

The birth of the paper prison. The global inequality trap of visa borders

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We were lucky. Without any effort, simply by being born in the Netherlands, we, two Dutch researchers, gained a golden travel ticket to the rest of the world (cf. Rawls, 1971). As citizens of the Netherlands we can travel up to 186 countries without a visa (Henley Passport Index, 2020). That makes up for 81% of the possible destinations in the world. Compare this to Syria or Afghanistan, whose citizens can travel only to 29 and 26 countries respectively. And this difference does not include yet the huge global inequality in the chances of getting a visa for citizens from higher ranked countries, such as the Netherlands, compared with those from low(er) ranked countries (Mau et al., 2015). Given this gross inequality in the freedom of movement, purely determined by the country of origin, it is remarkable that in public debates on borders, migration, and development, little attention is given to these what could be called ‘paper borders’ (Van Houtum and Bueno Lacy, 2020), certainly, compared with the focus on physically visible and, arguably, often more spectacular borders. In this short essay will analyse the birth and impact of the *global inequality* trap of paper borders.

The invention of national permission papers

Although hard to imagine in these days, the national monopolization of citizenship papers as the legitimate means of movement is a fairly recent invention (Torpey, 2000). It was only in the early 20th century, at the time of the First World War, with millions set adrift and a vast international insecurity about who belonged where, that national passports and visas began to be used. To this end, uniform guidelines of the layout and features of these travel documents were established at the International Passport Conference in 1920 (League of Nations, 1925). On that occasion, the leaders of the world deemed it necessary “for the time being”, but were still hoping for “the total abolition of restrictions” (League of Nations, 1925: 1). As late as 1963, world leaders, at the UN Conference on International Travel and Tourism were talking about the desirability to abolish national travel papers, but again it was argued that the time was not yet right (Dumitru, 2016). Meanwhile, however, over time, states have been dressing up further this temporary instrument of paper borders, turning it increasingly into a locked-in normality.

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The tele-politics of pre-borders

Etymologically, the term VISA comes from *charta visa*, meaning ‘paper that has been seen’, ‘a verified paper’. It is used to ‘see’ if and under what conditions a foreigner will be permitted to enter the territory (OED, 2020). For this decision, dominantly, a distinction is first made on the citizenship of the applicant, then on the intended duration of the stay (short visit, long stay or permanent settlement), and finally on the intentions and characteristics of the applicant. A visa could hence be understood as a bordering technique that is focused on the selection and channelling of people, aiming, to use Foucault’s words on governmentality, to “eliminate its dangerous elements, making a division between good and bad circulation” (Foucault, 2007: 18). At first, the border guard would typically only put a date stamp in the passport as a sign of the visa-verification. Over time, however, in order to reduce bureaucracy and to avoid the coming of would-be refused travellers, travellers were (also) asked to apply in advance at a consulate or embassy in their home country. To put this development in biopolitical terms, and as the antonym to the Foucauldian term micropolitics, it implied the emergence of what could be termed tele-politics or tele-biopolitics. As a result of this dislocating or remoting of the border control, a visa has become a pre-border of a state, bordering people even in their actual travel to their intended destination, turning the entry permission of the visa thereby also into a leave permission to even travel to that country. It further implies that, in paradox with the origins of the etymology of the term which stresses visual control, that the discretionary decisions of entry have thus geographically been taken out of direct sight, adding to the ‘non-spectacle’ as well intransparency of visa borders. In short, rather than fenced walls guarded with guns it is the externalised paper walls guarded by pencils and computers that have become the first line of defence of states.

Geopower tool

To manage these tele-borders, states of the world each have made a list of countries whose citizens need to apply for a visa. Notwithstanding its major impact, the grounds for which to put countries on the visa-obliged or visa-free list are usually rather obscure. This is equally true for the EU’s Schengen list. The Council Regulation of 2001 confabulates something about “a considered, case-by-case assessment of a variety of criteria relating *inter alia* to illegal immigration, public policy and security, and to the European Union’s external relations with third countries, consideration also being given to the implications of regional coherence and reciprocity” (EC, 2001: 81/1), a statement so woolly that invokes more questions than it answers. The unclarity seems intentional, as it gives the possibility to use visas as a geopower tool to secure economic or other interests. So, what was once a permission to let travellers pass at the border has thus underwent yet another mission creep, namely the turning into a quid pro quo tool between states.

Borderism: the global taxonomy by country of origin

What matters for us most, here, are the biopolitical consequences of this global blacklisting of people (Van Houtum, 2010). By way of the current configuration of visa borders, people of this planet are taxonomized on the basis of a profiled, depersonalized national origin. The people from the states on the negative list have to acquire a visa before travelling, which often is then refused (Mau et al., 2015). It implies that the people of the world are territorially trapped in state cages, paper prisons, sentenced by a lottery of birth (Carens 1987; Foucault, 1977; Rawls, 1971). It is, what could be termed, ‘borderism’, to be defined as a discriminatory practice that essentialises and politicises the value of human beings

depending which bordered (id)entity they are born into, reside in and/or travel from (see also Anzaldúa, 1987/1999; Bergström, 2014; Dalmage, 2000). And clearly, some paper cages are more equal than others. Dominantly, the affluent countries are excluding those who are seen as an economic or security risk, notably the global poor (Mau et al., 2015; Neumayer, 2006; Wang, 2004). When someone born on the ‘wrong’ side of the border, refuses that his/her life and opportunities are determined by his/her place of birth, and wishes to migrate or needs to flee from a country on the negative list, the world of legal possibilities is severely more limited than someone born on the other side of the border (Gemenne, 2020). Put differently, a global aristocracy, principally determined by birth, is locking-in a global underclass, and from afar. Paradoxically, at the same time, the privileged nations in this neo-feudal system are dominantly promoting an ideology of liberalism, equal opportunities and/or capitalistic meritocracy. But apparently, this mantra of liberty only applies for people who luckily have been born with the ‘right’ passport.

Autoimmunity of the paper border regime

The lack of legal channels to migrate has put a price on freedom, literally. Steep migration prices are being paid to help undo the lack of visa-free travel opportunities. The system of restrictive paper borders has thus led to the emergence of migration trade, a financial service industry for the normatively excluded, be they poor, or rich.

For the rich and wealthy, who would like to obtain a certain citizenship, there is a legal opportunity to gain access by ‘citizenship-by-investment’, for instance with the help of a firm like Henley and Partners, who mediate in the acquisition of visas and passports. They advertise their services as follows: “Today, a person of talent and means need not limit his or her life and citizenship to only one country. Making an active decision with regard to your citizenship gives you more personal freedom, privacy, and security. . . . Citizenship-by-investment programs offer you the opportunity to legally acquire a new citizenship quickly and simply, without any disruptions to your life” (Henley and Partners, 2020). This programme of buying residence or citizenship rights, what could be termed *ius pecuniae*, to circumvent the lack of opportunities of the dominant system of birth right based citizenships, is rapidly expanding (Stern, 2012). That there is a demand is clear, given the global inequality of access and evidently there is supply too, for the selling states see it as a way of boosting their employment and growth. The result is an increasing commodification of citizenship, turning the world into a citizenship shop, in which states are for sale for different prices (cf. *Citizenshipshop*, 2020). The highest prices are being paid for passports of countries with a high number of visa-exemptions and attractive national citizenship rights. The result is that ‘golden visas and passports’ are often bought by people carrying ‘golden visa credit cards’. This commodification of passports is applauded for by some economists, who see the selling of passports as the most efficient and egalitarian way to select would-be migrants and a way to render extra national profit, but is frowned upon by some political theorists as well as some politicians, who consider it to be unfair, undermining sovereignty, and provoking criminality (Surak, 2016). However, before assessing the consequences of golden passports, it would be good to first normatively evaluate the very source of what led to the emergence of this externality. As it is only because of the self-installed unfair, discriminative border lottery and the scarcity of other legal migration channels –thereby purposely blocking the equality of opportunities for some –that golden passports exist in the first place.

In contrast to the rich and wealthy, for the globally less affluent, who do not have the means to acquire citizenship by investing large sums of money upfront, the possibilities of gaining access to another citizenship are much more limited. Visa borders therefore do not

only punish the poor for being poor by imprisoning them from afar into their own countries of origin, and by irregularising their travel, but in so doing, visa borders also actively prevent the poor from ameliorating their economic well-being. Hence, paper borders increase global inequality only further, and with that also only enlarge the push to migrate irregularly to richer states. Those who do migrate then, again in sharp contrast to the visa-obliged rich foreigners, face an incredibly dangerous irregular journey, including risks of exploitation, trafficking and slave trade, and ultimately, the chance to pay the highest price: death. Horrifically, over time, the death of irregular migrants has come to be seen as a collateral damage of the own policies for which, slanderously, the migrants themselves are blamed as well as their smugglers, ignoring that irregular travel and smuggling are the very result of the self-constructed paper border regime. It has even come to the point, where rescuing missions, and acts of solidarity are now being criminalized and scapegoated. Put differently, the birth of paper borders, a biopolitical technique to secure the way of life for the exclusively included, has thus resulted in a politics of death, a necropolitics (Mbembe, 2003) or thanatopolitics (Murray, 2006).

In sum, the system of visa borders that have been put in place, although meant to protect the state, has, on a whole, had a strong negative vicious cycle-effect on what the borders mean to protect: what we earlier termed the autoimmunity of the border regime (Van Houtum and Bueno Lacy, 2019; 2020). For the current pre-bordering of visa has not led to less but more irregularity and people without citizenships rights, more criminality and insecurity, more fenced in-situ borders, more border deaths, more violation of human rights, freedom and equality, to outsourcing and 'laundering' of the border control to militia and autocratic regimes, and to the rise of barbarizing post-border detention camps and deportation programmes. And in result, it has enlarged the global inequality of freedom, opportunities and development.

Conclusion

In most studies on borders and biopolitics, and understandably so, much attention has been devoted to the ongoing, often spectacular morphological and biometrical bordering of human mobility: walls and fences (Amoore, 2006; Yuval-Davis, et al. 2018). Yet, to fully come to terms with this ongoing border biopolitics, we need to include the significant impact of the remarkably under-researched bordering that precedes these in-situ borders: the pre-borders of visa papers. It is these paper walls that are caging people from a distance and on a discriminatory basis. It is in the lurky offices of embassies, far away from the zoom lenses of media and populist focus of political leaders, where a consequential border violence takes place. For it is here where human beings' worth and freedom are determined on the basis of their origin, condemning them to journeys of life and death if they wish to undo that injustice and cannot afford to buy golden passports. The paper prisons that the current configuration of visa borders have created are sustaining and amplifying the global inequality in mobility and welfare. To b/order, value, and even punish human beings on the basis of a global lottery of birth is neither just, nor sustainable. Surely, this borderism is deeply internalized by now and may seem practically unbreakable, but so did the divine right of kings, feudalism and slavery once (Van Houtum and Bueno Lacy, 2020). Not only do we therefore need more in-depth studies on the biopolitics and necropolitics of paper borders, but also, arguably, on alternative visions on just and sustainable border policies (e.g. Bauder, 2018; Carens, 2013; Shachar, 2009) in order to, what the early League of Nations already envisioned, look for possibilities to finally close this "for the time being" regime of modern visas.

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