

Challenges of Belarusian migration in the EU

The survey of discrimination practices against Belarusians in Poland and Lithuania



This is a joint publication of the Wilfried Martens Centre for European Studies and Konrad-Adenauer-Stiftung Belarus, with participation of the European Humanities University.

The Wilfried Martens Centre for European Studies is the political foundation and think tank of the European People's Party (EPP), dedicated to the promotion of Christian Democrat, conservative and likeminded political values.

Konrad-Adenauer-Stiftung is a German political foundation, closely associated with the Christian Democratic Union of Germany (CDU). The Konrad-Adenauer-Stiftung supports and makes stronger bilateral relations of the Republic of Belarus with the Federal Republic of Germany and the European Union.

This publication has received funding from the European Parliament.

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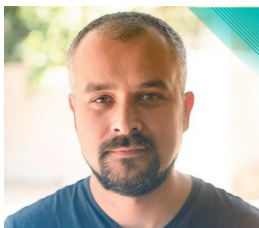
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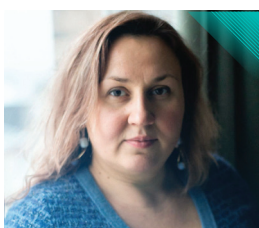
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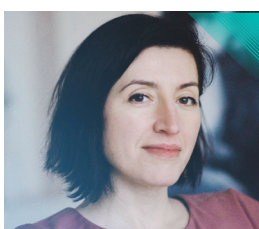
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НАРОДНАЕ
АПЫТАННЕ

The **People's Poll** is an independent project to survey public opinion in Belarus, see: <https://narodny-opros.net/>

Summary

The survey shows that discrimination against Belarusians in Poland and Lithuania has not become a state policy, but there are some systemic manifestations of discrimination.

In Poland, Belarusian citizens sometimes experience difficulties in opening bank accounts and in obtaining documents for their legal stay in the country. Belarusians also face typical migrant challenges: a pay gap, rejected requests to rent residential premises due to the nationality or citizenship of the tenants.

In Lithuania, no systemic difficulties with housing rent have been identified. Legalization in this country is also problematic for Belarusians; however, the procedural barriers are different from the Polish ones. In Lithuania, as in Poland, there is a relevant issue of a pay gap between workers of Belarusian and local origin, but the issue of intolerant attitude towards migrants is less acute in Lithuania.

It is eligible to project that in the near future the migration authorities of both countries will face massive submissions of asylum applications.

Introduction

The revolution launched in Belarus in 2020 was not pro-European or pro-Russian. Many people, for various reasons, dared to challenge the strongest and most brutal dictatorship in Europe: a dictatorship that had been building a system of oppression for 25 years. In any case, their reasons related to natural rights and recognized human rights: the right to participate in the governance of one's state, the right to have no torture or disproportionate use of force, the right to peaceful assembly, the right to a fair trial, etc. Therefore, it is clear that Belarusians, who had a choice — either to go behind bars or to flee from injustice — chose to move to a country where respect for human rights was not only declared, but also enforced (according to all external signs). Among the EU countries, the closest neighbors of Belarus — Lithuania and Poland — turned out to be the most popular among migrants.

Lithuanians and Poles represented by their own governments really demonstrated good-neighborly behavior: by letting hundreds of thousands of Belarusians in, they did enough to ease the situation of those who lost their homes through no fault of their own. The governments of these countries were guided by international norms implemented in their national legal systems, such as the norms of refugee treatment and anti-discrimination. However, as it is known from history, as well as from the statements of politicians and public figures, the process of defending human rights should not stop. From time to time, even the best system requires changes and adjustments in the name of respect for the dignity of every person living in a certain country. The national policy towards vulnerable groups — ethnic minorities, people with non-traditional sexual orientation, women, people with disabilities — is a peculiar marker of how much human rights are respected in the country. The “vulnerable groups” category also includes refugees and migrants.

Belarusians in Poland and Lithuania face discrimination on the grounds of their origin from time to time. This report will describe how serious and systematic these facts are, in what domains they are manifested, and most importantly, why discrimination happens and how it can be fought.

What is discrimination?

Discrimination is a concept that is used in a wide context, and it has many different connotations. Opponents of human equality and respect for human dignity often assign special meanings to this word, dismissing statements against discrimination as illogical or biased, beneficial to a certain political party or movement.

In fact, the principles of non-discrimination and equality are the key ones both in the UN system and in the Council of Europe, the organization membered by Poland and Lithuania. The concept of discrimination has fairly well-defined boundaries. So, Article 26 of the International Covenant on Civil and Political Rights (ICCPR, adopted under the UN) and Article 14 of the European Convention on Human Rights of the Council of Europe impose obligations on countries that have signed these documents. Signatories are required to prohibit discrimination of any kind in their national legal systems.

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

(Article 26 of the International Covenant on Civil and Political Rights)

Discrimination shall be prohibited not only in legislative acts: the member states of the Covenant shall take measures to prevent discrimination in various domains of human activity.

Guided by the provisions of the above international conventions, the researchers have defined the survey subject (discrimination) as:

a) actions of the state to allow discrimination against Belarusians;

b) inaction of state institutions in case of discrimination against Belarusians by legal entities;

c) actions of the local population against Belarusians and aimed at denying their equality in society.

What has been the reason for the survey?

The Belarusian diaspora, which has grown significantly amid reprisals of 2020—2023, believes that the more time passes since the events of August 2020, the less the issues of Belarusian emigrants (as well as the Belarusian agenda in general) will be of interest to the governments of the EU countries despite a steadily deteriorating human rights situation in Belarus. After the outbreak of Russia's full-scale war against Ukraine and the political identification of the Republic of Belarus as a co-aggressor in the war, the status of Belarusians in emigration has changed, at least through the optics of a significant share of citizens with whom they live nearby. Today, Belarusians are not perceived as needing help, but as a potential threat to national security.

The development of events in Lithuania in association with draft law XIVP-2496GR is a vivid example of such an attitude change.¹ A part of the Lithuanian political elite proposes to ban Belarusians to buy real estate in Lithuania for the sake of national security, and this group is in favor of suspending emigrants' citizenship applications. Such proposals worry Belarusians, forcing many to think about changing their country of residence again. Moreover, Belarusian mass media periodically publish discrimination cases.

Another reason to study the issue of discrimination was the publication of the 2022 study by Oleg Alampiyev and Philipp Bikanau: “Belarusians in Poland, Lithuania, Georgia: attitude to the war, help to Ukraine, discrimination.”² It was time for us to develop the efforts of our colleagues, emphasizing the human rights aspect of this issue.

1 The website of the Seimas of the Republic of Lithuania. News about planned regulatory changes to strengthen national security: https://www.lrs.lt/sip/portal.show?p_r=35403&p_k=1&p_t=284159

2 Oleg Alampiyev, Philipp Bikanau. Belarusians in Poland, Lithuania, Georgia: attitude to the war, help to Ukraine, discrimination. <https://library.fes.de/pdf-files/bueros/belarus/19480.pdf>

How was our research conducted?

When planning the survey, the authors focused on how Belarusians assessed the facts of discrimination experienced by them, as well as on studying the institutional causes of discrimination in Poland and Lithuania.

The survey had a number of phases:

1. Desktop review of sources. Reviewing regulatory instruments of “hard” and “soft” law, official websites of specialized government agencies and non-government organizations, relevant news and special studies made both by Belarusians and by state/non-state institutions of Poland, Lithuania and the European Union.

2. Mass survey of Belarusians living in Poland and Lithuania about their discrimination encounters. The survey was conducted in partnership with the People’s Poll project.

3. Legal assessment. At this stage, the lawyers drafted two articles with an assessment of the sociologically significant data of the mass survey. We have supplemented these articles with expert conclusions and recommendations addressed to a number of government agencies in Poland and Lithuania, and to international organizations.

Description of the survey sample

638 respondents from Poland and 153 respondents from Lithuania were interviewed during the survey week (August 22-29, 2023). A significant number of responses also came from other countries, but, unfortunately, we had to reject them, because the task of our survey was to find out about discrimination of Belarusians in Lithuania and Poland. A survey design was developed for these countries (tables describing the sample are provided below).

It should be noted that a mass survey within the scope of this study was needed to identify particularly systemic discrimination issues. The exact identification of a representative sample would require a separate census of Belarusians in Poland and Lithuania; however, counting the general population of Belarusians in these countries is a challenging task (firstly, due to various legalization statuses; secondly, because nationality is not always equal to citizenship). The authors of the survey believe that the information they received is sufficient to extrapolate the conclusions to all Belarusians living in Poland and Lithuania with certain reservations. However, it cannot be ruled out that some respondents were discriminated on several grounds, and the survey could not reveal all the circumstances.

Distribution by gender

Poland			Lithuania			Poland and Lithuania		
Male	Female	Other	Male	Female	Other	Male	Female	Other
403	231	4	87	66	0	490	297	4

As seen, men responded the survey much more actively than women, both in Poland and Lithuania.

Distribution by age

	Poland	Lithuania	Poland and Lithuania	Share
18-30 y.o.	188	35	223	28%
31-40 y.o.	292	81	373	47%
41-50 y.o.	118	30	148	19%
51-60 y.o.	36	7	43	5%
61+ y.o.	4	0	4	1%

Almost half of the respondents were between the ages of 31 and 40 years. There was a lack of respondents of pre-retirement and retirement age, which certainly could have influenced the

assessment of the level of discrimination related to pension provisions and the provision of medical services.

Distribution by education

	Poland	Lithuania	Poland and Lithuania
1. Elementary / Basic	1	0	1
2. Basic / Secondary	45	5	50
3. Secondary vocational	44	2	46
4. Professional and technical	27	6	33
5. Higher	451	119	570
6. Post-graduate	70	21	91

Thus, the vast majority of respondents were people with higher education.

Distribution by financial status

	Poland		Lithuania		Poland and Lithuania	
	Quantity	Share	Quantity	Share	Quantity	Share
1. We don't have enough money even to buy food	4	1%	2	1%	6	1%
2. We have enough money to buy food, but not enough to buy clothes	32	5%	5	3%	37	5%
3. We have enough money to buy food and clothes, but buying more expensive things is challenging	160	25%	39	26%	199	25%
4. We can afford buying some expensive things, but not a car	200	31%	47	31%	247	31%
5. We can afford buying a car, but we cannot say that we are not financially challenged	205	32%	51	33%	256	32%
6. We can afford buying anything	37	6%	9	6%	46	6%

As seen, there is practically no difference in the financial status of Belarusians in Poland and Lithuania.

Interesting and significant characteristics of the mass of respondents are worth mentioning: the vast majority of respondents not only support the revolutionary movement that arose after 2020, but also participate in it, which

correlates with the answers to the question about the reasons to migrate from Belarus. The most frequent answers were: "*Persecution by the authorities*" (29%), "*Fear of persecution by the authorities*" (59%), "*Feeling of insecurity, lack of security*" (59%); the percentage was the share of the answer options (**respondents could choose several answer options**).

What were your reasons to migrate from Belarus?

	Quantity of responses in Poland	Share in Poland	Quantity of responses in Lithuania	Share in Lithuania	Quantity in the two countries	Share in the two countries
Feeling of insecurity, lack of security	374	59%	95	62%	469	59%
Fear of persecution by the authorities	369	58%	99	65%	468	59%
Lack of prospects for self-realization	163	26%	40	26%	203	26%
Persecution by the authorities	188	30%	43	28%	231	29%
Economic problems in the country	145	23%	37	24%	182	23%
I was offered a job (relocation of the company where I worked)	77	12%	32	21%	109	14%
Desire to gain new experiences	67	11%	18	12%	85	11%
Education	40	6%	8	5%	48	6%
Desire to see the world	53	8%	12	8%	65	8%
Family reasons	39	6%	10	7%	49	6%
I wanted to find a new job	32	5%	5	3%	37	5%
Desire to open a business in the country of destination	12	2%	0	0%	12	2%
Other	48	8%	6	4%	54	7%
Total	638	100%	153	100%	791	100%

Other important reasons for leaving the country were *"Lack of prospects for self-realization"* (26%) and *"Economic problems in the country"* (23%). The top third answer option was *"I was offered a job (relocation of the company where I worked)"* (14%). Lithuania has many more of these answer options: this is probably because large IT companies of Belarusian origin relocated to Lithuania, and there is a significant share of Belarusian IT workers in the total number of Belarusians in Lithuania. About 70% of respondents are married or live in a partnership, and 40% of respondents have children aged under 16. A fifth of the respondents live alone. At the same time, not everyone can relocate their family from Belarus: 38% of respondents who personally experience this problem do not consider it possible to reunite with their families, which is about 5% of the surveyed audience.

74% of respondents did not change their country of residence after emigrating from Belarus, and 26% of respondents changed it. The analysis allows us to conclude that: a) re-emigrants have migrated to Poland or Lithuania mainly from Ukraine after the full-scale war started; b) there is also a less noticeable flow of Belarusians who migrated from Lithuania to Poland.

Some respondents still intend to change their place of residence: 8% of respondents in Poland are planning to move to another city in the same country. In Lithuania, Belarusians have a more "radical" attitude: a fifth (21%) of respondents consider migrating from the country mainly to Poland (**respondents could choose several answer options**).

Are you planning to migrate somewhere in the near future?

	Quantity of responses in Poland	Share in Poland	Quantity of responses in Lithuania	Share in Lithuania	Quantity in the two countries	Share in the two countries
1. No, I am not planning to	560	88%	120	79%	680	86%
2. I am planning to move to another settlement in the country where I reside	53	8%	0	0%	53	7%
3. I am planning to migrate to another country	23	4%	32	21%	55	7%
Total	636	100%	152	100%	788	100%

Since the main topic of our survey is discrimination, it is worth mentioning the distribution of the sample by types of documents

based on which Belarusians reside in Poland and Lithuania.

	Quantity of responses in Poland	Share in Poland	Quantity of responses in Lithuania	Share in Lithuania	Quantity in the two countries	Share in the two countries
Visa-Free Regime	1	0%	0	0%	1	0%
Blue Card	33	5%	55	36%	88	11%
International Protection Status (Additional Protection Status)	88	14%	0	0%	88	11%
Temporary Protection (a status of many Ukrainians)	1	0%	0	0%	1	0%
Refugee Status	12	2%	10	7%	22	3%
My International Protection / Additional Protection / Refugee Status application is being reviewed by the authorities	10	2%	2	1%	12	2%
Citizenship of the host country	15	2%	0	0%	15	2%
My Temporary/Permanent Residence Card (Karta Pobytu) application is being reviewed by the authorities	23	4%	0	0%	23	3%
Visa under the Pole's Card (Karta Polaka)	6	1%	0	0%	6	1%
Visa under the Poland.Business Harbor Program	75	12%	0	0%	75	10%
Humanitarian Visa	43	7%	9	6%	52	7%
Permanent Residence Permit	69	11%	7	5%	76	10%
Temporary Residence Permit (except Humanitarian Residence Permit)	164	26%	35	23%	199	25%
Humanitarian Residence Permit	66	10%	31	20%	97	12%
Employment Visa	28	4%	2	1%	30	4%
Student Visa	2	0%	1	1%	3	0%
Other grounds	2	0%	0	0%	2	0%
Total	638	100%	152	100%	790	100%

In Lithuania, more than a third of the respondents reside in the country thanks to the Blue Card mechanism of the European Union (Directive 2009/50/EC): if high qualification of the applicant is recognized, s/he may enjoy a number of privileges compared to other residence permits. Approximately the same number of respondents refers to those who have obtained a Temporary Residence Permit or a Humanitarian Visa. A considerable share of respondents resides in the country under a Temporary Residence Permit for the purpose of employment, education or on other grounds.

The legalization landscape of Belarusians looks different in Poland. In Poland, the relative majority of Belarusians have a Temporary Residence Permit (for the purpose of employment, education, etc.): 26%. A significant number of Belarusians have the International Protection Status (14%), a Humanitarian Temporary Residence Permit or a Permanent Residence Permit. Polish authorities have launched the Poland.Business Harbor Program assisting professionals and businesses to relocate to Poland: 12% of respondents have used it to relocate to Poland. It should be noted that, if most of the respondents took part in the revolutionary events, they had the right to apply for asylum, but only 14% of the respondents used this right. Thus, a large number of Belarusians are not covered by dedicated adaptation and social integration programs, and they are not supported as refugees. We can conclude that the wave of political emigration from Belarus does not burden the government budgets of either Lithuania or Poland.

Survey findings: Poland

Legalization

Belarusians in Poland can use various grounds for their legalization, but in practice, the main ones are:

- 1) obtaining a Humanitarian Visa and a Humanitarian Residence Permit;
- 2) obtaining International Protection Status in Poland;
- 3) obtaining the Temporary Protection Status;

4) obtaining a Temporary Residence Permit on the grounds of employment, education, entrepreneurial activity, family reasons, and other grounds;

5) obtaining a Permanent Residence Permit under the Pole's Card.

Humanitarian Temporary Residence Permit

The mechanism for obtaining Polish humanitarian visas has been heavily used by Belarusian citizens since the summer of 2020. In 2022, after Russia's full-scale invasion of Ukraine, a large number of Belarusians with humanitarian visas urgently migrated to Poland, including from Ukraine. A new wave of politically motivated arrests of citizens in Belarus made it impossible for people to return to their homeland (for extending their humanitarian visas, among other things). In this situation, the Polish authorities responded to the events somewhat adequately by improving the national legislation. Thus, regulations were approved in the summer of 2022 that allowed Belarusians to extend the validity period of their humanitarian visas without leaving Poland, and a new (humanitarian) ground was introduced for issuing a 3-year Temporary Residence Permit.

In fact, the authorities began processing Humanitarian Temporary Residence Permit applications in October 2022, and Belarusians faced difficulties when registering for personal submission of documents. Unfortunately, not everyone was aware about the option of applying for a Residence Permit by mail (or they did not believe that this submission method would be effective). However, the key persisting problem is non-compliance by state bodies with the deadlines for processing documents.

In the last two years, regulations were passed that gave officials the right to bypass the time limits specified in the Code of Administrative Procedures; these time limits have been extended periodically. The adoption of the mentioned regulations was explained by the inflow of a large number of emigrants to Poland and the inability of civil servants to cope with the application flow. Sometimes, applications are reviewed for 6-10 months; during this entire review period,

the applicants may not travel outside Poland due to the expiration of their Schengen visas. This is the key reason why people are forced — despite obvious risks — to look for ways to re-apply for a humanitarian visa in third countries, since the right to extend a humanitarian visa without the requirement to leave Poland was valid only until March 31, 2023. This problem is especially relevant for citizens whose work is associated with business trips: due to the prolonged processing of their residence permits, they either have no opportunity to work and have no means of subsistence, or they are forced to look for less qualified jobs in Poland only.

A Humanitarian Residence Permit makes Belarusians eligible to access the labor market in Poland. However, it imposes certain restrictions in comparison, for example, with the International Protection Status. Thus, persons having a Humanitarian Residence Permit may not register as self-employed, which is a significant obstacle for freelancers who are Belarusian citizens. Current tax legislation in Poland does not allow earning a regular monthly income exceeding 50% of the minimum wage without registering an entrepreneurial activity. That is why Belarusian freelancers are forced to turn to so-called business incubators: firms that operate as tax agents in their relations with clients. However, this is not an option for everyone. E.g., a person is not eligible to participate in free aid grant projects if the person is registered at a business incubator. Many Belarusian freelancers, who cannot obtain the international protection status, are forced to look for opportunities to migrate to other Schengen countries to be eligible to continue working.

The situation can be improved by including the category of “Belarusian citizens with a Humanitarian Residence Permit” into the List of Persons Eligible to Register Entrepreneurial Activity.

International Protection

The number of Belarusian citizens who have applied to the Polish government for obtaining an International (Additional) Protection Status has been growing rapidly in recent years. Thus, 407 people obtained

the status of persons under international protection in 2020, 2,257 persons in 2021, and 3,132 persons in 2022. At the same time, Belarusian citizens accounted for 70% of all protection status applications in Poland.³

It should be noted that the period for considering International Protection applications has shortened significantly since 2022. Applications are now processed not for 6 months, but for c.a. 2 months (depending on the region of Poland), and Belarusian applicants usually get the Additional Protection Status. However, there are quite a few cases where Belarusians get the Additional Protection Status, even though there are good reasons for getting the Refugee Status. In most such cases, this decision is re-considered once administratively appealed, and the authorities recognize the complainant as a refugee. At the same time, the administrative decision may be challenged only within 10 days. It is very challenging for a person to appeal the decision of the migration authorities on his/her own if the person does not know the Polish language and if the person has experienced the events in his/her country of origin causing him/her to be in an unstable emotional and psychological state. In addition, citizens of Belarus are not properly informed about the options for getting free primary legal aid in Poland.

The survey found that 61 respondents (i.e. one in ten), when questioned *“Was there a waiting period when you did not have the required documents and you had an illegal status in the country of residence?”* answered *“Yes, there was such a period.”*

There is an assumption that Belarusian citizens who requested international protection in Poland were in the host country without required documents. The problem can also emerge when the authorities consider the application for a very long period, if it is not related to humanitarian grounds (the current application review period is 2-3 years). The passport of a citizen of the Republic of Belarus could expire during the waiting period, and it was not possible for such persons to return

³ The website of the Government of Poland, migration section: <https://www.gov.pl/web/udsc/statystyki-migracyjne?page=1&size=10>

to Belarus to get a new Belarusian passport because they would not have a visa allowing them to come back to Poland.

The granting of International Protection in Poland is regulated by the Law "On granting protection to foreigners in the territory of the Republic of Poland" dated June 13, 2003.⁴ Once a foreigner requests protection from the border guard service, his/her travel document (passport) is withdrawn by the service and the person gets a temporary identity card of a foreigner. Section 3 of the said Law stipulates the issuing procedure, the validity period, and the temporary identity card extension procedure. In addition, the issue of issuing a temporary identity card to a foreigner is regulated by the Resolution of the Ministry of the Interior and Administration of Poland dated November 4, 2015.⁵

By virtue of Article 55a of the Law dated June 13, 2003, a temporary identity card identifies a foreigner during the card's validity period. This temporary identity card is valid for 90 days; once expired, the foreigner is eligible to a 6-month temporary identify card, for which the foreigner needs to contact the state border authority again. Thus, the validity period of a foreigner's temporary identity card (which is initially issued for 3 months, and the next one is issued for 6 months) fully covers the period of consideration of the case for granting international protection in Poland, which currently ranges from 3 to 6 months on average.

It should be noted that not everyone in various organizations in Poland (police, post office, banks, etc.) knows about a foreigner's temporary identity document. Citizens of Belarus periodically turn to lawyers for help, because either a post office or a bank refuses to recognize a temporary ID card of a foreigner. The problem of receiving cash assistance through a post office is particularly acute: this is the assistance provided for the period when the authorities consider the case of granting international protection. Lawyers have to challenge the actions of post office or bank employees, but these complaints are investigated inefficiently, and the person subjected to the actions stays without any monetary assistance during the complaint review period.

Temporary Protection

In 2022, over 600 Belarusians obtained their Temporary Protection Status in Poland. Persons who permanently resided in Ukraine with a permanent residence permit (as of February 24, 2022), as well as family members of Ukrainian citizens, are entitled to this status. Unlike citizens of Ukraine, whose status is established through the assignment of a PESEL UKR identification number and the issuance of an Electronic Residence Permit, other foreigners get a Temporary Protection Certificate printed on ordinary paper, not on an enhanced security template.

Despite the Polish law grants equal rights to the citizens of Ukraine and other countries, other foreign nationals with such status face obstacles in the process of exercising their rights. So, it is not uncommon that persons are denied boarding a plane or crossing the EU border through other countries. The problem of a citizen of Belarus staying in Poland with a child who is a citizen of Ukraine under the age of 12 remains unresolved. In this case, the child may not exercise the right to unhindered movement in the EU, because, unlike Ukrainians, who may include minor children in their Electronic Residence Permit, other foreigners with a paper certificate are deprived of such an option.

The solution to the problem may be legislative changes initiated by the Office for Foreigners, which would allow foreign nationals of non-Ukrainian origin with the Temporary Protection Status obtained in Poland to get an Electronic Residence Permit, too.

Discrimination at schools

7% of respondents residing in Poland reported that their children were negatively treated by their school/lyceum staff due to their Belarusian origin or citizenship.

⁴ USTAWA z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej.

⁵ ROZPORZĄDZENIE MINISTRA SPRAW WEWNĘTRZNYCH z dnia 4 listopada 2015 r. w sprawie tymczasowego zaświadczenia tożsamości cudzoziemca.

A negative attitude is confirmed by the answers to an open-ended question on this topic in our survey. Problems in educational institutions can be connected with the negative attitude of both Polish and Ukrainian children towards Belarusian children. In general, it can be noted that schools usually try to resolve conflicts, not leaving children and parents alone. Negative interactions between students become the subject of attention of the teacher and psychologist.

Job duties of a teacher and psychologist are stipulated in the Resolution of the Minister of Education and Science dated July 22, 2022, which lists classes to be held directly with students, pupils or, on their behalf, by teachers of psychological and pedagogical counselling centers and tutors: teachers, special teachers, psychologists, speech therapists, teacher therapists and career guidance counselors.⁶ According to this Resolution, the job duties of a teacher and psychologist include providing psychological and pedagogical support to students, parents and teachers.

Insults and threats on the grounds of nationality

According to respondents' answers to open-ended questions, insults from strangers are also a widespread phenomenon. This happens both online and offline. Article 216 of the Criminal Code of Poland provides for criminal liability for an insult.

The only recommendation for citizens who are victims of public insults or threats on the grounds of nationality is to contact the police. The victim shall provide evidence (audio, video recordings or testimonies of witnesses).

Renting residential premises

Reviews of answers to open-ended questions have revealed that denial of housing rent and bank service are perhaps the most frequent cases of discrimination against Belarusians in Poland. Issues with renting premises are also confirmed by the fact that it is not uncommon to see the ads indicating special conditions for renting out housing: "Only to Poles or EU citizens." From time to time, property owners refuse Belarusians to rent a flat when they meet personally; and Belarusians encounter hostility from their neighbors sometimes. Unfortunately, it is impossible to bring individuals to justice in cases where it has not been expressed in the forms entailing administrative or criminal liability. On the other hand, citizens of Belarus may defend their rights in court in cases of violation of the terms of the contract concluded with the landlord, such as visiting the rented accommodation in the absence of the tenant, unjustified non-return of the rent deposit (kaucja) after the rent contract expires. It is important to inform Belarusians about the rights and ways of getting free legal aid in Poland.

Discrimination at work

According to Article 11-3 of the Labor Code of Poland, any direct or indirect employment discrimination on the grounds of nationality is prohibited. However, about a third of the respondents encountered various forms of discrimination specifically at their workplace.

Respondents were asked: "Have you encountered any of the above while working abroad?" (respondents could choose several answer options). The results are in the table.

Manifestations of discrimination	Number of cases
Additional (superfluous) documents for employment	96
Lack of the same compensations or bonuses paid to local employees	31
Salary smaller than the salary of a local employee doing similar work for the same employer	44
Salary smaller than the minimum wage in the host country	21
Have not encountered any of the above	306
Total answers	498
Total respondents	454

⁶ ROZPORZĄDZENIE MINISTRA EDUKACJI I NAUKI z dnia 22 lipca 2022 r. w sprawie wykazu zajęć prowadzonych bezpośrednio z uczniami lub wychowankami albo na ich rzecz przez nauczycieli poradni psychologiczno-pedagogicznych oraz nauczycieli: pedagogów, pedagogów specjalnych, psychologów, logopedów, terapeutów pedagogicznych i doradców zawodowych.

Thus, 96 respondents answered that they had had to submit superfluous documents to their employers. We believe this requires an additional survey that would also study specific cases. Polish legislation requires that only those documents (diplomas) that prove qualifications be presented upon employment. Education documents shall be translated into Polish by a sworn translator. If there is no bilateral agreement between Poland and a foreign state, the diploma shall be notarized at a university.

31 people reported the lack of compensatory measures paid by their employers. Compensatory measures are regulated by the Labor Code of Poland, the norms of which apply to both Polish and foreign citizens. Legislation prohibits paying foreigners less than Polish citizens. The authors of the survey believe that cases of discriminatory practices violating the provisions of the Labor Code of Poland are real, because foreigners usually do not have the opportunity to defend their rights in court (due to the duration of court proceedings, high lawyer's fees). The same applies to salary discrimination.

Belarusian passports

During the survey, Alexander Lukashenko signed and issued Edict 278 "On the procedure for issuing documents and implementing actions" dated September 4, 2023. According to this regulatory document, an application for the implementation of administrative procedures shall be submitted to the authorized body in person or by a legal representative authorized by a power of attorney issued in the Republic of Belarus, as far as the following procedures are concerned: repeated issuance of a certificate of civil status act registration; issuance of certificates containing information extracted from the records of civil status acts (on the registration of the civil status act, on the absence of the record of the marriage act); issuance of a duplicate of the document on education/training, an appendix to it; affixing an apostille on an official document issued in Belarus (if a person residing in Belarus requests the document); state registration of a land plot, a residential building, an apartment, a car parking space, an unfinished building structure; state registration and deregistration of vehicles; and some other procedures. The Edict also stipulates that notarization, registration of agreements on alienation/sale, pledge of immovable property,

vehicles, trailers shall be done in person or by a legal representative authorized by a power of attorney issued in the Republic of Belarus.

The changes provided for by Edict 278 dated September 4, 2023 have complicated the lives of Belarusian citizens abroad. According to the Edict, if a birth certificate, marriage registration/deregistration certificate or any other document is lost, it will be impossible to obtain an original copy of the certificate/document through a legal representative authorized by a power of attorney unless the power of attorney is issued in Belarus. To permit a marriage outside the Republic of Belarus, state bodies of foreign countries that register civil status acts usually require Belarusian citizens to provide a certificate from the registry office about the absence of a marriage act record. Now, Belarusian citizens have to either travel to Belarus to get a certificate in person or apply to the court in the country of residence requesting an exemption from the requirement to present a certificate.

Important amendments have been made in Edict 294 "On documenting the population of the Republic of Belarus" dated June 3, 2008. Previously, the consulates of the Ministry of Foreign Affairs exchanged and issued passports to the Belarusian citizens who permanently resided outside Belarus and were registered in consular records. Now, as the amendments become effective, Belarusian citizens will be allowed to exchange or get a new passport only at the internal affairs bodies at the locality of their last registration in Belarus. Therefore, if a person has a permanent residence permit, s/he will have to go to Belarus to exchange or get a new passport.

The adoption of Edict 278 will increase the number of applications by Belarusians for International Protection and Refugee Status. This will further increase the workload of the migration service and may delay the processing of cases. Those Belarusians who are afraid to visit Belarus, but do not have sufficient grounds or do not know the exact criteria for obtaining the international protection status, will face a choice: either to go to Belarus and be exposed to the risk of being detained (e.g., for a comment posted in some social media a long time ago) or to apply for international protection and to lose the opportunity to continue the already established life for quite a long time, or to be rejected due to lacking evidence of threat in Belarus.

Recommendations

To the Government of Poland:

- Continue the practice of a tolerant and friendly policy towards Belarusians residing in your country, including communications with Belarusian specialized organizations and representative offices.

- Add the category — “citizens of Belarus with a humanitarian temporary residence permit” — to the list of persons eligible to register entrepreneurial activity.

- To the Office for Foreigners: improve the system of informing about the options for appealing/challenging decisions and the corresponding mechanisms; inform migrants about ways to get free legal aid.

- Inform migrants about the procedure for renewing a foreigner’s temporary identity card. Optionally: post detailed information (including in Belarusian language) on the websites of government agencies or put it on display in the halls of state institutions.

- If possible, recruit more employees in the migration services who review resident permit cases in Poland.

- Build capacity of the border service staff, as well as the employees of post offices, banks, the police, and other organizations on the repeatedly issued temporary identity card of a foreigner.

- Together with the Office for Foreigners, consider regulatory changes allowing foreigners with the temporary protection status to obtain an electronic residence permit.

- Due to the large influx of Ukrainian and Belarusian children to schools in Poland, develop educational classes or elaborate dedicated education programs aimed at preventing insults and other manifestations of intolerance on the grounds of nationality, including those against Belarusians.

- To Labor Supervision Authorities: investigate the payment gap between Polish citizens and migrants from Belarus.

- Develop response measures to prevent challenges that may arise due to a large wave of Belarusians submitting their applications for international protection or refugee status.

To the European Commission:

- Adopt recommendations for the EU member states on issues of non-discrimination and legalization of Belarusians who opposed the Belarusian regime and were forced to flee to EU countries. Recommend to the EU member states to amend their national legislations to ensure a longer (up to 3 years) validity period of temporary residence permits and to introduce or simplify the rules for issuing travel documents to Belarusian citizens to substitute their expired passports.

Survey findings: Lithuania

Lithuania became one of the leading countries in the solidarity campaign with the Belarusian protest movement during the post-election protests in Belarus in 2020. The Government of Lithuania was one of the first to support Belarusians in practice. For example, the rules for obtaining a national Lithuanian visa were simplified for Belarusians in September 2020⁷ in order to help those protesters who had to flee from their home country urgently. Later, the Lithuanian government began to issue Temporary Humanitarian Residence Permits to those who could not return to Belarus due to political persecution risks.⁸

As of September 2023, about 58,000 Belarusians reside in Lithuania: many of them migrated from Belarus after 2020.⁹ Meanwhile, the attitude of the Lithuanian Government and people towards Belarusians began to change with the outbreak of Russia's full-scale aggression against Ukraine; this manifested in challenged visa obtaining procedures, attempts to limit the rights of Belarusians, etc. This analytical note reviews the challenges faced by Belarusians in Lithuania and advises how to address them.

General Information

The survey of Belarusians currently residing in Lithuania shows that the majority of respondents are people under the age of 40 (76%), with higher education (92%), who have emigrated after 2020 (96%). The absolute majority of respondents participated in the protest movement after the 2020 presidential election (86%) or supported the movement without participating in it directly (13%). Despite the fact that the survey has not claimed to be perfectly representative, thanks to the information received, it is possible, firstly, to make a snapshot of those Belarusians who take part in such surveys, and secondly, to identify the challenges faced by Belarusians in their everyday life in Lithuania.

Legalization

As already mentioned, Lithuania simplified the rules for obtaining national Type D visas in 2020, and then the rules for obtaining a temporary residence permit (hereinafter referred to as a residence permit) for Belarusians who had suffered for their political views. Thus, the Lithuanian law says: "If a foreigner cannot leave the Republic of Lithuania for humanitarian reasons or [...] cannot return to his/her country of origin due to persecution by an undemocratic regime and/or because s/he has suffered or is at risk of suffering reprisals committed by such a regime, and if the Ministry of Foreign Affairs of the Republic of Lithuania submits a request regarding this foreigner, s/he may obtain a temporary residence permit valid for up to one year. A foreigner may be employed during the permit validity period."¹⁰ Thus, Belarusians, who have suffered from the Government of Belarus, can obtain a Temporary Residence Permit on Humanitarian Grounds for 1 year maximum, and they are required to renew it annually. To obtain such a Residence Permit, the Ministry of Foreign Affairs of Lithuania shall issue its corresponding request. A residence permit issued on humanitarian grounds gives the right to work, which is certainly a positive factor for Belarusian migrants.

According to the survey, most of the respondents reside in Lithuania under the Blue Card (36% of respondents), a Humanitarian Residence Permit (20%) or a Residence Permit obtained on other grounds (23% of respondents; most likely, these are Employment and Education Residence Permits); another 7% of respondents have the Refugee Status. It turns out that the absolute majority of Belarusians are legalized in Lithuania by obtaining a Temporary Residence Permit, and not by applying for the International Protection Status.

7 The website of the Migration Service of the Republic of Lithuania. News about simplified rules for obtaining visas: https://www.migracija.lt/-/baltarusijos-pilie%C4%8Diams-ir-j%C5%B3-%C5%A1eimos-nariams-galimyb%C4%97-gauti-nacionalin%C4%99-viz%C4%85-supaprastinta-tvarka?p_l_back_url=%2Fsearch%3Fq%3DBaltarusijos.

8 Article 40 (1)(8) of Law IX-2206 of the Republic of Lithuania "On the Legal Status of Foreigners" dated April 29, 2004 (Law XIV-946 as last amended on March 17, 2022): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/ac2cfa50b06f11ecaf79c2120caf5094?jfwid=#:-:t ext=In%20order%20to%20enter%20the%20of%20the%20Republic%20of%20Lithuania>.

9 The website of the Migration Service of the Republic of Lithuania: <https://www.migracija.lt/-/pagrindiniai-pusme%C4%8Dio-migracijos-rodikliai-lietuvoje-toliau-daug%C4%97ja-%C4%8Dja-gyvenan%C4%8Di%C5%B3-u%C5%BEsienie%C4%8Di%C5%B3>.

10 Article 130¹ of Law IX-2206 of the Republic of Lithuania "On the Legal Status of Foreigners" dated April 29, 2004 (Law XIV-946 as last amended on March 17, 2022) [translated by authors].

It should be noted that a Temporary Residence Permit has both advantages and disadvantages for relocators. So, most often obtaining a residence permit in connection with employment allows the relocator to access social services (health insurance, pension system, etc.), since all required contributions are deducted from his/her salary. However, in order to issue the said residence permit, the Department of Migration usually requires the applicant (with the exception of the Blue Card recipients) to provide a certificate of no criminal record in the country of origin. Now, Belarusians can get this document only in the Republic of Belarus.¹¹ A disadvantage is also the fact that once the person becomes unemployed, the grounds for staying in Lithuania disappear, and in this case, the relocator will have to quickly either find another job or look for other legalization options.

Once a residence permit on humanitarian grounds is obtained, Belarusians may not only be employed under an employment contract, but may also engage in individual entrepreneurial activities, which also grants access to social services. The disadvantage of a “humanitarian” residence permit is the need to renew it annually, which in practice requires not only to compile a package of documents and to pay state fees, but also to update some documents and access to some services (re-registration of vehicles, declarations of residence (which is often the case), e-signatures, etc.). The very presence of such a residence permit does not entitle any additional rights; an individual entrepreneurial activity shall be registered to access social services. In addition, since there is a requirement to present a document from the country of origin to obtain a Temporary Residence Permit, Edict 278 of the President of Belarus dated September 4, 2023 has challenged relocators. According to the Edict, Belarusian citizens may no longer replace their expired passports at Belarusian consular institutions. To

exchange their passports, relocators shall travel to Belarus, which is impossible for a large number of Belarusians due to the risk of political persecution (this problem concerns not only the holders of “humanitarian” residence permits, but also a wider circle of Belarusians).

It should be noted that Lithuania allows obtaining a travel document — Foreigner’s Passport — in cases where the applicant has a temporary or permanent residence permit in Lithuania, but does not have a valid travel document (passport), and the person cannot get a new document for objective reasons.¹² In practice, the “applicability” of travel documents is interpreted quite broadly: they can include both lost/destroyed/expired passports and documents where, for example, dedicated pages for visas have run out. A Foreigner’s Passport is issued for the validity period of the residence permit, i.e. in case of obtaining a Residence Permit on Humanitarian Grounds, a Foreigner’s Passport is valid for no more than one year. The possibility of obtaining a Foreigner’s Passport is a positive factor, but the need to replace such a document annually is an additional bureaucratic and material burden for Belarusian relocators.

Since the end of 2022, in connection with the full-scale war of Russia against Ukraine and because of the participation of the Belarusian regime in it, the Department of Migration of Lithuania has introduced an additional stage for verifying the citizens of Belarus: filling out a special questionnaire to verify whether a person applying for a Temporary Residence Permit in Lithuania is a threat to the national security of Lithuania.¹³ The filled questionnaire shall be submitted together with other documents required for obtaining a Temporary Residence Permit, and it is aimed at obtaining information about the person’s education, employment record, as well as about the applicant’s attitude to the war in Ukraine.

11 Before Edict 278 dated September 4, 2023 (<https://pravo.by/document/?guid=12551&p0=P32300278>) was issued, a certificate of no criminal record could be obtained at the consulates of the Republic of Belarus abroad; however, after September 7, 2023, this document is issued only in Belarus in the presence of the applicant or in the presence of his/her legal representative authorized by a power of attorney issued in Belarus.

12 Article 37 of Law IX-2206 of the Republic of Lithuania “On the Legal Status of Foreigners” dated April 29, 2004 (Law XIV-946 as last amended on March 17, 2022).

13 LRT.lt “Russian applicants for Lithuanian visas will have to answer questions on Ukraine war”

<https://www.lrt.lt/en/news-in-english/19/1837351/russian-applicants-for-lithuanian-visas-will-have-to-answer-questions-on-ukraine-war>

This questionnaire is verified, among other things, by the security authorities of Lithuania. They may decide that the applicant is a threat to national security, which entails the refusal of a visa/permanent residence permit or the cancellation of the already-issued documents. According to data for August 2023, at least 910 Belarusians were recognized as a threat to the national security of Lithuania: accordingly, they did not obtain documents for residing in Lithuania or their documents were canceled.¹⁴

The verification procedure is not transparent, and the criteria for recognizing people as a threat to national security are not clear and understandable; for example, the fact of previous service in the Belarusian army is sometimes used as grounds for not issuing residence permits. At the same time, the decisions of the Department of Migration can be appealed in an independent court, which may cancel them.¹⁵ It should be noted that each state determines its own migration policy and may limit the issuance of residence permits in the interests of its national security, but such restrictions shall have defined criteria and predictable outcomes.

According to our survey, migration services are the government bodies that Belarusians contact most often (80% of respondents). Unfortunately, despite all the openness of Lithuania and its willingness to support Belarusians who suffered from the Belarusian regime, legalization often looks like a bureaucratized process. For example, according to the survey, 14% of respondents indicated that there was a waiting period during the legalization process, when they did not have the required documents: i.e., they resided in Lithuania illegally. This fact can be explained by the overloading of the Department of Migration, the requirement for migrants to undergo the e-registration process to submit their documents for legalization, frequent changes in the rules for submitting documents, the input of various information to the Department of Migration

and the Ministry of Foreign Affairs of Lithuania (in the case of obtaining a residence permit on humanitarian grounds), as well as the human factor. So, for example, before 2023, when applying for a temporary residence permit on humanitarian grounds, an accelerated document review process (up to two months) had not been an option, and the authorities had taken up to 4 months to decide whether to issue such a document. There are known cases when relocators could not submit a package of the required documents on time, because they lacked some documents when applying for the first time (often this happened due to changes in the list of required documents, already after the documents had been uploaded to the system), and the e-appointments at the Department of Migration were booked for the dates after the allowed period of stay in the country expired. In addition, the Department of Migration has not been issuing “waiting visas” since July 2023: these had been national visas issued to those who had applied for a residence permit, but for some reason had not obtained it before the expiration of the previous visa / residence permit.¹⁶ It should be noted that residing in Lithuania without the required documents is an administrative offense, but in cases where the documents are not available due to the fault of the state body and not the migrant, the Department of Migration may not draw up a report, and the situation will not entail negative consequences for the migrant.

As mentioned above, Belarusians rarely choose to obtain Refugee Status for legalization in Lithuania. For example, 281 Belarusians received asylum in Lithuania in the first eight months of 2023,¹⁷ which was a low indicator compared to the total number of Belarusians in this country. Most likely, the main reason why the refugee status is not popular is the impossibility to work officially during the document consideration period (which reaches six months, sometimes longer).

14 The website of the Migration Service of the Republic of Lithuania: <https://www.migracija.lt/-/gr%C4%97sme-lietuvos-nacionaliniam-saugumui-ripa%C5%BEinti-daugiau-kaip-1-t%C5%ABkst.-baltarusi%C5%B3-ir-rus%C5%B3?redirect=%2F>

15 For example, there is a well-known case when a Belarusian did not obtain a permanent residence permit in Lithuania because he had served in the Belarusian army, but after appealing the decision, the court overruled the latter: <https://news.zerkalo.io/life/48954.html>

16 The website of the Migration Service of the Republic of Lithuania: <https://www.migracija.lt/-/kei%C4%8Ddiana-nacionalini%C5%B3-viz%C5%B3-ir%C5%A1davimo-tvarka-nuo-liepos-prad%C5%BEios-tuo-r%C5%ABpintis-migracijos-departamentas?redirect=%2F>

17 The website of the Migration Service of the Republic of Lithuania: <https://migracija.lrv.lt/lt/statistika/prieglobscio-statistika>

In addition, the applicant may not leave Lithuania during the case consideration period. The inability to work financially depresses those who apply for international protection, especially those people who relocate to Lithuania with their families and without sufficient financial resources. There are cases where migrants, while waiting for the outcome of their refugee case consideration, dare to work informally, which makes them vulnerable.

Belarusians often interpret obtaining a Temporary Residence Permit on humanitarian grounds as a more practical and simple alternative to the Refugee Status. If we review the grounds for issuing such a residence permit, they are almost no different from the grounds on which people apply for International Protection / Refugee Status. However, a Temporary Residence Permit does not give the migrant a number of advantages: access to the health care system and social pensions, disability benefits, etc.

Belarusians focus on Temporary Residence Permits, and this prevents an additional burden on the asylum system in Lithuania, but puts Belarusians, who cannot return to their home country due to persecution risk, in a disadvantaged position. It could be useful to introduce special social support modalities for those who, due to the impossibility of returning to the country of their citizenship, have obtained a Temporary Residence Permit in Lithuania.

When thinking about legalization of Belarusians in Lithuania, it is impossible not to mention the recent legislative changes in this domain. So, in the spring of 2023, the Lithuanian Seimas submitted for consideration a draft law on legalization of citizens of Belarus and Russia. Initially, the document contained a ban on obtaining citizenship, buying real estate, extending residence permits, and other sanctions. After the protests, the Seimas adopted a law with amendments that made a distinction between citizens of Belarus and Russia; in the end, the conditions for legalization turned out to be more favorable for Belarusians. The President of Lithuania vetoed the amended draft law, but the Seimas overrode the veto. Nevertheless, the law was negatively perceived by many Belarusians, who believed that it indicated a shrinking Lithuanian

support to the Belarusian society.¹⁸ Most likely, the adoption of the law is one of the reasons why 21% of the respondents of our survey in Lithuania indicated that they were planning to migrate to another country.

Employment

According to the results of our survey, the absolute majority of respondents work in Lithuania in one way or another (85% in total), and another 9% are looking for a job. Among the respondents, almost half (46%) work in Belarusian companies/organizations, but there are also quite a few who work for transnational companies/organizations (31%) and local Lithuanian companies (23%).

The majority of Belarusians who participated in the survey did not face discrimination at the workplace (65%), but a small number of people (7%) indicated that they experienced such discrimination. These data indicate that discrimination against Belarusians at the workplace is rather sporadic; nevertheless, discrimination cases require attention so that it does not become more widespread.

Those respondents who answered that they faced discrimination in their working environment indicated three main reasons: discrimination on the grounds of citizenship and/or Belarusian origin; discrimination due to legalization issues; and discrimination due to illiteracy of the Lithuanian language. Interestingly, the number of people who indicated that they were required to present additional documents for employment was higher (in absolute numbers) than the number of those who indicated that they felt discriminated against. Apparently, some respondents do not consider the requirement of presenting additional documents to be a manifestation of discrimination; although, such a requirement can be originated by a discriminatory approach in some cases. In addition, a small number of people reported that employers paid Belarusians less than local employees for the same work done (7%), and employers did not pay the same compensation to Belarusians as to local employees (6%). Such inequality in approaches to domestic and foreign workers is a manifestation of discrimination, and this requires special

18 E.g., see: New Eastern Europe "‘I don’t feel safe anymore.’ Belarusians in Lithuania – yesterday’s friends, today’s foes?" <https://neweasterneurope.eu/2023/06/27/i-dont-feel-safe-anymore-belarusians-in-lithuania-yesterdays-friends-todays-foes/>

attention of the competent authorities. In this case, the problem may be the low awareness of Belarusians about the rights to appeal and complain in cases of discrimination, as well as the language barrier when communicating with state institutions.

It should be noted that the Office of the Equal Opportunities Ombudsperson oversees the enforcement of anti-discrimination laws in Lithuania. This authority not only monitors the implementation of the law on ensuring equal opportunities, but also operates a quasi-judicial body: it considers complaints about discrimination in various domains (including employment, education, access to goods and services) on the grounds of gender, race and ethnicity, age, religious views and other grounds. If a Lithuanian resident believes that s/he has become a victim of discrimination, s/he may file a complaint with the Office of the Equal Opportunities Ombudsperson; such a complaint will be considered within 3 months.¹⁹

The Office of the Equal Opportunities Ombudsperson may adopt various decisions, including redirecting the case to the prosecutor (if the case has elements of a criminal law violation), initiating an administrative process, issuing a warning to the relevant company/organization, etc. There is at least one known case where the fact of employment discrimination against a Belarusian citizen was revealed with the support of the Ombudsperson.

Thus, the Telia company refused to hire a candidate who had two citizenships (Poland and Belarus), justifying the impossibility of hiring candidates from Belarus and Russia due to the geopolitical situation.²⁰ The Office of the Equal Opportunities Ombudsperson discovered the fact of discrimination on the grounds of nationality, language, origin and citizenship, and issued a warning to the company.²¹

Despite the option of appealing to the Ombudsperson, the template for filing a complaint on the Office's website currently exists only in

Lithuanian and English, which can be a challenge not only for those Belarusians who are not literate in these languages, but also for other residents of Lithuania (e.g., Ukrainians). A positive step would be to translate (into Belarusian/Russian/Ukrainian) at least the section of the website associated with filing complaints about discrimination.

In addition to the Office of the Equal Opportunities Ombudsperson, the State Labor Inspectorate also addresses employment discrimination issues in Lithuania.²² A person may file a complaint with this institution if the person has experienced discrimination on the part of the employer (including at the stage of candidate selection). These examples illustrate that Belarusians in Lithuania have ways to protect their rights not only in courts, but in specialized state institutions, too.

Social protection: education, healthcare

According to the results of our survey, in Belarusian migrant families with children of preschool or school age, the majority of children attend educational institutions in Lithuania. When asked whether Belarusian families faced negative attitudes in educational institutions (schools, kindergartens, lyceums) because of their origin, the majority of respondents answered that they did not. Positive answers to this question are within the statistical margin of error (2-4%).

Unfortunately, the survey plan did not provide for revealing the essence of the negative attitude towards Belarusians. It should be noted that some problems of preschool and school education (e.g., the lack of places in educational institutions) affect both foreigners and Lithuanian citizens. However, there are problems specific to Belarusian families. So, there were cases when kindergartens and schools refused to enroll Belarusian children who were in the country under the national Type D visa. Refusals were explained by the lack of the required legalization status despite the fact that the

19 A complaint can be submitted both in person and through a specialized form on the website of the Office of the Equal Opportunities Ombudsperson: <https://lygybe.lt/en/>

20 Mano Teises. "Telia Lietuva" darbo atrankoje diskriminavo baltarusiškų šaknų turinčią kandidatę. <https://manoteises.lt/straipsnis/telia-lietuva-darbo-atrankoje-diskriminavo-baltarusisku-saknu-turincia-kandidate/>

21 The decision (in Lithuanian) of the Office of the Equal Opportunities Ombudsperson: https://lygybe.lt/wp-content/uploads/2023/05/sprendimas_nr-22sn-103sp-67.pdf

22 The State Labour Inspectorate of the Republic of Lithuania: <https://www.vdi.lt/Forms/Rusu.aspx>

national Type D visa grants the right to reside in Lithuania during the entire visa validity period, and, among other things, to attend educational institutions. Usually, such cases are resolved on a case-by-case basis, but refusals can cause additional stress for both parents and children, who are perhaps the most vulnerable group among migrants, and they require special attention. Potentially, if residing in Lithuania under the national Type D visa is the only reason for not being admitted to an educational institution, the refusal could amount to a violation of the right to education. Therefore, it is necessary to develop a unified comprehensive approach to the admission of children to schools and preschool institutions, regardless of their legalization status. It would be advisable to familiarize the administrations of these institutions with the rules and regulations.

Another problem in preschools and schools is the bullying of children from Belarus because of their origin and/or the language they speak. The number of bullying cases increased after the Russia's full-scale war against Ukraine started: so, in 2022, the Office of the Equal Opportunities Ombudsperson received several requests from parents and teachers regarding the bullying of children from Belarus and Russia because of their language and nationality.²³ Such cases were not seen as serious or widespread enough to initiate a review procedure for violation of anti-discrimination legislation, but teachers and the administration of educational institutions shall respond to them in time to prevent the spread of such practices.²⁴

As for the healthcare situation, the majority of respondents (89%) noted that they had a valid health insurance in Lithuania. Most of those who sought emergency health care said that the care was good, and only 6% indicated that they felt disrespected by health workers because of their Belarusian origin. It should be emphasized that healthcare belongs to the services sector, in which, according to Lithuanian and European legislation, discrimination on the grounds of nationality is

prohibited. In cases of disrespectful treatment due to the patient's origin, the patient may complain to the administration of the healthcare institution; if the issue is not resolved, the patient may complain to the State Accreditation Service for Health Care Activities under the Ministry of Health,²⁵ as well as to the court.

The part of the survey focused on the problems of receiving social assistance by Belarusians identified that the majority of those who applied for social assistance for pregnant women, large families, people with disabilities, as well as assistance in getting pensions, received this assistance. It is interesting that about a fifth of the respondents stated that they did not intend to apply for social support. The reasons for reluctance to use social support are unknown to us, but this fact indirectly proves our previous assumption: Belarusians do not create an additional burden on the social assistance system in Lithuania in most cases.

As mentioned above, education, medical and social support often depend on the legalization status. Medical and social support is available to those Belarusians who reside in Lithuania under employment residence permits, as well as under humanitarian residence permits (subject to registration of individual activity) and under the international protection status (including those pending this status), because they either pay contributions to the State Social Insurance Fund Board under the Ministry of Social Security and Labour (SODRA) or enjoy relevant support from the Lithuanian state. At the same time, Belarusians residing in Lithuania under the national Type D visa or under a Humanitarian Residence Permit (without registration of their individual entrepreneurial activity or official employment) do not have access to free medical and social support. They are to pay for these services, which are quite costly, and the fee can become a significant burden on the budget of the migrant or his/her family.

23 The 2022 Annual Report of the Office of the Equal Opportunities Ombudsperson, p. 32: <https://lygybe.lt/wp-content/uploads/2023/07/2022-Annual-Report-of-the-Equal-Opportunities-Ombudsperson.pdf>

24 The website of the Office of the Equal Opportunities Ombudsperson of the Republic of Lithuania: <https://lygybe.lt/naujienos/ka-daryti-kad-vaikai-nesityciotu-is-rusakalbiu-bendraamziu/>

25 The website of the National Health Insurance Fund under the Ministry of Health of the Republic of Lithuania: <https://ligoniukasa.lrv.lt/en/>

Manifestations of discrimination against Belarusians

When answering the questions directly related to other discriminatory treatment of Belarusians, about a third (33%) of our respondents indicated that they felt (or they rather felt than did not feel) a different attitude to them than to local residents. At the same time, the absolute majority (86%) answered that they did not feel (or they rather did not feel) a negative attitude towards themselves compared to other migrants (Russians, Ukrainians, etc.). The majority (60%) answered “no” to the question of whether the respondents had encountered manifestations of discrimination personally. Overall, our data shows a positive trend; it turns out that the discrimination of Belarusians in Lithuania is not widespread.

Unfortunately, individual manifestations of discrimination and negative attitude towards Belarusians do exist. Thus, the respondents noted that they most often encountered refusal to rent housing (14%), online insults (11%), insults when communicating with strangers (11%), as well as employment refusals (7%), and refusals of banking services (6%). The number of those who faced the listed discriminatory manifestations is not shocking, but such cases still require attention to prevent a wider spread of discrimination against Belarusians.

The negative attitude towards Belarusians manifests itself primarily in the form of refusal to rent housing to them. It should be emphasized that equal access to services, including housing, is enshrined in Lithuanian legislation, while it is prohibited to discriminate people in the provision of services on the grounds of “gender, race, nationality, citizenship, language, origin, social status, faith, beliefs or views, age, sexual orientation, disability, ethnic origin or religious affiliation.”²⁶ Thus, landlords, who refuse to rent housing to Belarusians on the basis of nationality, violate

the Lithuanian law. In such cases, tenants may appeal to the competent authorities, including the Office of the Equal Opportunities Ombudsperson, as well as to the courts of general jurisdiction (if the landlords are state or municipal authorities, tenants may appeal to the administrative court). However, it should be noted that not in all cases of refusal to rent housing to Belarusians, a violation of the law can be identified; if the landlord manages to justify the refusal with objective factors, then the state authorities will most likely not recognize this as a discrimination case.

Verbal insults from strangers — in both online and offline personal communications — have become another big cluster of problems faced by Belarusians. Serious insults can be considered hate speech, reaching the qualifications of hate crimes. Thus, according to the Criminal Code of Lithuania, public ridicule, expression of contempt, calls to hatred, incitement to discriminate a person (or groups of persons) on the grounds of nationality, language or origin belong to the category of crimes.²⁷ In general, if offenses are related to discrimination against victims, this is an aggravating circumstance when such offenses are considered in court.²⁸

When faced with verbal or written insults on the grounds of nationality/language, Belarusians should file a complaint with the police for further investigation of the incident. We shall also note that the Working Group for Effective Response to Hate Crimes and Hate Speech has been established under the Ministry of Interior of Lithuania.²⁹ In 2019, the European Commission against Racism and Intolerance (ECRI) called the establishment of such a working group a positive step, but called for the implementation of a more comprehensive strategic cross-institutional approach to combat hate speech and hate crimes.³⁰ It is important to emphasize that the state should promote the protection of people’s rights in such cases, including by opening access to complete and clear information about ways to address similar cases.

26 Article 8.1 of Law IX-1826 of the Republic of Lithuania “On equal treatment” dated November 18, 2003 (Law XIII-2105, last amended on May 7, 2019): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/77e54a933db211eabd71c05e81f09716>

27 Article 170.2 of the Criminal Code of the Republic of Lithuania: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/28b18041843311e89188e16a6495e98c>

28 Article 60.1 (12) of the Criminal Code of the Republic of Lithuania; Article 36.1 (7) of the Code of Administrative Offenses of the Republic of Lithuania: <https://www.e-tar.lt/portal/lt/legalActEditions/4ebe66c0262311e5bf92d6af3f6a2e8b>

29 The website of the Ministry of the Interior of the Republic of Lithuania: <https://vrm.lrv.lt/lt/atsakas-i-neapykantos-nusikaltimus-ir-neapykanta-kurstancias-kalbas>

30 The website of the Council of Europe: <https://rm.coe.int/interim-follow-up-conclusions-on-lithuania-5th-monitoring-cycle/168094ce17>

Denial of banking services is also one of the important problems faced by Belarusians in Lithuania. Banks often refer to the anti-money laundering rules, as well as to the fact of introducing restrictive measures for Belarus's participation in Russia's war against Ukraine, in order to limit the access of Belarusians to banking services, because they consider Belarusian citizens to be a high-risk group. Excessive restrictions are discriminatory in nature, and if Belarusians face such restrictions in banks, they may file a complaint with the Office of the Equal Opportunities Ombudsperson or the State Consumer Rights Protection Authority (SCRPA).³¹

In general, it should be emphasized that there is a regulatory framework in Lithuania to ensure the equality of people without distinctions based on nationality, ethnicity, language, etc.; there are effective institutions to protect different populations from discrimination; the judicial system operates independently. In theory, all this provides Belarusians with equal access to various services, and also protects them from discrimination. In practice, Belarusians still face discrimination, and they cannot always protect their rights. The fact, among other things, is that they often do not have specific and clear information on what to do in cases where they become victims of discriminatory actions, how to apply to this or that institution, etc. The state authorities of Lithuania should pay attention to this and take steps to address this issue in cooperation with Belarusian and Lithuanian non-governmental organizations.



31 The website of the State Consumer Rights Protection Authority (SCRPA): <https://www.vvtat.lt/en/about-authority.html%20>

Recommendations

To the Government of Lithuania:

- Continue the practice of a tolerant and friendly policy towards Belarusians residing in your country, including communications with Belarusian specialized organizations and representative offices;
- Organize awareness raising campaigns to stop the spread of a negative image and fight against manifestations of discrimination against Belarusians in Lithuanian society;
- Develop a unified comprehensive approach to the admission of children to preschool and school institutions regardless of their legalization status; introduce this approach to the administrations of the said institutions and other responsible persons;
- Amend regulations as required to extend validity of Temporary Residence Permits on Humanitarian Grounds to three years; simplify the rules for issuing a travel document to those Belarusians who do not have a valid passport (or the passport validity period has expired, or the passport has run out of pages for printing visas);
- Enable Belarusians to study Lithuanian language at free courses;
- Organize an information campaign related to social and medical support and other opportunities for those who migrated to Lithuania;
- Develop (perhaps in cooperation with non-governmental organizations) a methodological manual on how to act in

cases of discrimination at the workplace, in educational institutions, specifying specific steps: which institutions and government bodies should be contacted for help;

- Develop a similar manual on what a person should do if the person has become a victim of hate speech and/or a hate crime, with the references to specific government bodies that can be addressed to ensure protection of one's rights;
- Revise access rules for medical and social services; exceptionally, grant access to these services to those who reside in Lithuania under National Visas and Temporary Residence Permits Issued on Humanitarian Grounds.

To the European Commission against Racism and Intolerance (ECRI):

- Monitor Lithuania's implementation of the previous recommendations to combat hate speech and hate crimes.

To the European Commission:

- Adopt recommendations for the member states of the European Union on issues of non-discrimination and legalization of Belarusians who opposed the Belarusian regime and were forced to migrate to EU countries; advise adopting amendments to national legislation that will ensure obtaining temporary residence permits for a longer period (up to three years), as well as introducing or simplifying the rules for issuing travel documents to substitute non-valid Belarusian passports.

Conclusions

Discrimination against Belarusians in Poland and Lithuania does not have the nature of state policy; on the contrary, many actions (both regulatory changes and statements of representatives of political elites) testify in favor of the friendly and tolerant policy of these two countries towards Belarusians who reside in these countries. However, there are some systemic manifestations of discrimination that greatly complicate integration of Belarusians into Polish and Lithuanian societies. In Poland, Belarusian citizens sometimes face difficulties when opening bank accounts or obtaining documents for their legal stay in the country. There are also cases of inequality in pay, refusal to rent housing due to the nationality or citizenship of potential tenants, which are typically faced by migrants.

In Lithuania, banks often perceive Belarusians as a potential threat; however, respondents do not mark this problem as a vital one at the moment. As in Poland,

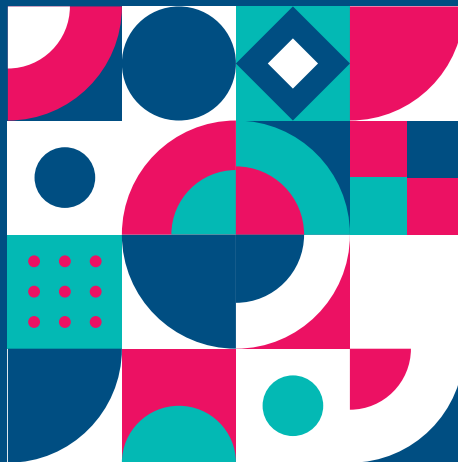
Belarusians have cases when they are denied to rent housing. In Lithuania, legalization is challenged by other procedural issues, but inequality cases also happen in the employment domain. The problems of intolerant attitude are less acute. However, the fact that a fifth of Belarusians have plans to change their country of residence is dictated, apparently, not only by economic or language challenges, but also by the course of the state to limit the rights of Belarusians under the guise of concern for national security.

The authors project that Poland and Lithuania will face certain challenges in the near future because the totalitarian regime in the Republic of Belarus deprived its citizens of the opportunity to obtain a Belarusian passport (and a number of other documents) outside Belarus. Belarusian citizens are expected to massively submit International Protection or Refugee Status applications. This requires the adoption of relevant decisions at the European Union as soon as possible.



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