

Migration Update

August 2022



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The purpose of these news summaries is to provide a factual base for migration debates within the European centre-right. [Vít Novotný](#) is responsible for the selection of information items from the media, governments and social media. The value of these summaries is in the categorisation of information items and in listing those items that readers might have missed. Facts and opinions are conveyed as they are reported. Original comments are kept to a minimum. Davide Marcantoni provided material for the Judicial Observatory.

These news summaries are not subject to a formal editorial process. Should you have any questions or comments, please contact Vít Novotný at vn@martenscentre.eu.

- EU foreign ministers **suspended** the Union's 2007 visa facilitation agreement with Russia. "This [compromise] will allow visas to be granted on an individual basis after a thorough assessment of each individual case and especially specific groups of people."

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VISAS FOR RUSSIAN CITIZENS

On 31 August, EU foreign ministers [agreed](#) to fully **suspend** the Union's [2007 visa facilitation agreement with Russia](#). According to High Representative **Josep Borrell** [PES],

- "this common EU approach ending visa facilitation will prevent Russians from engaging in Schengen 'visa shopping'. We have seen many Russians travelling to the EU for leisure and shopping as if no war was raging in Ukraine. This cannot be business as usual.
- This [compromise] will allow visas to be granted on an individual basis after a thorough assessment of each individual case and especially specific groups of people. We don't want to cut ourselves off from those Russians who are against the war in Ukraine."

Czech FM Jan Lipavský [Greens] [stated](#) that member states bordering Russia 'can take national measures at their borders to restrict Russians entering, but, "in

accordance with the Schengen code” (which means they have to honour a visa granted by a different EU country.)’

The EU [partially suspended](#) its visa facilitation agreement with Russia already on 25 February [but this has had very little or no effect on the numbers of Russian tourists coming to the EU].

During August, the governments of [Estonia](#), [Finland](#), [Lithuania](#), [Poland and Denmark](#) called on the EU to **stop issuing tourist visas** to Russian citizens ‘in an attempt to open up a new sanctions front following Moscow’s full-scale invasion of Ukraine’. In addition, Lithuania and the other Baltic states were advocating that **long-term multiple entry** visas already issued to Russians be [revoked](#).

- Since the beginning of the Russian invasion of Ukraine, some 1 million citizens have [entered](#) the EU through land border crossing points. Most of them arrived **via Finland and Estonia**. ‘While EU countries have [banned air travel from Russia](#), St. Petersburg is only 300 kilometres from the Finnish capital and Russians can still travel to Estonia and Finland [by land]’. Russian citizens then [use Finland’s airports](#) to fly elsewhere in the bloc through the Schengen free travel area.
- Russian citizens [can](#) use a visa issued by any Schengen country to enter the Schengen zone by land. See also [here](#).
- 100,000 Russians already hold long-term [Finnish Schengen visas](#). Hundreds of thousands possess Schengen visas issued by other EU members. Since COVID-19 restrictions on travel were lifted, Russian border crossings to Finland have [increased](#) by between 10 and 30 percent compared to spring.
- Over the past months Czechia, Lithuania, Estonia, Latvia and Poland [have stopped](#) issuing certain visas for Russians.
- In addition on 10 August, the Estonian government [announced](#) that it will **ban** Russians with Estonian-issued Schengen visas **from entering the country**.
 - The rule applies as of August 18 but excludes Russian citizens with visas issued by other EU countries.
 - It also excludes Russian citizens who have a long-term residence in Estonia, Russian diplomats and their family, workers transporting goods and passengers, people visiting close relatives, citizens granted with freedom of movement under EU law, and people traveling for humanitarian reasons.

Finland [is](#) the only EU country bordering Russia **to still issue** new tourist visas to Russian citizens.

- ‘While Finnish supermarkets stock up to meet new Russian [shopping] demands, bus companies in St Petersburg say they are running at full capacity.’ Local Finnish businesses oppose an end to issuing Schengen visas to Russians.

- Finnish authorities [believe they may lack the legal basis for a ban](#) so are looking at ways of restricting visas for Russians while pushing for an EU solution.
- Finland earlier [said](#) it would limit the number of Russian tourist visas to **10% of current volumes** as of 1 September after rising discontent over Russian tourism amid the war in Ukraine.

France and Germany [opposed](#) the tourist visa ban. They insisted they “wish to maintain a legal framework that allows in particular students, artists, scholars, professionals — independent of whether they are at risk of prosecution on political grounds — to travel to the EU.” Their memo warned “against far-reaching restrictions on our visa policy, in order to prevent feeding the Russian narrative and trigger unintended rallying-around the flag effects and/or estranging future generations.”

LITHUANIA-BELARUS

Lithuanian Prime Minister Ingrida Šimonytė announced the country [completed](#) a four-metre-high barbed wire barrier on the Belarus border. The fence runs for about 550 kilometres along the total 700-kilometre border. Šimonytė said it was “technically impossible” to build a barrier along the entire border, as it also runs through lakes, rivers and swamps.

FUTURE OUTLOOK

Frontex [published](#) its **Strategic Risk Analysis for 2022**.

- Crisis management has become a permanent feature of EU border management.
- The war in Ukraine has further fuelled geopolitical competition and is driving humankind in the direction of a hostile multipolar world.
- EU border management will experience a higher occurrence of migration/refugee crises (or disproportionate pressures) that will test the effectiveness of border controls.
- The EU may encounter ‘migration blackmail’ attempts.
- In the next decade fundamental rights – and international human rights more globally - will be increasingly challenged by the global trends.

JUDICIAL OBSERVATORY

ECtHR finds a breach of the Convention right to liberty in the case of a family of asylum seekers in Poland

On 6 June 2022, the European Court of Human Rights issued the [judgement](#) Nikoghosyan and Others v. Poland. The ruling concerned an Armenian family that in 2016 asked for international protection. The Polish border guards repeatedly prevented the family from crossing the border from Ukraine. After repeated attempts, the family managed to cross the border and file an asylum claim. The Polish authorities subsequently put the applicants under a six-months administrative

detention at the Biała Podlaska centre, to investigate the family's history and background.

The ECtHR highlighted the complex situation at the Polish border and the difficulties for asylum seekers to lodge asylum applications. The Court recognised the violation of Art. 5 § 1 of the Convention ('Everyone has the right to liberty and security of person'). According to the ruling, the imprisonment of the two adults and their children for the duration of six months "was not a measure of last resort for which no alternative was available.". The Court also highlighted a lack of diligence, and omissions and mistakes made by Polish courts that have aggravated the situation of the family and jeopardised the welfare of the children.

SELECT EXTERNAL PUBLICATIONS

OECD, [*The potential contribution of Ukrainian refugees to the labour force in European host countries*](#), 27 July 2022