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The Future of a Digital Schengen Visa: The Benefits of Consular Accessibility, Impartiality, and Drawbacks for Disadvantaged Nations

NICOLAS GARON

I. INTRODUCTION

For individuals from Western countries such as the United States, New Zealand, or the European Union, there are often no concerns regarding obtaining travel, business, or other short-term visas for Europe's Schengen area.¹ This privilege arises from the visa-free status enjoyed by these nations within the Schengen area,² which follows a common visa code and specifies nationality-specific requirements.³ However, this visa policy may not be as equitable for individuals of other nationalities. Given that one's place of birth is an inherent characteristic that cannot be altered, this results in unequal disadvantages concerning travel opportunities.

Consequently, it is regrettable that individuals from certain nationalities face collective punishment and discrimination solely based on the actions of select individuals or their respective governments. This predicament extends from Western visa systems as well as the strife imposed by their home governments. In addition to internal problems such as poverty, corruption, and unstable conditions, people from nations with high visa denial rates for the Schengen area, such as Iran,⁴ face further constraints on their passport privileges. This includes limitations imposed on draft dodgers and women,⁵ as well as expatriated celebrities who have spoken out against their governments.⁶ However, a new policy may alleviate visa strife in the developing world.

This article begins by discussing the struggle of Western visa processes in the East in section II, then differentiates between today's ethical visa systems versus today's Schengen system in section III. Section IV then demonstrates Western privilege with respect to visa

¹ The Schengen area is a zone comprising twenty-seven European countries in agreement on entry and exit requirements by abolishing passport and border control at their mutual borders. *See Schengen Area*, GOV'T OF CAN., <https://travel.gc.ca/travelling/schengen-area#:~:text=Entry%2Fexit%20requirements&text=Canadians%20do%20not%20need%20a,against%20the%20permitted%2090%20days> (last visited Mar. 17, 2024).

² Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 Listing the Third Countries Whose Nationals Must Be In Possession of Visas When Crossing the External Borders and Those Whose Nationals Are Exempt From That Requirement, 2018 O.J. (L 303/39) art 1 [hereinafter Regulation (EU) 2018/1806].

³ *European Union: New Regulation Amends EU Visa Policy*, LIBR. OF CONG., (Mar. 17, 2020) <https://www.loc.gov/item/global-legal-monitor/2020-03-17/european-union-new-regulation-amends-eu-visa-policy/>.

⁴ *See generally 2022 Schengen Visa Statistics for Schengen Countries*, SCHENGENVISA INFO, <https://statistics.schengenvisa.info.com> (last visited Mar. 17, 2024) (demonstrating that individuals from Iran, among other nations, face higher visa denial rates in the Schengen area) [hereinafter Schengen Visa Statistics]; *see also* Naeimeh Doustdar, *Iranians and Visa Requests*, ZAMENEH MEDIA, (Apr. 27, 2023), <https://en.radiozamaneh.com/34292/>.

⁵ *Citizenship*, ISLAMIC REPUBLIC OF IRAN MINISTRY OF FOREIGN AFF., <https://en.mfa.ir/portal/viewpage/4008/citizenship> (last visited Mar. 17, 2024).

⁶ Radio Farda, *Iran Revokes Passports of Celebrities Who Supported Nationwide Protests*, RADIOFREEEUROPE RADIOLIBERTY, (Oct. 10, 2022), <https://www.rferl.org/a/iran-bans-celebrities-leaving-country-support-protests/32074157.html>.

requirements. Section V advocates for a digital Schengen visa, focusing on its advantages and presenting one potential issue of appeals. The article concludes with advocating for the transition to digital visas in the Schengen area while striving to establish a more equitable and inclusive system.

II. THE STRUGGLE OF WESTERN VISA PROCESSES IN THE EAST

In the realm of European visa policy for the Schengen area, nations from Africa, many Muslim-majority nations, a significant portion of Asian nations, and other regions are required to obtain a visa for entry into the Schengen area.⁷ However, the impact of visa-related detriments to an applicant goes beyond the mere requirement of obtaining a visa. The current immigration practices in the Western world disproportionately effect two specific demographics: individuals from sub-Saharan Africa; and those from predominantly Muslim countries, particularly those residing in economically unstable and impoverished regions such as the Middle East, Afghanistan, and Pakistan. Notably, several of the nations requiring visas are experiencing extensive strife and institutional challenges, particularly evident in sub-Saharan Africa, the Middle East, Afghanistan, and Pakistan.⁸ Moreover, individuals from these regions are often prohibited from airside transit through any Schengen country.⁹

Airside transiting refers to the situation when a traveler enters an airport solely for transit purposes and does not go through immigration procedures to enter the country.¹⁰ Instead, they remain in the international “gray area” of the airport, existing within a legal status wherein they are not formally recognized as having entered the country.¹¹

Many countries allow airside transiting for individuals of all nationalities. Strategic locations for transit such as Abu Dhabi,¹² Russia,¹³ and Panama¹⁴ offer this convenience, while the Schengen area often grants the same transit privileges to some nationalities, excepting instances where visa-free transit has been denied due to the travelers' nationality.¹⁵ However, individual member states within the Schengen area retain the authority to impose additional transit restrictions on nationals who are not already fully banned across the bloc. For example, in

⁷ Mathias Czaika, et. al., *The Global Evolution of Travel Visa Regimes*, 44 POPULATION AND DEV. REV., 589, 597 (2018).

⁸ PRICEWATERHOUSECOOPERS, MANAGING THE REFUGEE AND MIGRANT CRISIS, 4 (2017).

⁹ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas, art. 3, 2009 OJ (L 243) [hereinafter Visa Code].

¹⁰ *Leaving the International Transit Zone at Amsterdam Schiphol Airport*, GOV. OF THE NETH., <https://www.netherlandsworldwide.nl/transiting-airport-netherlands/international-transit-zone-schiphol> (last visited Mar. 17, 2024).

¹¹ *Id.*

¹² *Transfer Guide*, ABU DHABI AIRPORT, <https://www.abudhabiairport.ae/en/TravelGuide/TransferGuide> (last visited Mar. 17, 2024).

¹³ *Transit Visa*, CONSULAR SECTION OF THE RUSS. EMBASSY IN POL., <https://warsaw.kdmid.ru/en/russian-visa/transit-visa/> (last visited Aug 9, 2023).

¹⁴ *Frequently Asked Questions*, PAN. CONSULATE INDIA, <https://panamamissionindia.com/frequently-asked-questions-panama-consulate-india/> (last visited Mar. 17, 2024).

¹⁵ Visa Code, *supra* note 9 at art. 5.

the New Zealand Electronic Travel Authority (“NZeTA”) system, transit benefits are contingent upon the airport of arrival;¹⁶ in China, transit benefits are applicable for arrivals via cruise ship;¹⁷ in the U.K., transit benefits are applicable for arrivals by land;¹⁸ and in Russia, transit benefits are contingent upon the duration of stay.¹⁹

An unfortunate and overly encompassing phenomenon is the strictness associated with nationality, whereby the probability of obtaining a visa approval heavily depends on the country of origin rather than individual qualifications.²⁰ This results in a form of collective punishment rather than evaluation based on individual merit manifesting in various ways. Firstly, certain countries face restrictions on free transit within the Schengen area.²¹ Secondly, these restrictions (e.g., the denial of Schengen visas to many Turks seemingly in response to the political actions of Turkey’s president),²² are perceived as a form of soft sanction. Similarly, issues related to mass migration have led to Nigerian visa appointment systems becoming inaccessible to Nigerians.²³ The end result is that nations who are already grappling with challenges possess passports with limited global access, necessitating visas for travel to a greater number of destinations compared to those with stronger passports.

However, certain nationals who require nonimmigrant visas to enter the Schengen area, such as Yemenis,²⁴ are still able to transit internationally within the European Union (“EU”), depending on the regulations of the member state. For example, Yemeni citizens, who require Schengen visas,²⁵ have transit privileges in Germany,²⁶ but not in Spain.²⁷ This discretion exercised by individual nations in extending transit privileges to additional nations can expose transitters to the risk of losing privileges based on immigration stances. Countries like Spain and

¹⁶ *New Zealand*, MINISTRY OF FOREIGN AFF. SING., <https://www.mfa.gov.sg/Countries-Regions/N/New-Zealand/Travel-Page> (last visited Mar. 17, 2024).

¹⁷ *Shanghai 15 Day Visa Free for International Cruise Tour Groups*, CHINA DISCOVERY, <https://www.chinadiscovery.com/chinese-visa/exemptions/shanghai-15-day-visa-free.html> (last visited Mar. 17, 2024).

¹⁸ U.K. GOV’T., TRANSIT, 9 (7th ed., 2023).

¹⁹ *Transit Visa*, CONSULATE-GENERAL OF THE RUSS. FED’N., https://pusan.mid.ru/en/visa/transit_visal/ (last visited Mar. 17, 2024).

²⁰ Andrew Rosenberg, *Racial Discrimination in International Visa Policies*, 67 INT’L. STUD. Q., 1, 9 (2023).

²¹ Visa Code, *supra* note 9.

²² Umut Uras, *Frustrated Turks Slam Increased European Schengen Visa Rejections*, ALJAZEERA (Sept. 2, 2022), <https://www.aljazeera.com/news/2022/9/2/frustrated-turks-slam-increasing-schengen-visa-rejections#:~:text=here%20to%20search-,Frustrated%20Turks%20slam%20increased%20European%20Schengen%20visa%20rejections,citizens%2C%20applicants%20tell%20AI%20Jazeera.&text=Firat%20Elmas%20did%20not%20anticipate,to%20visit%20Germany%20in%20June>.

²³ *See generally* Sam Olukoya, *Nigeria to Address Issues That Led to Visa Restrictions*, AP (Feb. 1, 2020, 3:00 PM), <https://apnews.com/general-news-5c8fbab340a5030df0c58dfd9815e18a>.

²⁴ Regulation (EU) 2018/1806, *supra* note 2 at Annex I § 1.

²⁵ *Id.*

²⁶ *FAQ*, FED. FOREIGN OFF., <https://www.auswaertiges-amt.de/en/visa-service/buergerservice/faq/33-transit/606710> (last visited Mar. 17, 2024).

²⁷ *Airport Transit Visas*, MINISTERIO DE ASUNTOS EXTERIORES, <https://www.exteriores.gob.es/Consulados/nuevayork/en/ServiciosConsulares/Paginas/Consular/Visado-de-transito-aeroportuario.aspx> (last visited Mar. 17, 2024).

France, known for their high rates of visa denials,²⁸ have imposed extensive restrictions on tourist entry, with France banning with twenty-four nationalities²⁹ and Spain banning sixteen.³⁰ Spain and France have been reported as “mercilessly” refusing Schengen visas, collectively accounting for half of all rejections in 2022.³¹

Furthermore, Slovakia, a country characterized by staunch immigrant viewpoints,³² hosted the least number of immigrants within the bloc,³³ despite having experienced a large surge of immigrants in the last few years.³⁴ Slovakia has recently tightened the process of tourism entry requirements for Iranians and Afghans. This includes the requirement for police-certified invitation letters among other stringent measures,³⁵ underscoring how countries can weaponize visa policies to align with their anti-immigration ideologies. It is crucial to understand that while visa-free privileges are indeed advantageous, and the absence of visa-free privilege is not necessarily spiteful, targeting specific nationalities to be banned due to the motives of some, particularly in necessities like transit privileges, constitutes a direct form of targeting.

III. TODAY’S ETHICAL VISA SYSTEMS VS. TODAY’S SCHENGEN SYSTEM

Several countries around the world, including Australia,³⁶ Cambodia,³⁷ South Africa,³⁸ Kenya,³⁹ and Uganda,⁴⁰ among others, have implemented e-visa systems, streamlining the application process for tourist visas. Other nations, such as Kenya⁴¹ and Uganda⁴² offer e-visa privileges to all non-exempt visitors. However, the EU does not offer this privilege. In the EU,

²⁸ Schengen Visa Statistics, *supra* note 4 (demonstrating that Spain and France, statistically, have high rates of visa denials).

²⁹ Council Regulation 539/2001, Annex I, 2001 O.J. (L 81) 1 (EC) (listing the non-EU countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement) [hereinafter Council Regulation 539/2001].

³⁰ *Id.*

³¹ Shkurta Januzi, *Schengen Countries Accused of “Mercilessly” Refusing Schengen Visas With France & Spain Accounting for Half of Rejections in 2022*, SCHENGENVISA INFO (June 19, 2023), <https://www.schengenvisa.info/news/schengen-countries-accused-of-mercilessly-refusing-schengen-visas-with-france-spain-accounting-for-half-of-rejections-in-2022/>.

³² *Id.*

³³ *Migration and Migrant Population Statistics*, STAT. EXPLAINED, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics (last visited Mar. 17, 2024).

³⁴ Krisztina Than, *Slovakia Struggles with Surge in Illegal Migrants as Election Looms*, REUTERS, (Sept. 20, 2023, 8:14 AM), <https://www.reuters.com/world/europe/slovakia-struggles-with-surge-illegal-migrants-election-looms-2023-09-20/>.

³⁵ *Schengen Visa Applications (Type C)*, EMBASSY OF THE SLOVAK REPUBLIC IN TEHRAN, <https://www.mzv.sk/web/teheran-en> (last visited Mar. 17, 2024).

³⁶ *Visas and Migration*, AUSTL. EMBASSY AND CONSULATES, <https://usa.embassy.gov.au/visas-and-migration> (last visited Mar. 17, 2024).

³⁷ *eVisa*, KINGDOM OF CAMBODIA, <https://www.evisa.gov.kh/> (last visited Mar. 17, 2024).

³⁸ *eVisa S. AFR.*, <https://ehome.dha.gov.za/epermit/home> (last visited Mar. 17, 2024).

³⁹ *Electronic Travel Authorisation (eTA)*, DIRECTORATE OF IMMIGR. & CITIZEN SERV., <https://evisa.go.ke/> (last visited Mar. 17, 2024).

⁴⁰ *Uganda E-Immigration System*, REPUBLIC OF UGANDA, <https://visas.immigration.go.ug/> (last visited Mar. 17, 2024).

⁴¹ *eVisa*, *supra* note 37.

⁴² *Uganda E-Immigration System*, *supra* note 40.

all visa-related interviews must be conducted in person at a consular post within the applicant's jurisdiction.⁴³ This jurisdiction, where individuals can apply and access consular services, is known as a consular jurisdiction.⁴⁴ Regarding transit visas, the Schengen area has a symmetrical requirement for in-person applications,⁴⁵ which also, for the desired benefit of merely being able to utilize an airport, requires a lofty application fee, many documents, appointment scheduling, proof of residence within the consular district, and submission of documents with biometric capture, if needed.⁴⁶

The birth of consular jurisdictions emerged in medieval port cities and peaked during the nineteenth century. It was primarily found in "semi-colonized" countries like the Ottoman Empire, China, Japan, and Siam.⁴⁷ Consular jurisdiction allowed consular missions to exercise civil and criminal jurisdiction over their nationals abroad, providing legal protection and serving as a cost-effective alternative to colonial jurisdiction.⁴⁸ Major European powers, the United States, as well as smaller entities like the Hanseatic cities and Persia benefited from consular jurisdiction.⁴⁹ Consular courts historically fulfilled roles in private dispute resolution, mediation with local authorities, and participation in mixed courts; however, today many of these functions within the consular jurisdiction, as mentioned above, have largely vanished.⁵⁰

Within strictly visa affairs, consular jurisdictions present a limitation, primarily considering the narrower scope for visa application. While actions such as the United States's policy allowing Iranians to apply for visas at any U.S. post abroad issuing nonimmigrant visas⁵¹ offer some benefit, transitioning towards fully digital visas represents a preferable choice. Such a shift can remove geographical constraints associated with applying for visas. After all, in places like Iran, many Schengen countries lack a consular presence.⁵² Consequently, Iranians must apply at whichever nearby, non-resident post with consular justification or accreditation over Iranian nationals, such as the Estonian Embassy in Helsinki.⁵³

⁴³ Visa Code, *supra* note 9 at art. 17.

⁴⁴ *Consular Jurisdiction Area Definition*, LAW INSIDER, <https://www.lawinsider.com/dictionary/consular-jurisdiction-area> (last visited Mar. 17, 2024).

⁴⁵ *Airport Transit Schengen Visa*, SCHENGENVISA INFO, <https://www.schengenvisa.info.com/transit-schengen-visa/> (last visited Mar. 17, 2024).

⁴⁶ *The EU Entry/Exit System and EU Travel Authorisation System*, UK PARLIAMENT HOUSE OF COMMONS LIBR. (Jan. 8, 2024), <https://commonslibrary.parliament.uk/the-eu-entry-exit-system-and-eu-travel-authorisation-system/>.

⁴⁷ Peter Vandergeest & Anusorn Unno, *A New Extraterritoriality?* 31 POL. GEOGRAPHY 358, 359 (2012).

⁴⁸ Posting of Jörg Ulbert, jorg-ulbert@univ-ubs.fr, to <https://networks.h-net.org/h-announce> (July 14, 2022) (on file with author).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Nonimmigrant Visas*, U.S. VIRTUAL EMBASSY IRAN, <https://ir.usembassy.gov/nonimmigrant-visas/> (last visited Mar. 17, 2024).

⁵² *Iran Embassies and Consulates*, EMBASSY PAGES, <https://www.embassypages.com/iran> (last visited Mar. 17, 2024).

⁵³ Mohammad Javad Mahdizadeh, *Estonia and Iran – Years of Cooperation but Still a Long Way to Go*, ESTONIAN WORLD (Nov. 14, 2018), <https://estonianworld.com/life/estonia-and-iran-years-of-cooperation-but-still-a-long-way-to-go/>.

In contrast, countries like New Zealand, which similarly require in-person visa applications for many travelers⁵⁴ and selectively provide transit privileges to some but not others,⁵⁵ have established a system facilitating quick and cost-effective online processing of transit permissions with minimal documentation. This approach diverges from the approach followed in Europe.⁵⁶

While certain airside transit visas may offer advantages, it still is an extra step for travelers and results in some nationalities being shunned. The imposition of transit visas, particularly where airside transit is possible, presents significant challenges and should be avoided (like the EU has the possibility to do so thanks to its ingenious airport systems).

It may be advantageous for policymakers to embrace a more liberal thought that emphasizes the benefits of extended visa-free periods and recognizes that the act of entering or exiting the international zone may not warrant excessive scrutiny. Transit privileges and the requirement for transit visas do not have to be mutually exclusive, and operationally, transit privileges could be extended for all nationalities while imposing a legally enforceable maximum time frame. Such an approach could provide security benefits and prevent abuses. This is the practice of Russia,⁵⁷ who offers both transit privileges and transit visas alongside other measures.

If one is convinced that visas serve as a safety measure for transiting citizens from developing countries, they must acknowledge that many other nationalities are exempt from such requirements. This renders the visa system ineffective as a filtering mechanism.

In some countries, e-visas are generally available but limited to only a few nationalities, while others must navigate a more complex visa application process. The Kingdom of Bahrain,⁵⁸ Egypt,⁵⁹ and Turkey⁶⁰ exemplify such policies, often resulting in preferential treatment for Western nationals over others. For example, Europeans can easily get an e-visa to Egypt,⁶¹ where Iranians require state approval and must undergo an in-person application process.⁶²

However, what is particularly disheartening is the lack of necessity for transit visas within Europe, specifically in the Schengen area, which functions as a major transit hub. Transit visas are never required unless explicitly banned by a member country or in accordance with the visa code. Furthermore, there is no provision for an e-visa system for these visas. Nationals from

⁵⁴ *Visa Waiver Countries and Territories*, IMMIGRATION N. Z., <https://www.immigration.govt.nz/new-zealand-visas/preparing-a-visa-application/your-journey-to-new-zealand/before-you-travel-to-new-zealand/visa-waiver-countries> (last visited Mar. 17, 2024).

⁵⁵ *Id.*

⁵⁶ *New Zealand Electronic Travel Authority (NZeTA)*, IMMIGRATION N. Z., <https://www.immigration.govt.nz/new-zealand-visas/visas/visa/nzeta> (last visited Mar. 17, 2024).

⁵⁷ Transit Visa, *supra* note 19.

⁵⁸ *Visa Policy of Bahrain*, WIKIPEDIA, https://en.wikipedia.org/wiki/Visa_policy_of_Bahrain (last visited Mar. 17, 2024).

⁵⁹ *Visa Policy of Egypt*, WIKIPEDIA, https://en.wikipedia.org/wiki/Visa_policy_of_Egypt (last visited Mar. 17, 2024).

⁶⁰ *Visa Policy of Turkey*, WIKIPEDIA, https://en.wikipedia.org/wiki/Visa_policy_of_Turkey (last visited Mar. 17, 2024).

⁶¹ *FAQ*, ARAB REPUBLIC OF EGYPT ELEC. VISA PORTAL, <https://visa2egypt.gov.eg/eVisa/FAQ?VISTK=ZDG6-XMCT-NCXM-QO7F-X8JO-4Z1O-4AX7-KBV0-HP7Q-AX6M-YRO9-H6EZ-D7A0-UMJY-XFRP-MC1O> (last visited Mar. 17, 2024).

⁶² Visa Policy of Egypt, *supra* note 59.

Afghanistan, Bangladesh, the Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Iran, Iraq, Nigeria, Pakistan, Somalia, and Sri Lanka are prohibited from transiting through any Schengen airport without a visa.⁶³ Additionally, the Schengen area has the authority to impose transit visa requirements during times of mass immigration exodus.⁶⁴

It is crucial that we acknowledge and empathize with the difficulties individuals face when obtaining visas, especially if they lack passports with strong visa privileges. This acknowledgment is particularly important if we ourselves are not intimately familiar with the complexities of traveling under such circumstances. The visa application process often entails delays, logistical challenges, and the unfortunate potential for discriminatory denials based on the applicant's country of birth. In some stigmatized nations, acquiring all the necessary visas for an itinerary involving multiple countries may prove exceedingly challenging. For example, Royal Caribbean offers a cruise that visits over sixty countries.⁶⁵ That is over ten times the number of visa-free destinations accessible to a Syrian citizen.⁶⁶ The place of birth significantly impacts the chances of visa acceptance, leading to disparate advantages or disadvantages in the visa application process.

IV. WESTERN PRIVILEGE

Americans, in contrast, typically encounter fewer obstacles when it comes to visa requirements. They are less likely to encounter extraordinary blacklists mandating additional requirements, specific transit visa prerequisites, or the need for police certificates.⁶⁷ Unlike travelers from other countries, Americans often do not have to provide bank statements, as required in all Schengen countries, or undergo additional state security approval, even when visiting nations considered their biggest adversaries, as exemplified by Egypt's visa system.⁶⁸ Similarly, Americans do not need to provide police certificates, or even apply for a visa, when visiting the Caribbean and Central America.⁶⁹

⁶³ Council Regulation 539/2001, *supra* note 29.

⁶⁴ Visa Code, *supra* note 9.

⁶⁵ *The Ultimate World Cruise*, ROYAL CARIBBEAN CRUISES, <https://www.royalcaribbean.com/ultimate-world-cruise/> (last visited Mar. 17, 2024).

⁶⁶ *Syria Passport Dashboard*, PASSPORT INDEX, <https://www.passportindex.org/passport/syria/> (last visited Mar. 17, 2024).

⁶⁷ *Slovak Republic Reciprocity Schedule*, U.S. DEP'T OF STATE BUREAU OF CONSULAR AFF., <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Slovakia.html#:~:text=Police%20Certificates&text=The%20records%20are%20indexed%20by,over%2015%20years%20of%20age>. (last visited Mar. 17, 2024).

⁶⁸ Arab Republic of Egypt, U.S. DEP'T OF STATE BUREAU OF CONSULAR AFF., <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Egypt.html#:~:text=U.S.%20citizens%20must%20have%20a,also%20obtainable%20for%2060%20USD>. (last visited Mar. 17, 2024).

⁶⁹ *U.S. Citizens: What to Know When Traveling Without a Visa*, CIBT VISAS, <https://cibtvisas.com/blog/us-citizens-traveling-without-a-visa#:~:text=In%20fact%2C%20there%20are%20well,many%20other%20popular%20tourist%20destinations>. (last visited Mar. 17, 2024).

Moreover, while not typically associated with Schengen visas, Americans applying for visas in certain locations where in-person stamped visas are required often enjoy the convenience of mailing their applications directly to the embassy. This streamlined process is exemplified by Lebanon's embassy in Washington, D.C.⁷⁰ and Vietnam's embassy.⁷¹ Alternatively, Americans may utilize courier services such as VisaHQ⁷² or iVisa⁷³ to complete the visa application process.

V. A FUTURE DIGITAL SCHENGEN VISA

The European Council and the European Parliament have recently arrived at a preliminary agreement aimed at modernizing the Schengen visa application process. These proposed measures entail significant changes, particularly in transitioning from traditional visa stickers to digital visas.⁷⁴ The following discussion will explore the potential implications and benefits of this shift towards digital visas for the Schengen visa process. It is anticipated that there will be notable benefits as well as potential risks associated with this transition.

a. Advantages

Transitioning to digital visas offers the primary advantage of freeing applicants from being limited to applications within the constraints of specific consular jurisdiction. Currently, individuals from countries like Iran seeking a visa to France must visit the French Embassy in Tehran, regardless of their location within Iran or their intended destination within French territory, unless they possess a passport or residence permit from another country. In certain cases, countries like Afghanistan or Pakistan⁷⁵ may also fall under the consular jurisdiction of Tehran. This requirement to apply within one's consular neighborhood poses several drawbacks including that embassies in countries where visas are required, particularly in places like Iran and Turkey, often exhibit extensive wait times for appointments,⁷⁶ combined with a high percentage of denials.⁷⁷

⁷⁰ *Visas*, THE EMBASSY OF LEB., <http://www.lebanonembassyus.org/consular-services/visa/> (last visited Mar. 17, 2024).

⁷¹ *Viet Nam's Visa Procedures*, EMBASSY OF THE SOCIALIST REPUBLIC OF VIET. IN THE U.S., <https://vietnamembassy-usa.org/content/visa-application-process> (last visited Mar. 17, 2024).

⁷² *Visa Travel Visa Requirements*, VISA HQ, <https://www.visahq.com/> (last visited Mar. 17, 2024).

⁷³ iVISA, <https://www.ivisa.com> (last visited Mar. 17, 2024).

⁷⁴ Bleona Restelica, *EU Parliament & Council Agree to Make Schengen Visa Application Procedures Completely Online*, SCHENGENVISA NEWS (Jun. 14, 2023), <https://www.schengenvisa.info.com/news/eu-parliament-council-agree-to-make-schengen-visa-application-procedures-completely-online/>.

⁷⁵ Schengen Visa Applications (Type C), *supra* note 35.

⁷⁶ *The Latest Status of Schengen Visa Issuance in Iran*, IMNA, <https://www.imna.ir/NEWS/610959-آخرین-وضعیت- صدور-ویزای-شنگن-در-ایران> (last visited Mar. 14, 2024).

⁷⁷ Schengen Visa Statistics, *supra* note 4.

Consequently, a market has emerged where individuals offer services to utilize automated sniper bots to secure appointments as soon as they become available.⁷⁸ The demand for visas across various modes of travel creates a bottleneck effect, leading to extended wait times that can disrupt or alter travel plans. However, this challenge is overshadowed by a phenomenon I term the "*suspicious atmosphere, consular predisposition*."

To comprehend this concept fully, it is important to understand that the primary reason for the implementation of additional restrictions, high denial rates, and measures to heighten the difficulty stems from the fear of individuals overstaying their visas. This fear of immigration is typically the primary non-violent concern for visa officers, motivating the requirement for transit visas.⁷⁹ Further evidence of this dynamic lies within the direct relationship between visa austerity and trends indicative of what may be perceived as unsavory levels of immigration.

Within this context, the *suspicious atmosphere, consular predisposition* phenomenon arises. In this scenario, a consular post within a specific region or jurisdiction – even when certain individuals are already subject to heightened scrutiny in visa issuance due to overstay concerns – may exhibit a greater tendency to suspect all applicants of potential overstay or other unfavorable motives. What typically happens is that European embassies deny applicants, despite positive travel histories, citing “reasonable doubts about the intention to leave the member state, or other member states,” particularly during periods of civil protest or other unsavory conditions.⁸⁰ Such consular departments perceive as indicators that the applicant intends not to return.⁸¹ Instances of this predisposition have been documented in locations such as Lebanon⁸² and Iran⁸³ over the past six years, which jeopardizes fairness for all applicants and imposes penalties on everyone based on the actions of a select few. Moreover, this operational approach implies that regions affected by unrest can anticipate experiencing this bias for the entire duration of the unrest.

Furthermore, in United States law, the burden of proving genuine intentions to return home is known as *nonimmigrant intent*,⁸⁴ which is crucial for visa approval. This requirement

⁷⁸ *Chatbot Development*, FIVERR, https://www.fiverr.com/aytrader_team/make-appointments-booking-bot-ticket-bot-in-python?context_referrer=search_gigs_with_recommendations_row_3&source=top-bar&ref_ctx_id=dd80c5fd11e7ca2b78c9cb1d9b40463f&pckg_id=1&pos=7&context_type=auto&funnel=dd80c5fd11e7ca2b78c9cb1d9b40463f&imp_id=7fb8375a-6e12-4dfa-b1fa-bb89aaa0b613 (last visited Mar. 17, 2024).

⁷⁹ *The Travel Ban, the Court Orders and What’s Actually Happening*, CATHOLIC LEGAL IMMIGRATION NETWORK, INC., (June 29, 2017), <https://www.cliniclegal.org/resources/travel/travel-ban-court-orders-and-whats-actually-happening>.

⁸⁰ Farah-Silvana Kanaan, ‘*Purpose Insufficiently Demonstrated*,’ ‘*Reasonable Doubt*’: *Lebanese Travelers Grounded by Rising Number of EU, US Visa Rejections*, L’ORIENT TODAY (July 29, 2022, 12:56 AM), <https://today.lorientlejour.com/article/1307133/purpose-insufficiently-demonstrated-reasonable-doubt-lebanese-travelers-grounded-by-rising-number-of-eu-us-visa-rejections.html>.

⁸¹ Doustdar, *supra* note 4.

⁸² Kanaan, *supra* note 80.

⁸³ *Schengen Visa: Iranians Denounce European Embassies for Halting Applications Amid Protests*, MIDDLE EAST EYE, (Oct. 12, 2022, 6:31 AM), <https://www.middleeasteye.net/news/schengen-iran-denounce-europe-embassies-halting-visa-applications>.

⁸⁴ *Nonimmigrant Intent*, UNIV. OF ROCHESTER, <https://iso.rochester.edu/travel/visas/intent.html> (last visited Mar. 17, 2024).

can pose substantial challenges,⁸⁵ as it is often subjective and burdensome for low-income applicants, particularly those applying for student visas.⁸⁶ This task becomes even more arduous if the consular officers harbor doubts regarding an applicant's credibility due to geopolitical conditions in the place of consular jurisdiction.

Autocratic governments cause strife,⁸⁷ which in turn can lead to mass emigration.⁸⁸ Consequently, these conditions are the seeds needed to sprout the *suspicious atmosphere inherent in consular predisposition*. The existence of tyrannical dictatorships, subsequent conflicts, and the devaluation of citizenship in the eyes of immigration officials are interconnected.

It is imperative for Western countries to recognize the negative impact that rogue autocrats have on the passports of foreign citizens through their actions and treat these individuals fairly, recognizing that they have no control over the actions of their governments. Even those who oppose their ruling party's actions at great personal risk, as seen in Iran, are subjected to this treatment,⁸⁹ despite the banner of support from Europe themselves.⁹⁰

Moreover, when a country experiences dangerous or precarious situations that lead to a surge in people seeking to leave, circumstances beyond an individual's control can foster a pervasive atmosphere of suspicion for all applicants, irrespective of their genuine intentions.⁹¹ Additionally, nations experiencing significant outflows of their population due to instability⁹² are often perceived as inherently volatile.⁹³ This perception can be exploited by receiving governments to justify restrictive measures under the guise of security concerns, as seen through the 2016 U.S. travel bans.⁹⁴

⁸⁵ *The Problem of "Immigrant Intent,"* DC L. OFFICES (Oct. 8, 2015), <https://www.relocation-law.com/the-problem-of-immigrant-intent/>.

⁸⁶ Nuri Jeong et al., *Investing in International Graduate Students for the Scientific Endeavour Keeps the United States Competitive*, 18 J. OF SCI. POL'Y & GOVERNANCE (2021).

⁸⁷ Garry Kasparov & Thor Halvorssen, *Why the Rise of Authoritarianism Is a Global Catastrophe*, THE WASHINGTON POST, (Feb. 13, 2017, 1:32 PM), <https://www.washingtonpost.com/news/democracy-post/wp/2017/02/13/why-the-rise-of-authoritarianism-is-a-global-catastrophe/>.

⁸⁸ Idean Salehyan, *The Externalities of Civil Strife: Refugees as a Source of International Conflict*, 52 AM. J. OF POL. SCI. 787 (2008).

⁸⁹ Schengen Visa, *supra* note 83.

⁹⁰ *Sweden Supports the Iranian People's Demand for Human Rights*, GOV'T OFF. OF SWED., (Mar. 15, 2023), <https://www.government.se/government-policy/foreign-and-security-policy/sweden-supports-the-iranian-peoples-demand-for-human-rights/>.

⁹¹ Than, *supra* note 34.

⁹² *Rankings of the Major Source Countries of Refugees as of 2022*, STATISTA, <https://www.statista.com/statistics/272999/refugees-by-source-country/> (last visited Mar. 17, 2024).

⁹³ *Most Violent Countries*, WISEVOTER, <https://wisevoter.com/country-rankings/most-dangerous-countries-in-the-world/> (last visited Mar. 17, 2024).

⁹⁴ Vivian Salama & Alicia A. Caldwell, *DHS Report Disputes Threat from Banned Nations*, AP NEWS, (Feb. 24, 2017, 6:36 PM), <https://apnews.com/article/lifestyle-africa-travel-religion-migration-39f1f8e4cecd4a30a4570f693291c866>.

As previously mentioned, the United States does not maintain a consular presence in Iran.⁹⁵ However, the U.S. does allow Iranians to apply for visas at any U.S. consular post,⁹⁶ which represents a positive aspect amid other challenges. Nevertheless, the negative perceptions associated with the Iranian government often result in its citizens residing in the West, who predominantly oppose the government,⁹⁷ being subjected to scrutiny as they are attributed to the negative perception of their government.⁹⁸ This implies that individuals from countries whose governments have tarnished their citizenship may unfortunately face criticism in visa decisions regardless of their location.

However, without consular jurisdictions, individuals have the opportunity to apply at a mission where consular officers may exhibit greater impartiality and be less inclined to assume that every applicant is making an asylum or overstay claim.⁹⁹

High rates of visa denials targeting specific nationalities¹⁰⁰ over a period of two years,¹⁰¹ tightening of tourism requirements,¹⁰² administrations exhibiting negative views towards certain countries, as well as the aforementioned examples of the consular predisposition phenomena, all suggest that instructions to act with suspicion and impose stricter measures may originate from institutional levels and trickle down.

Also, many nationalities may experience denial rates that are exponentially higher than the other member states in the Schengen area.¹⁰³ To illustrate, in 2022, the overall rejection rate within the Schengen Area was 17.9 percent.¹⁰⁴ However, certain member countries demonstrate more restrictive visa-granting policies.¹⁰⁵ For instance, France had a refusal rate of 22.2 percent, whereas Iceland had a refusal rate of less than two percent.¹⁰⁶

⁹⁵ *U.S. Relations With Iran*, U.S. DEP'T OF STATE, <https://www.state.gov/u-s-relations-with-iran/> (last visited Mar. 17, 2024).

⁹⁶ Nonimmigrant Visas, *supra* note 51.

⁹⁷ *Opinion Survey Reveals Overwhelming Majority Rejecting Iran's Regime*, IRAN INT'L, (Feb. 4, 2023), <https://www.iranintl.com/en/202302036145>.

⁹⁸ Samira Asma-Sadeque, *Fears of Increased 'Iranophobia' Grip Iranian-American Community*, ALJAZEERA, (Jan. 29, 2020), <https://www.aljazeera.com/news/2020/1/29/fears-of-increased-iranophobia-grip-iranian-american-community>.

⁹⁹ U.N. Secretary-General, *Question of Diplomatic Asylum*, P 1, U.N. Doc. A/10139 (Part II) (Sept. 22, 1975) [hereinafter *Question of Diplomatic Asylum*].

¹⁰⁰ Shkurta Januzi, *These 4 Countries Were Most Likely to Reject a Schengen Visa Application in 2022*, SCHENGENVISA NEWS, (May 15, 2023), <https://www.schengenvisa.info.com/news/these-4-countries-were-most-likely-to-reject-a-schengen-visa-application-in-2022/>.

¹⁰¹ Shkurta Januzi, *83% Drop in Number of Schengen Visa Applications Filed Worldwide in 2021, Compared to Pre-COVID*, SCHENGENVISA NEWS, (June 8, 2022) <https://www.schengenvisa.info.com/news/83-drop-in-number-of-schengen-visa-applications-filed-worldwide-in-2021-compared-to-pre-covid/>.

¹⁰² Schengen Visa Applications (Type C), *supra* note 35.

¹⁰³ William Thomas Worster, *European Union Citizenship and the Unlawful Denial of Member State Nationality*, 43 *FORDHAM INT'L L. J.* 767, 805 (2020); *See e.g., Januzi, supra* note 100 (detailing statistics from 2022 showing that certain nationalities face significantly higher denial rates than the average: Algeria (48.2%), Nigeria (45.6%), Sri Lanka (44.2%), Ghana (44.2%), and Haiti (43.2%)).

¹⁰⁴ Januzi, *supra* note 100.

¹⁰⁵ *See generally* Schengen Visa Statistics, *supra* note 4.

¹⁰⁶ Ria Gupta, *10 Schengen Countries with the Lowest Visa Rejection Rates*, CONDÉ NAST TRAVELLER INDIA, (June 5, 2023), <https://www.cntraveller.in/story/10-schengen-countries-with-the-lowest-rejection-rates/>.

It is a notable trend that developing countries' citizens are denied at disproportionately high ratings for Schengen visas, perhaps implying officers in these consular posts act more defensively and treat these citizens as high-risk.¹⁰⁷

Moreover, specific French consulates, such as those in Algeria, have denied an average of 50.4 percent of visa applications across multiple posts.¹⁰⁸ In Lagos, Nigeria, visas for Germany had a denial rate of 52.6 percent.¹⁰⁹ Similarly, Germany, with an overall denial rate of 9.08 percent, denied 54.4 percent of applicants at one post in Iraq.¹¹⁰ Meanwhile, Spain, with a denial rate of 9.26 percent, denied 31.9 percent of applicants at their Tehran Embassy.¹¹¹ These statistics raise concerns about the presence of impartiality and fairness in the visa application process.

The chart below indicates how Westerners are treated in these missions. Every one of these posts (besides the Spanish consulate in Puerto Rico) received over 500 applications in 2022:

Mission Location	Refusal Rate (%)
German Consulate in Atlanta, GA	1.0% ¹¹²
German Consulate in Boston, MA	1.4% ¹¹³
German Consulate in Chicago, IL	2.5% ¹¹⁴
German Consulate in Houston, TX	7.5% ¹¹⁵
German Consulate in Los Angeles, CA	1.1% ¹¹⁶
German Consulate in Miami, FL	3.8% ¹¹⁷
German Consulate in New York, NY	1.4% ¹¹⁸
German Consulate in San Francisco, CA	3.6% ¹¹⁹

¹⁰⁷ *New Study Reveals Disproportionately Higher Schengen Visa Denial Rates in The Eastern Hemisphere*, OUTLOOK, (July 29, 2023), <https://www.outlookindia.com/business-spotlight/new-study-reveals-disproportionately-higher-schengen-visa-denial-rates-in-the-eastern-hemisphere-news-306585>.

¹⁰⁸ Schengen Visa Statistics, *supra* note 4.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Schengen Visa Statistics, *supra* note 4.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Schengen Visa Statistics, *supra* note 4.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

German Embassy in Washington DC	2.0% ¹²⁰
Spanish Consulate in Boston, MA	0.5% ¹²¹
Spanish Consulate in Chicago, IL	0.4% ¹²²
Spanish Consulate in Houston, TX	0.3% ¹²³
Spanish Consulate in Los Angeles, CA	0.0% ¹²⁴
Spanish Consulate in Miami, FL	1.5% ¹²⁵
Spanish Consulate in New York, NY	4.1% ¹²⁶
Spanish Consulate in San Francisco, CA	0.0% ¹²⁷
Spanish Consulate in San Juan	0.0% ¹²⁸
Spanish Embassy in Washington DC	0.2% ¹²⁹
French Embassy in Washington DC	6.5% ¹³⁰

If the Schengen area visa applications transition to a digital format, they could potentially be reviewed by a broader and more diverse group of diplomats, some of whom may not have been exposed to the atmosphere of suspicion prevalent in certain embassies. Unfortunately, the stigma associated with the name of a country on an individual's passport or travel document is not easily changed, except for those who have the financial means to obtain citizenship through investment programs¹³¹ or golden visas offered by countries like Portugal.¹³² Despite potential advancements, individuals from countries like Iran may still be subjected to unwarranted suspicion and unfairly associated with the actions of others, leading to their concerns being overlooked once again.

¹²⁰ Schengen Visa Statistics, *supra* note 4.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Schengen Visa Statistics, *supra* note 4.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ Schengen Visa Statistics, *supra* note 4.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Citizenship by Investment Programs*, HENLEY & PARTNERS, <https://www.henleyglobal.com/citizenship-investment> (last visited Mar. 17, 2024).

¹³² Alina Mishurenko, *How to Get Portugal Citizenship After a Golden Visa by Investment*, IMMIGRANT INVEST (Jan. 12, 2024), <https://immigrantinvest.com/blog/portuguese-golden-passport-en/>.

Another advantage of digital visas is the ability for consular services to extend their reach to every corner of a nation. Consider the United States, who not only houses a multitude of embassies representing different nations, but also numerous consulates from the same countries throughout the country in addition to the embassy in Washington, D.C.¹³³ For instance, France, maintains more consular posts in the United States than Iran,¹³⁴ Pakistan,¹³⁵ Bangladesh,¹³⁶ and India¹³⁷ combined. This implies that, according to population data,¹³⁸ the citizen-to-consulate post of France is far better if you are in the United States.

Additionally, there are more embassies located in the Hague¹³⁹ than in Islamabad,¹⁴⁰ though the population of Pakistan is over 1,200% larger than that of the Netherlands.¹⁴¹ The presence of fewer embassies translates to reduced access, more logjams, and greater confusion. There are also large eastern hemisphere countries, like Iran,¹⁴² Bangladesh,¹⁴³ and Ethiopia, which are all top twenty in biggest countries by population,¹⁴⁴ but they have no European consular posts outside of the capital.

b. Overbooking of Embassies

There is a potential drawback to consider. The current status of embassies and consular posts can be extremely overbooked,¹⁴⁵ particularly in locations where only one post serves the entire country, potentially encompassing other nations falling under its jurisdiction. This situation is exacerbated by the use of automated booking tools that allow individuals to secure appointments remotely, even those who would not otherwise be willing to travel to a singular

¹³³ *List of Diplomatic Missions in the United States*, WIKIPEDIA, https://en.wikipedia.org/wiki/List_of_diplomatic_missions_in_the_United_States (last visited Mar. 17, 2024).

¹³⁴ IRAN-FRANCE-VISAS, <https://france-visas.gouv.fr/iran> (last visited Mar. 17, 2024).

¹³⁵ *Services Consulaires*, AMBASSADE DE FRANCE AU PAKISTAN, <https://pk.ambafrance.org/Services-consulaires>, 17 (last visited Mar. 17, 2024).

¹³⁶ *France in Bangladesh*, AMBASSADE DE FRANCE AU BANGLADESH, <https://bd.ambafrance.org/Contact-details-and-location> (last visited Mar. 17, 2024).

¹³⁷ *France in India*, AMBASSADE DE FRANCE EN INDE, <https://in.ambafrance.org/French-consulates-in-India> (last visited Mar. 17, 2024).

¹³⁸ *Countries in the World by Population (2024)*, WORLDOMETER, <https://www.worldometers.info/world-population/population-by-country/> (last visited Mar. 17, 2024).

¹³⁹ *List of Diplomatic Missions in the Netherlands*, WIKIPEDIA, https://en.wikipedia.org/wiki/List_of_diplomatic_missions_in_the_Netherlands (last visited Mar. 17, 2024).

¹⁴⁰ *List of Diplomatic Missions of Pakistan*, WIKIPEDIA, https://en.wikipedia.org/wiki/List_of_diplomatic_missions_of_Pakistan (last visited Mar. 17, 2024).

¹⁴¹ *Country comparison: Netherlands / Pakistan*, WORLD DATA, <https://www.worlddata.info/country-comparison.php?country1=NLD&country2=PAK> (last visited Mar. 17, 2024).

¹⁴² *List of Diplomatic Missions in Iran*, WIKIPEDIA, https://en.wikipedia.org/wiki/List_of_diplomatic_missions_of_Iran (last visited Mar. 17, 2024).

¹⁴³ *List of Diplomatic Missions in Bangladesh*, WIKIPEDIA, https://en.wikipedia.org/w/index.php?title=List_of_diplomatic_missions_in_Bangladesh&oldid=1167022243 (last visited Mar. 17, 2024).

¹⁴⁴ *Countries in the World by Population (2024)*, *supra* note 138.

¹⁴⁵ *Indian Travellers are Caught in a Summer of Chaos, With Visa Delays and Grounded Flights*, THE ECON. TIMES, (July 14, 2022, 6:58 PM), <https://economictimes.indiatimes.com/nri/visit/indian-travellers-find-themselves-caught-in-a-summer-of-chaos-with-visa-delays-and-grounded-flights/articleshow/92867976.cms?from=mdr>.

main embassy location.¹⁴⁶ Evidence of this strain been posted in the form of negative Google reviews¹⁴⁷ targeting multiple Schengen countries' embassies¹⁴⁸ in Tehran. Introducing digital visa applications may further increase the number of applications in an already burdened system.

Google reviews of European embassies in Tehran, including those of France, Austria,¹⁴⁹ and Germany¹⁵⁰ frequently raise concerns about unjust rejections and poor service.¹⁵¹ While the veracity of these claims is uncertain, it is evident from published data for the year 2022 that these embassies in Tehran have high rates of visa refusals.¹⁵²

Ideally, the implementation of digitalization should also involve a broader pool of diplomats responsible for reviewing and approving visas, rather than confining the process to a single consular post. This approach would help alleviate the strain on specific posts that currently face excessive demand. Consequently, it could mitigate the challenges posed by automated booking tools and the scarcity of appointment slots.

In the event of the establishment of a Schengen e-visa system, where appointments remain necessary for various reasons, the EU should address the issue of instant booking and the use of automated tools to secure available appointments. Implementing measures to regulate and prevent such practices would help alleviate wait times and reduce the stress associated with the current appointment system.

c. Effects on Appeals: Problem?

In accordance with EU law, applicants have the right to appeal rejections through a judicial review process¹⁵³ or can directly appeal to the embassy.¹⁵⁴ However, the appeal process, affected by the high numbers of applications due to the large populations served and wrongful denials, can be plagued by extensive delays. Moreover, the high volume of wrongful denials may result in applicants waiting several months to receive a response on an embassy-based review. None of the European embassies have hard deadlines for responding to rejection appeals,

¹⁴⁶ *Visa Appointment Wait Times*, U.S. DEP'T OF STATE, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/wait-times.html> (last visited Mar. 17, 2024).

¹⁴⁷ Google Review of the Embassy of Spain in Tehran, GOOGLE MAPS, <https://maps.google.com> (search starting point field for "Embassy of Spain Tehran," click on "Reviews" tab.).

¹⁴⁸ Google Review of the Embassy of the Republic of Austria in Tehran, GOOGLE MAPS, <https://maps.google.com> (search starting point field for "Embassy of the Republic of Austria Tehran," click on "Reviews" tab.).

¹⁴⁹ *Id.*

¹⁵⁰ Google Review of Embassy of Germany, GOOGLE MAPS, <https://maps.google.com> (search starting point field for "Embassy of Tehran," click on "Reviews" tab.).

¹⁵¹ *Id.*

¹⁵² *See generally* Schengen Visa Statistics, *supra* note 4.

¹⁵³ ECJ, Case C-225/19, R.N.N.S & K.A. v. Minister van Buitenlandse Zaken, ECLI:EU:C:2020:951 (Mar. 14, 2019).

¹⁵⁴ *Remonstrations Procedure*, GER. EMBASSY YAOUNDE, <https://jaunde.diplo.de/cm-en/service/remonstrations-procedure/2444194> (last visited Mar. 17, 2024).

although applicants are typically provided with limited timeframes to file them, which can sometimes be as short as eight days depending on the member state.¹⁵⁵

Regrettably, it is improbable that a country inclined to reject visa applicants would prioritize expeditious responses to appeals, especially without any imposed time constraints. However, in a prospective scenario where digital e-visas are implemented for the Schengen area, decentralizing the appeals processes to involve a greater number of reviewing diplomats could alleviate the burden on embassies and potentially result in quicker decisions. Consequently, this could reduce the amount of costly judicial appeals.

VI. CONCLUSION

Visa policies and processes for individuals from different nationalities vary significantly when it comes to traveling to the Schengen area in Europe.¹⁵⁶ While individuals from Western countries enjoy visa-free arrangements and streamlined processes, those from certain other countries face numerous challenges and restrictions. These disparities are often rooted in geopolitical concerns, fear of overstay, and apparent institutional biases.¹⁵⁷

The transition to digital visas in the Schengen area holds the potential for certain advantages, such as the freedom to apply from any location and the opportunity to engage a broader array of diplomats in the review process. However, there are also concerns regarding the overburdening of embassies and consulates, along with the need to address appointment systems and prevent automated tools from exploiting the process.¹⁵⁸

It is essential to recognize the difficulties and inequalities faced by individuals seeking visas, especially those with weaker passport privileges. The visa application process can be complex, time-consuming, and subject to discrimination; an individual's place of birth significantly impacts their chances of visa acceptance,¹⁵⁹ exacerbating existing inequalities.

Addressing these issues demands a comprehensive approach that promotes fairness, impartiality, and accessibility throughout visa processes. It is crucial to consider the diverse backgrounds and circumstances of visa applicants and strive for establishing a more equitable and inclusive system.

Visas are crucial, as they facilitate numerous vital aspects of global interaction and cooperation.¹⁶⁰ Visas enable family reunification, allowing loved ones to come together and maintain strong bonds despite geographical distances.¹⁶¹ Visas also grant access to medical treatment abroad, ensuring individuals can seek specialized care and medical advancements not

¹⁵⁵ *Procedure of Appeal*, EMBASSY OF HUNG. BAKU, <https://baku.mfa.gov.hu/eng/page/procedure-of-appeal> (last visited Mar. 17, 2024).

¹⁵⁶ See Visa Code, *supra* note 9 at art. 5.; See also Januzi, *supra* note 100.

¹⁵⁷ Question of Diplomatic Asylum, *supra* note 99.

¹⁵⁸ Visa Appointment Wait Times, *supra* note 146.

¹⁵⁹ Rosenberg, *supra* note 20 at 5.

¹⁶⁰ WORLD TRAVEL AND TOURISM COUNCIL, VISA FACILITATION 3 (2019).

¹⁶¹ *Reuniting Loved Ones*, WELDON L. GROUP, PLLC, <https://www.weldonlegal.com/reuniting-loved-ones-the-importance-of-family-reunification-in-immigration-policies/> (last visited Mar. 17, 2024).

available in their home countries.¹⁶² Additionally, visas promote tourism, allowing people the opportunity to experience different cultures and contribute to economic revenue for host nations.¹⁶³ Moreover, visas enable business trips, fostering international trade and collaboration, leading to economic growth and prosperity.¹⁶⁴ The promising development of artificial intelligence, enhanced security measures, and the transition to digital visa systems, as seen in the EU, suggests that the hassles associated with in-person visa requirements may soon be exponentially replaced.

¹⁶² *Visa and Immigration Information*, NAT'L INST. OF HEALTH, https://www.cc.nih.gov/sites/nihinternet/files/internet-files/participate/_pdf/visa_eng.pdf (last visited Mar. 17, 2024).

¹⁶³ World Travel and Tourism Council, *supra* note 160 at 1 (highlighting that “Research undertaken in 2012 by the World Travel & Tourism Council (WTTC) & the World Tourism Organisation (UNWTO) for G20 countries revealed that visa facilitation increased international tourist arrivals from 5-25% per annum.”).

¹⁶⁴ J.R. Brent Ritchie & Geoffrey I. Crouch, *A Model of Destination Competitiveness/Sustainability*, 45 REVISTA DE ADMINISTRAÇÃO PÚBLICA 1048 (2010).