CISA

PUBLICATION

October 2026

The Unequal Right to Move: Africa, the West and the Politics of International Migration



Introduction

Migration is a right that is enshrined in many around the world. However, the right to enter another country is not always guaranteed. Recent policies in the West, particularly the United Kingdom and the United States indicate a mobility regime which seems to be changing entry and legal residence for many recent migrants. Legal routes, particularly for African nationals are narrowing, with settlement becoming more precarious, while enforcement is being exported onto African territory. Western entry systems demand far deeper financial and family disclosure from Africans than African systems demand of Westerners, with consequences for data sovereignty in an age of artificial intelligence (AI). This paper argues that the right to move is stratified by passport and is increasingly enforced through collective, nationality-based measures rather than individual assessment.

A Structural Inequality

Citizenship, can largely determine life chances. Shachar (2009) calls this the “birthright lottery.” Visa regimes make the inequality concrete. Wealthier states have grown steadily more open to each other’s citizens while keeping restrictions on citizens of poorer states. Yet most African migration never reaches the West and stays within the continent (McAuliffe & Triandafyllidou, 2021). The African Union (2018) has adopted a free movement protocol, though ratification is uneven. Western discussion about “African migration” overstates the issue with highlighted references to boatloads of migrants, trying desperately to access better lives to make the point.

The United Kingdom: Control Through Conditionality

The UK’s 2025 White Paper (Home Office, 2025a) shifted policy from managing migration to restricting settlement. Its “earned settlement” model would double the standard qualifying period for permanent residence from five to ten years, adjusted by income, public-fund use and route of entry (Work Rights Centre, n.d.). People who entered on a visit visa or illegally could face up to 20 additional years. Refugees on the new “core protection” track would wait 20 years for settlement. For asylum claims made on or after 2 March 2026, protection is granted for a minimum of 30 months, down from five years (DLA Piper, 2026). The settlement reforms are not yet law, but the Home Secretary has said a revised policy will be announced before the end of 2026 (Lewis Silkin, 2026).

In March 2026, the Home Office imposed an “emergency brake” on study visas for Afghanistan, Cameroon, Myanmar and Sudan. The government’s justification was that asylum claims by Cameroonian and Sudanese students had more than quadrupled since 2021, which it presented as misuse of the student route (Amara, 2026). Critics respond that this penalises whole nationalities for the behaviour of some individuals. They note

that barring Sudanese students sends the wrong message while the UK leads on Sudan at the UN Security Council (Society for the Studies of the Sudans UK, 2026). The policy also treats legal entry and asylum as incompatible, even when a legal route is the only realistic way to reach safety.

Visas are also used as leverage over deportation cooperation. The Home Secretary threatened a halt to visas for Angola, Namibia and the DRC unless they took back their nationals, and cooperation agreements followed (Business Standard, 2026). Nigeria also signed a memorandum to facilitate deportations during a state visit (The Cable, 2026). African states are treated as enforcement partners rather than equals.

The United States: ICE and the Externalised Border

US policy toward African mobility works on three levels. First, entry has been restricted. A December 2025 proclamation expanded the travel ban to 39 countries from 1 January 2026 (Henley & Partners, 2026). Immigrant visa processing was then paused indefinitely for 75 countries, 26 of them in Africa (Semafor, 2026), on the ground that applicants might rely on public benefits.

Second, detention has become central to enforcement. At least 30 people died in immigration detention in 2025, the highest toll since 2004, and by April 2026 fiscal-year deaths had already passed the previous record. This is consistent with what Mbembe (2019) calls necropolitics, the use of state power to decide whose life is expendable.

Third, enforcement has been exported. Human Rights Watch (2026) documents US deportations of third-country nationals to African states, most of them not under formal, public agreements. People with no ties to the destination have been sent to Eswatini, Ghana, Rwanda, South Sudan and Uganda. Eswatini agreed to accept up to 160 deportees for US$5.1 million (Axios, 2025a), while Ghana reportedly received visa concessions (Externalizing Asylum, 2026). Legal scholars call this “cooperative deterrence,” in which wealthy states use partners to sidestep their own non-refoulement obligations (Gammeltoft-Hansen & Hathaway, 2015).

Documentary Evidence and the Politics of Data

The inequality of mobility is also an inequality of paperwork. A Ghanaian applying for a Schengen visa at the German Embassy in Accra must supply three months of bank statements, marriage and children’s birth certificates, and, if self-employed, business registration, tax clearance and proof of active trading such as invoices and import declarations. The embassy accepts only a personal, internationally accessible account and discourages statements from microfinance institutions (Embassy of the Federal Republic of Germany, Accra, n.d.). German missions elsewhere in Africa ask applicants

to document financial assets, property ownership, residency or pension status (German Missions in South Africa, n.d.). The logic is similar elsewhere. US visitor applicants must overcome a legal presumption that they intend to stay (Immigration and Nationality Act, 1952, s 214(b)), and UK and French procedures also ask for evidence of funds and "ties" to the home country. The stated purpose is to assess the risk of overstay.

African entry systems ask for far less. Kenya replaced visas with an electronic travel authorisation in 2024 and exempted most African nationals from it in 2025. Ghana does require visas from British and American citizens, but its application mainly asks about the purpose of travel, such as a host's invitation letter for a visit or an employer's letter for business (Ghana High Commission UK, 2025). Ghana has also made e-visas free for African passport holders from May 2026 (Travel and Tour World, 2026). The picture is not uniformly generous. Ethiopia grants visa-free entry to only Kenya and Djibouti among African states (Pulse Ghana, 2026). Africa is not data-free, but it asks what a visitor intends to do, while Western states ask for the applicant's financial and family history.

That demand is also growing. The US has proposed requiring visa-waiver travellers to disclose five years of social media history, plus phone numbers, email addresses and family details (Axios, 2025b), and biometrics including DNA. As of March 2026, this had not yet taken effect (American Institute of Physics, 2026). The State Department already requires student, exchange and H-1B applicants to make social media accounts public (Kelley Drye & Warren, 2025). What is concerning lies in what can be done with such files.

A visa file listing income, property, spouses, dependents and business partners is exactly the structured record that link-analysis tools connect across applicants. In aggregate, such files could reveal not just individuals but networks - who owns what, who finances whom, and which firms trade with which. That is a map of a country's economic elites, held abroad and analysable by foreign institutions. Couldry and Mejias (2019) call the extraction of data on this scale "data colonialism." Such knowledge could in principle inform negotiation, commercial and political targeting.

Inspite of the above, there is no public evidence that African applicants' files have been used against national interests. While Ghana, Nigeria and Kenya have data protection laws, these bind domestic processors, not foreign embassies handling applications on African soil, and applicants have little say over retention, onward sharing or algorithmic use.

Africa's Agency and Possible Responses

African governments are not passive. Several accepted deportees for money or visa relief, and courts in Uganda have been asked to rule on the legality of such deals (Al Jazeera, 2026).

African governments could press for documentary reciprocity, asking of Western visitors what the West asks of Africans. They could write data-minimisation, retention and non-sharing clauses into the visa and migration agreements. They could also operationalise the African Union's (2014) Convention on Cyber Security and Personal Data Protection and invest in local data governance and AI capacity.

Conclusion

The UK and US differ in method. Britain tightens the conditions of residence and uses visas as leverage, while ICE relies on detention and third-country removal. Both treat African mobility as a problem to be contained and enlist African states to help contain it. The same applies to information. The more Africans must disclose to travel, the more data accrues to the states that restrict them. Unless the right to leave is matched by fair routes to arrive, and by control over the data surrendered along the way, it will remain a right in name for most of the world's population.

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