa scheme between Oman and the UAE Emirate of Dubai is already in place, according to which certain nationals, who have been issued a tourist visa from one of the two countries that is valid for at least three weeks, may enter the other country.²⁹ Similar arrangements establishing a joint visa also exist between Qatar and Oman, although Qatar must be the first entry point.³⁰ Despite several announcements along this line, concrete proposals towards common arrangements have not yet been put forward. Indeed, the establishment of a joint GCC policy on visas is expected to face substantial difficulties, as the national legislations applicable to granting visas in the GCC states vary significantly. Even so, a number of common characteristics applying to certain categories of travellers may be identified.

For non-GCC residents, all six visa regimes in the region require that the visa application be sponsored by a national or legal resident of the destination country. The sponsor can be responsible for launching the application procedure, drafting an invitation letter stating the purpose and duration of the visit, or even for the entire procedure (including covering the fees and collecting the visa). Depending on the GCC destination country and the purpose of the visit, a sponsor may be deemed as such in their personal capacity as a relative or friend, or in their professional capacity as a hotel, travel agency or company. The sponsor's income needs to be above a specific threshold, which can vary depending on whether they are engaged in the public or private sector. In the UAE, tourist visas require the sponsorship of a resident (relative or friend), a hotel, a travel agency or a company. The sponsor must earn AED4,000 per month (€900) and hold a valid residence visa. In their sponsorship capacity, they are the ones responsible for applying for the visa. In Oman, the sponsor of a tourist visa needs to be involved in the tourism business.³¹ In Bahrain, the sponsoring of work visas is entrusted to the Labour Market Regulatory Authority.

The rules on visas for short-term, tourist visits to the GCC illustrate the emphasis put on developing the tourism industry in the region. Tourist visas last from 14 days to one month. When applying through consulates, visa processing should not last for more than a week while for certain particularly welcomed visitors of selected nationalities, visas can be granted upon entry or through the Internet. These visas are usually non-renewable from within the country and require a set time lapse before a new application may be filed. Such is the situation in Bahrain, where any visa procedure, including renewal, can only be filed from outside the country. Saudi Arabia constitutes an exception in the region, as tourist visas are not usually

²⁸ This was reported by Joanna Hartley in the *Arabian Business.com* online journal, in "Immigration Chiefs Eye Single Visa for GCC Travel", 1 July 2009 (<http://www.arabianbusiness.com/557341-immigration-chiefs-eye-single-visa-for-gcc-wide-travel/>).

²⁹ See the website of the Royal Oman Police, Directorate of Passport and Residence, "Common visa facility with the Emirate of Dubai" (http://www.rop.gov.om/english/dg_passport_visa_dubai.asp).

³⁰ Information derived from the *Qatar Visitor* guide, "What Visas There Are, Who is Eligible and What you Have to Do to Get Them" (<http://www.qatarvisitor.com/index.php?cID=413&pID=978>).

³¹ Information derived from the website of the Ministry of Foreign Affairs of the Sultanate of Oman, "Types of visa" (<http://www.mofa.gov.om/mofanew/index.asp?id=104>).

granted. Various other visas exist depending on the intended occupation during the stay, including visas for doctors, for commercial purposes, foreign businesspersons and investors. A so-called ‘visit visa’ is granted to wives of businessmen or investors.³²

Diplomats and officials

For diplomats and officials, visas are generally available for free, provided the diplomat or official holds a valid passport and is travelling in his/her official capacity. To benefit from this regime, no sponsor is required as such but a letter justifying the purpose of the visit to the country may be requested. The visa application process takes place in the destination country’s embassy prior to travel. In Oman, a letter stating the purpose of the visit should be issued by the government organisation inviting the official. The visa is issued free of charge and is valid for stays of up to three months. In the UAE, diplomats of certain EU member states (Austria, Belgium, France, Finland, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden) are given a free 30-day visa directly upon entry, while the majority will need to submit an application to the UAE embassy beforehand.

Students and professors

Notwithstanding the GCC region’s desire to become an educational hub, the rules and schemes applying to prospective students in Gulf universities appear complex. In the UAE, student residence visas are sponsored by family members residing in the UAE or by the university. The future student needs to demonstrate that she or he is the beneficiary of a confirmed offer by the university and must comply with other requirements, such as a blood test for HIV. If the test is positive, no visa will be granted.³³ In Oman, student visas may be valid for one to two years. They allow the holder to enter the territory several times over this period. The visa is provided upon the sponsor’s request conditional on the sponsor having a licence from the relevant authorities to establish an educational or training institution. Saudi Arabia as a country hosting annual pilgrimages to Mecca and Medina also has a specific visa for religious students and pilgrims.

Non-GCC nationals wishing to take up a teaching position in the GCC region need to fulfil the respective national rules for work visas, although certain aspects of the procedures are made easier for this category of workers. A sponsorship certificate from the future employer and a work contract are generally requested in addition to the required academic qualifications.

Businesspersons

The number of expatriates in the Gulf region has been estimated at around a third of the GCC population.³⁴ In fact on average, non-nationals represent two-thirds of the labour force in the GCC region. Despite this overwhelming dependence on migrant workers, the rules governing

³² Information derived from the section on visa regulation and rules of the website of the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia, “Guidelines and Instructions issued to Kingdom’s Diplomatic Missions Abroad On granting Entry Visa Businessmen and Investors Entry to the Kingdom” (<http://www.mofa.gov.sa/Detail.asp?InNewsItemID=36407>).

³³ Information derived from the immigration services section of the Dubai International Academic City website, “Immigration Services” (<http://www.diacedu.ae/page.php/immigration-services>).

³⁴ UNDP, “Human Development Report Overcoming barriers: Human mobility and development”, UNDP, New York, NY (<http://hdr.undp.org/en/reports/global/hdr2009/chapters/>).

the entry and stay of the foreign labour force are qualified as restrictive and they define rights and conditions depending on qualifications and nationality.³⁵

Business partners are beneficiaries of privileged mobility schemes established by the GCC countries. Multiple-entry visas are common and generally granted to nationals of countries considered important business partners. In the UAE, this translates into the automatic issuance of multiple-entry visas to Germans and Americans. For visitors of another nationality in a business relationship with a multinational or local company, a non-renewable, multiple-entry visa can be obtained while in the country.³⁶ A requirement to prove business relations in the country is applied by all GCC countries. In Kuwait, multiple-entry visas are granted in relation to business sponsored by the defence ministry. Saudi Arabia imposes strict conditions on this category of travellers, whereby a visa is only granted after the authorities receive an invitation letter, certified by both a Saudi Chamber of Commerce and the Ministry of Foreign Affairs.

3. Visa facilitation and liberalisation: Rationale and implications

As described in the preceding section, visa regulations in the EU and the GCC have resulted in complex, expensive and time-consuming procedures. These involve the turning in of a substantial amount of personal data, including biometric identifiers, and may be considered stigmatising and intrusive by the individual applicant. The a priori suspicion they imply as regards the legitimacy of the travel of certain nationalities runs explicitly counter to cooperation and confidence building among countries and regions. They create a de facto barrier to enhanced travel between regions, as frequent travellers may be put off by these complex rules. Despite the existence of a legislative framework, the outcome of requests remains uncertain owing to the level of discretion in the hands of consular staffs for interpreting conditions, such as whether or not the applicant represents a threat to public policy, internal security or public health.

EU visa policy places third states into three categories: those whose nationals need to fully comply with the rules included in the Visa Code, those whose nationals are altogether exempt from visa requirements and those whose nationals benefit from a relaxing of the visa rules. So far, the nationals of all GCC states must systematically apply for a Schengen visa before travelling to the EU. The following section describes the ways in which third countries may be transferred from one category to the other. Two of the main factors for benefiting from facilitated visa rules are specifically developed: justice and home affairs cooperation and foreign affairs considerations.

3.1 Mandatory visas, facilitated schemes and visa exemption

From the early days of EU cooperation on visas, the member states participating in the Schengen project agreed that it was necessary to harmonise the list of countries whose nationals were subject to a mandatory visa requirement and those whose nationals were not. The mandatory visa countries of the Schengen members individually were the result of heterogeneous processes with a colonial past informing some states' approaches and the cold war affecting all of them. A blacklist of countries whose nationals always need a visa to enter the EU for a short stay was first drafted alongside a white list of countries whose nationals did

³⁵ N.M. Shah, *Restrictive labour immigration policies in the oil-rich Gulf: Effectiveness and implications for sending Asian countries*, UN/POP/EGM/2006/03, United Nations Secretariat, Beirut, May 2006.

³⁶ Information derived from the website *UAE Interact.com*, News & Information on the United Arab Emirates (UAE), "Visas and immigration" (<http://www.uaeinteract.com/travel/visas.asp>).

not need to follow this procedure. The reasons for placing certain countries on the blacklist were not self-evident and eventually, the member states agreed on three key criteria relevant to the question:³⁷

- the nationals of the country constitute a risk as regards irregular immigration,
- the individuals of the state are considered a security risk to the member states, and
- the third ground is the international relations of the member states.

For the nationals of those countries targeted by visa exemption schemes, no prior check on purposes of travel and personal capacity of the traveller need to be carried out. In the EU, the prime requirement for benefiting from visa exemption is to fulfil the condition of reciprocity. Read in conjunction with the principle of solidarity among EU member states, this approach implies that all of the Schengen participating countries need to benefit from visa exemption in a third country for the EU to consider relaxed rules for the entry of its nationals. The US and Canada nonetheless constitute important exceptions to the implementation of this principle: despite the fact that their nationals enjoy visa-free travel to the EU, they are currently not applying a visa exemption to all EU citizens.³⁸ In the GCC, the issue of reciprocity is also gaining importance at times of deciding who should benefit from a facilitated entry procedure.³⁹ Yet the GCC countries' implementation of the principle of reciprocity refers to the easing of visa requirements for certain nationalities and not to their removal. None of the GCC countries foresee visa exemption for nationals of any country other than their own.

In the EU, visa facilitation consists in a relaxing of the visa requirements for certain categories of people. The content of each visa facilitation agreement concluded by the EU with a third country reflects the kinds of relations it wishes to pursue with the benefiting third country. Nevertheless, they are characterised by similar elements, including lighter procedural requirements, and usually cover the following aspects: the simplification of documentary evidence, a lowering or waiving of the visa fee, a quicker processing time and wider issuance of multiple-entry visas. Depending on the visa facilitation agreement, different categories of citizens are identified as eligible for these relaxed rules. Such may be the case for members of official delegations, businesspersons, journalists, scientists, students and professors, and relatives of EU residents.⁴⁰ For each category, documentary evidence justifying the purpose of the journey must be presented. The Balkan visa roadmap constitutes the first process clearly stating that the long-term perspective of facilitating visa requirements was visa liberalisation.⁴¹ Following a technical and political process that lasted six years, during which travellers from

³⁷ Refer to recital 5 of Council Regulation (EC) No. 539/2001 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, OJ L 81, 31.3.2001.

³⁸ See European Commission, *Fourth Report from the Commission to the Council and the European Parliament on certain third countries' maintenance of visa requirements in breach of the principle of reciprocity in accordance with Article 1(5) of Council Regulation (EC) No. 539/2001 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, as amended by Regulation (EC) No. 851/2005 of 2 June 2005 as regards the reciprocity mechanism*, COM/2008/486 final, Brussels, 9 September 2008.

³⁹ For example, in May 2010 Qatar made an announcement about revoking visas on arrival for the 33 nationalities currently benefiting from it as long as this is not on a reciprocal basis.

⁴⁰ For an analysis of the content of the visa facilitation schemes, refer to F. Trauner and I. Kruse, *EC Visa facilitation and readmission agreements: Implementing a new EU security approach in the neighbourhood*, Working Document No. 290, CEPS, Brussels, April 2008(a).

⁴¹ See the conclusions of the Thessaloniki EU-Western Balkans Summit in June 2003 in European Commission, "EU-Western Balkans Summit – Declaration", 10229/03 (Press 163), Brussels, 21 June.

this region benefited from simplified rules, EU visa requirements for citizens of Montenegro, FYROM and Serbia were abolished in January 2010 and for Bosnia-Herzegovina and Albania in October 2010. Yet in an attempt not to institutionalise the move from visa facilitation to visa exemption, the EU has been reluctant to commit to visa liberalisation in subsequent visa-facilitation discussions.

Looking at GCC members' practices, no clear criteria for more favourable visa regimes can be identified. The national trends reported in Table 4 show that the beneficiaries of these relaxed visa regimes are mainly nationals from EU member states prior to the 2004 enlargement. Furthermore, visas are still required even though the application procedure has been made easier and quicker. These facilitated regimes generally imply an exemption of the need to be sponsored and the possibility to process visa applications directly at the border or through the Internet.

Table 4. Visa facilitation in the GCC

GCC country	Third-country nationals	Nature of visa regime
Bahrain	Germany, France, Belgium, Luxembourg, the Netherlands, UK, Ireland, Spain, Italy, Sweden, Finland, Austria, Denmark, Switzerland, Norway, Portugal, Greece, Monaco, San Marino, Vatican City, Liechtenstein	Can obtain a visit e-visa lasting two weeks delivered upon entry or available online Should provide proof of return, sufficient financial means and address in the country
	Japan, Andorra, Australia, New Zealand, Canada, Hong Kong, US, Malaysia, Iceland, Singapore, Brunei, China, Thailand	
Kuwait	UK, France, Italy, Germany, the Netherlands, Belgium, Luxembourg, Switzerland, Austria, Sweden, Norway, Denmark, Portugal, Ireland, Greece, Finland, Spain, Monaco, the Vatican, Iceland, Andorra, San Marino, Liechtenstein	Entry visa upon arrival without sponsorship requirement For US citizens, multiple entry can be granted for 10 years
	US, Canada, Australia, New Zealand, Japan, Brunei, Singapore, Malaysia, Hong Kong, South Korea, China	
Oman	Portugal, Spain, France, Switzerland, Italy, Austria, Germany, Greece, Belgium, Norway, the Netherlands, Ireland, Iceland, Latvia, Denmark, Sweden, Finland, Monaco, Luxembourg, San Marino, Liechtenstein, the Vatican, Hungary, Estonia, Slovakia, Czech Republic, Cyprus, Malta, Poland, Romania, Slovenia, Lithuania, Bulgaria	Short-stay visas of 14 days can be obtained directly at the airport No need to be sponsored to obtain a tourist visa Are eligible for multiple-entry visas
	Australia, Canada, US, Andorra, Turkey, Indonesia, Malaysia, New Zealand, Brunei, Dar es Salaam, Singapore, South Korea, Taiwan, Japan, Moldova, Croatia, Macedonia, Bosnia & Herzegovina, Thailand and South American countries	

Table 4. cont'd

Qatar	Great Britain, France, Italy, Germany, the Netherlands, Belgium, Luxembourg, Switzerland, Austria, Sweden, Norway, Denmark, Portugal, Ireland, Greece, Finland, Spain, Monaco, the Vatican, Iceland, San Marino, Lichtenstein	Citizens of these countries (passport holders only) are issued visitor entry visas before arriving at the border The service is provided 24 hours a day from any place around the world; an entry visa can also be issued directly at the border
	US, Andorra, Brunei, Singapore, Malaysia, Hong Kong, South Korea, Canada, Australia, New Zealand, Japan	
Saudi Arabia	All EU member states	No need for a transit visa provided they continue their journey by the same or first connecting aircraft within 72 hours, they hold valid onward or return documentation and do not leave the airport
	Australia, Canada, US	
UAE	France, Italy, Germany, the Netherlands, Belgium, Luxembourg, Switzerland, Austria, Sweden, Norway, Denmark, Portugal, Ireland, Greece, Cyprus, Finland, Malta, Spain, Monaco, Vatican City, Iceland, San Marino, Liechtenstein, UK	Visas on arrival; do not need to wait a month before applying for a new visa UK nationals and residents are given visit visas for free German and US citizens may be granted multiple-entry visas
	US, Andorra, Canada, Australia, New Zealand, Japan, Brunei, Singapore, Malaysia and Hong Kong	

Source: Authors' compilation.

3.2 Justice and home affairs policy cooperation

As highlighted in the recitals to the Visa Code, the EU's common visa policy aims at facilitating legitimate travel and tackling illegal immigration. The Visa Code states that the common visa policy is part of "a multilayered system aimed at facilitating legitimate travel and tackling illegal immigration". Notwithstanding the filtering and policing function of visa requirements,⁴² such a statement is also sustained by the systematic consideration of visa facilitation processes in conjunction with readmission agreements, another prominent tool of EU policy against irregular migration. All the countries benefiting from visa facilitation schemes towards the EU are also bound by readmission agreements. These purport to compel the contracting state to readmit not only their nationals irregularly staying in the EU but also other nationals who have transited through their territory before entering the EU.

⁴² D. Bigo and E. Guild, « La Mise à l'écart des étrangers, la logique du visa Schengen », *Cultures & Conflicts*, no. 49, Paris : l'Harmattan, Printemps 2003.

Russia was the first to request visa facilitation as an incentive to cooperate in the EU's policy against irregular migration, declaring it a condition for signing the proposed readmission agreement.⁴³ Since then, the EU has considered visa facilitation schemes to be conditional upon the signing of readmission agreements while the opposite would not necessarily be true.⁴⁴ EU negotiations with Morocco indicate that the EU is less and less willing to comply with third-country expectations in respect of the relaxing of visa rules. A readmission agreement with Morocco has been under negotiation since 2000, as the EU has not been willing to propose visa facilitation as a trade-off. From the Moroccan perspective, the incentives for signing a readmission agreement are thus insufficient in comparison with the demands of the EU. Indeed, the EU's attempts to raise other arguments, including prospects for trade cooperation and an advance statute of collaboration with the EU, have so far been unsuccessful.

Still, an analysis of the content of the Balkan roadmaps shows that the signing of a readmission agreement does not constitute a sufficient effort for benefiting from full visa liberalisation. Each roadmap was drafted following a case-by-case assessment of the situation of each country and requested distinctive reforms in justice and home affairs policies. In particular, the EU longed for, among others, the strengthening of the rule of law and document security, the combating of organised crime and corruption as well as better border and migration management. Provisions on fundamental rights and on the protection of migrants and minorities were also included. Benchmarks were set in each roadmap for evaluating the progress achieved in the different domains identified by the EU. These relate to specific actions to be taken by the relevant third country and can cover aspects ranging from issuing machine-readable, biometric travel documents to ensuring effective protection against discrimination.

3.3 Regional coherence and external relations

Visa policies, and defining who is subject to these, have always been closely linked to international relations. In the EU, foreign policy considerations of the Union and of member states are acknowledged as decisive factors in determining who should be viewed as a priori suspicious when travelling to the EU.⁴⁵ After incorporating and harmonising the national lists of the countries whose nationals were subject to a mandatory visa requirement and those whose nationals were not, the common European approach was developed on the basis of the following criteria: reciprocity, solidarity among EU member states and regional coherence.

Regional coherence is of key relevance in the definition of visa policies as these create de facto barriers among neighbouring countries and regions. In the framework of the EU neighbourhood policy, cooperation on migration and visa issues constitutes a central element.⁴⁶ The visa

⁴³ This took place at the 2003 Saint Petersburg summit, as reported in R. Hernández i Sagrera, "La agenda de inmigración de la UE hacia Europa oriental: diseñando las bases para un partenariado migratorio" [EU's immigration agenda towards Eastern Europe: Establishing the basis for a migration partnership], Working Paper No. 83, Observatory of European Foreign Policy, Barcelona, 2010.

⁴⁴ A. Roig and T. Huddleston, "EC readmission agreements: A re-evaluation of the political impasse", *European Journal of Migration Law*, Vol. 9, No. 3, 2007, pp. 363-387.

⁴⁵ See Declaration No. 16, attached to the Treaty of Amsterdam, which states that "the conference agrees that foreign policy considerations of the Union and the Member States shall be taken into account in the application of Article 62 (b) of the Treaty establishing the European Community".

⁴⁶ See European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union, COM(2007) 247, Brussels, 8 June 2007; see also F. Trauner and I. Kruse, "EC visa facilitation and readmission agreements: A new standard EU foreign policy tool?", *European Journal of Migration and Law*, Vol. 10, No. 4, pp. 411-438.

facilitation schemes proposed by the EU to its eastern neighbours purported to alleviate the negative consequences of EU enlargement towards the east and notably the introduction of visa requirements among neighbouring regions. Ukraine, Russia, Albania, Bosnia-Herzegovina, Montenegro and Georgia now benefit from facilitation agreements. The example of Morocco, also a member of the European neighbourhood policy, however, shows that southern neighbours of the EU do not benefit from such a rationale.⁴⁷

When describing the common approach to visa facilitation, the EU Council's High Level Working Group on Asylum and Migration found that the common approach was based on a case-by-case assessment of third countries, "while bearing in mind the EU's overall relationship with candidate countries, countries with a European perspective and countries covered by the European Neighbourhood Policy as well as strategic partners".⁴⁸ Visa provisions are at times considered with certain, privileged partners as part of wider packages. In the case of Moldova, visa provisions were inserted into a declaration on a mobility partnership between the EU and Moldova in the framework of the global approach to migration.⁴⁹ These provide for the instatement of a visa facilitation scheme as well as the establishment of a visa application centre common to Austria, Belgium, Denmark, Estonia, Finland, Greece, Hungary, Latvia, Luxembourg, the Netherlands, Slovenia, Sweden and Switzerland. The EU also adopted negotiation directives for visa facilitation agreements with Cape Verde and Georgia, both of which entered into a mobility partnership with the EU. The case of Cape Verde deserves particular attention, as this country is not part of the European Neighbourhood Policy though it is part of the African, Caribbean and Pacific group of states with which the EU has developed a partnership agreement.⁵⁰

4. Prospects for a visa dialogue between the EU and the GCC

Visa policies are often subject to modifications and adaptations. As was highlighted in section 3, the decision to enter into a visa facilitation agreement with a third country is mainly a matter of political will. No clear-cut criteria or roadmap may be identified, as each process reflects a case-by-case analysis and examination of the particular situation of each country. The Gulf ambition to develop new activities, such as becoming a possible hub of medical services or an educational destination, also requires facilitated entry mechanisms. In the Stockholm Programme, the European Council emphasised the desire to favour legitimate travel while the European Commission has announced that making optimum use of the various possibilities and instruments provided by visa policies is essential for promoting tourism.⁵¹

Favouring the mobility of individuals who are the real actors implementing strategic partnerships between regions should be considered crucial. Travels and exchanges will be encouraged by a simplification of visa rules and will contribute to better understanding. With

⁴⁷ D. Bigo, S. Carrera, E. Guild and R.B.J. Walker, *The Changing Landscape of European Liberty and Security: Mid-term Report on the Results of the CHALLENGE Project*, Research Paper No. 4, CEPS, Brussels, February 2007.

⁴⁸ See the Annex to the Common Approach on Visa Facilitation by the High Level Working Group on Asylum and Migration, 5 December 2005.

⁴⁹ Refer to the Joint Declaration on a Mobility Partnership between the European Union and Moldova, 9460/08 Brussels, 21 May 2008. The agreement provided for visa facilitation as well as for the establishment of a common visa application centre (http://www.cac.md/index_en.html).

⁵⁰ See the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one Part and the European Community and its Member States of the other Part, signed in Cotonou on 23 June 2000 ('Cotonou Agreement').

⁵¹ European Commission, Communication on Europe, the World's No. 1 Tourist Destination – A New Political Framework for Tourism in Europe, COM(2010) 352, Brussels, 30 June 2010.

this in mind, three scenarios could be envisaged to support closer relations between the EU and the GCC through a modification of visa policies.

4.1 Scenario 1: Establishing reciprocal visa policies

Reciprocity is a central principle in international relations and in the application of visa requirements. Such an approach has been pursued by the EU since the early days of the Schengen visa system. A strict reading of the implementation of the principle of reciprocity in the definition of visa policies between the EU and the GCC would imply applying similar conditions and procedures for travels to both regions. Such an approach would clearly reflect that the EU recognises the increasing integration of the GCC region and encourages such regional processes.

From the EU perspective, the principle of reciprocity is usually applied when considering visa exemptions. It however appears unlikely that the EU and the GCC would be ready to remove visa obligations altogether. In the EU member states, all GCC countries have always been on the visa blacklist and from the GCC perspective, no third countries so far benefit from visa-free travel to any of the GCC participating countries. Still, reciprocity could also be applied in the context of visa facilitation. Such a move would contribute to building trust between the regions and reduce suspicion and the feeling that one side is benefiting from more favourable rules than the other. The first step in this direction would be for the GCC countries to consider all EU nationals equally and to apply its facilitated visa schemes also to those citizens of the countries that joined the EU in 2004 and 2007.

4.2 Scenario 2: Enhancing justice and home affairs cooperation

In line with the previous agreements concluded by the EU with third countries, visa facilitation schemes appear conditional upon enhanced justice and home affairs cooperation among the signatories. The EU and the GCC are already collaborating in several domains, such as anti-terrorism cooperation and the fight against organised crime and anti-trafficking. In addition, the use of biometrics identifiers is increasing in the GCC. Nevertheless, cooperation in the field of irregular migration constitutes the bulk of justice and home affairs cooperation and has so far represented a necessary step for any country to benefit from visa facilitation by the EU. Under this approach, the GCC would be expected to sign a readmission agreement with the EU.

Yet two realities would suggest that this approach is not entirely applicable to these regions. First, visa facilitation agreements have so far only been reached with eastern partners, and second, few of the irregular entries to the EU come from the GCC. Several elements further highlight that the necessary trust between the two regions may so far be insufficient. The prior consultation of all consulates for Saudi nationals' visa applications shows that the EU is suspicious of the migratory flows from this region. Furthermore, as part of the plans for the gradual rollout of the Visa Information System, the region (including Yemen, Iraq and Iran) is considered a priority area and will be among the first three to benefit from the installation of the system.⁵² This ranking is based on the following criteria: risk of illegal immigration, threats to the internal security of the member states and the feasibility of collecting biometric data.

⁵² European Commission, Decision determining the first regions for the start of operation of the Visa Information System, OJ L 23, Brussels, 27.1.2010.

4.3 Scenario 3: Visa arrangements for substantiating the strategic partnership

The strategic partnership foreseen between the EU and the GCC requires favouring the movement of people, and in particular that of certain professionals, such as officials, diplomats, businesspersons, students and professors. Enacting facilitated rules for the travel of these categories of people would provide the necessary tools to implement such a partnership. Such regulations could be considered essential elements of the cooperation between the EU and the GCC by favouring the mobility of the individuals who drive this cooperation.

So far, mobility partnerships have been used for implementing the global approach to migration, consisting of measures for countering irregular migration, for promoting the link between migration and development, and for establishing legal paths for migration. They could now be used to inscribe visa policies into external policy concerns. These instruments indeed have the necessary flexibility to be adapted to the reality of exchanges between the regions. A strategic mobility partnership between the EU and the GCC could focus on visa regulations and cover other aspects, such as administrative capacity building, training and technical support in the implementation of a common GCC visa policy.

Conclusions and recommendations

The three scenarios proposed in this paper represent possible ways forward in the improvement of people-to-people contacts between the two regions. Their consideration would benefit mobility between the regions and contribute to fostering social and economic cross-regional relations. It is clearly not in the interest of any of these actors to have such strict rules that they operate as an obstacle to enhanced relations. The adoption by the EU of the Visa Code already represents a significant improvement by presenting in a single document the main aspects of the EU's visa policy. It also incorporates strict deadlines and codes of conduct for consular authorities and their subcontractors. The GCC countries should proceed with their plan to implement a common GCC visa policy. In this process, the Visa Code could constitute a guiding instrument. This would contribute to clarifying the rules for travelling to the region as well as to gaining increased leverage in negotiating any agreement on mobility with third countries. A regional visa policy would also justify viewing the GCC countries as an integrated region at times of facilitating travel towards the EU and for applying similar rules to all GCC nationals. If until now visa facilitation schemes were only proposed to countries on an individual basis, in application of the principle of regional solidarity that the EU expects from third countries, the EU should consider applying it as well to other integrated regions, such as the GCC.

The EU and the GCC have a lot to learn from each other not least in the implementation of common regional migration policies. In this process, the following recommendations should be taken into account:

- Any consideration of partnership with a country or a region should take account of the perspective of individuals living in these countries. The establishment of privileged relations among international actors must be reflected in legislation on the mobility of people. Favouring the movement of people undoubtedly brings the relations between regions to a closer level.
- The criteria for including a country in a negative visa list must be clarified and made public. Considering an entire country a potential source of insecurity should be an exception, and roadmaps and clear benchmarks for being removed from such lists and for the country's nationals being viewed *de facto* as *bona fide* travellers should be established.

- The implementation of the Visa Code and of any visa regulation requires a mechanism for closely scrutinising their consistent implementation. Deadlines and fees must be strictly delimited and complied with. Procedures for challenging negative decisions should be in place.
- Common consular representations should be further developed to promote regional integration and external relations. This will contribute to a uniform application of common visa rules and to improved implementation of the common procedures.

Bibliography

- Amnesty International (2009), *Amnesty International Report 2009: The State of the World's Human Rights*, London.
- Bauer, M., C. Hanelt and C. Koch (2010), *The EU–GCC partnership: Security and policy challenges*, Policy Brief, Gulf Research Center, May.
- Bauer, M. and C. Koch (2009), *Promoting EU–GCC cooperation in higher education*, Policy Brief, Gulf Research Center, May.
- Bigo, D., S. Carrera, E. Guild and R.B.J. Walker (2007), *The changing landscape of European liberty and security: Mid-term report on the results of the CHALLENGE project*, Research Paper No. 4, CEPS, Brussels, February.
- Bigo, D. and E. Guild (2003), « La Mise à l'écart des étrangers, la logique du visa Schengen », *Cultures & Conflits*, no. 49, Paris : l'Harmattan, Printemps.
- Faure Atger, A. and E. Guild (2009), « L'accès au travail des ressortissants de pays tiers en Europe : Comparaison des législations de 9 états membres » [Third-country nationals' access to work in 9 member states], in G. Saint-Paul, *Immigration, qualifications et marché du travail*, Rapport pour le Comité d'Analyse Economique, Paris : La Documentation Française, pp. 131-155.
- Guild, E. (2010), "When even Machiavelli's Prince needs a visa: Migration, Euro-Mediterranean relations and intercultural dialogue", *European Foreign Affairs Review*, Vol. 15, No. 3, pp. 367-384.
- Hernández i Sagraera, R. (2010), *La agenda de inmigración de la UE hacia Europa oriental: diseñando las bases para un partenariado migratorio* [EU's immigration agenda towards Eastern Europe: Establishing the basis for a migration partnership], Working Paper No. 83, Observatory of European Foreign Policy, Barcelona.
- Koch, C. (2009), *Exploring opportunities in the EU–GCC relationship*, Policy Brief, Gulf Research Center, October.
- Luciani, G. and F. Neugart (2005), *The EU and the GCC. A new partnership*, Gulf Strategy Paper, Bertelsmann Stiftung, Gütersloh, February.
- Roig, A. and T. Huddleston (2007), "EC readmission agreements: A re-evaluation of the political impasse", *European Journal of Migration Law*, Vol. 9, No. 3, pp. 363-387.
- Shah, N.M. (2006), *Restrictive labour immigration policies in the oil-rich Gulf: Effectiveness and implications for sending Asian countries*, UN/POP/EGM/2006/03, United Nations Secretariat, Beirut, May.
- Trauner, F. and I. Kruse (2008a), *EC visa facilitation and readmission agreements: Implementing a new EU security approach in the neighbourhood*, Working Document No. 290, CEPS, Brussels, April.
- (2008b), "EC visa facilitation and readmission agreements: A new standard EU foreign Policy tool?", *European Journal of Migration and Law*, Vol. 10, No. 4, pp. 411-438.

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