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LIMITED BELARUSIAN MOBILITY TO THE EU: IS DISCRIMINATION REAL AND HOW CAN WE ADDRESS IT?

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SUMMARY

Attempts by the European Union to combat Belarus's current political regime have significant effects on Belarusian citizens rather than the regime itself. One such measure is the limitation of Belarusian mobility to the EU, which can be viewed as discrimination on a national scale. Although the names of individuals who work or have worked for Belarusian authorities, including the police, are readily available online, visa restrictions apply to all Belarusians.

- The main arguments behind the restrictions are that Belarusians pose a threat to national security and that the Belarusian regime is a co-aggressor in the Russian invasion of Ukraine.
- While it is difficult to negotiate with countries that impose such restrictions, the prospective solution is to reach out to the Council of Europe to once again emphasize the difference between the current Belarusian authorities and the people.
- To engage EU policymakers in the dialogue on Belarusian mobility restrictions, information campaigns and conferences are necessary. On the Belarusian side, the Coordination Council, recognized by the EU as the representative of Belarusian society, is viewed as one of the main actors that could drive change.

IDENTIFYING DISCRIMINATION

The demand for Schengen visas in Belarus is not met by the supply side. This is evidenced not only by long [queues](#) for visa [applications](#) and extended processing times, but also by the growing restrictions placed on visa recipients. At the same time, the validity period for most visas has been [reduced](#) to a few days.

The number of visas issued by Schengen states to Belarusians from 2020 to 2023 has decreased sixfold compared to the period from 2013 to 2019 (Figure 1). The total number of visas issued over the past four years – 469,000 – is even lower than the number issued in the pre-pandemic and pre-protest year of 2019, which was 643,000. Simultaneously, visa refusals were extremely rare before 2020; however, over the past three years, their rate has unexpectedly increased – from a stable 0.3% in the previous years to 3.4% in 2023). Belarus, which ranked 4th in the number of visas issued in 2013, fell to 17th in 2023, with Russia occupying the 5th place.

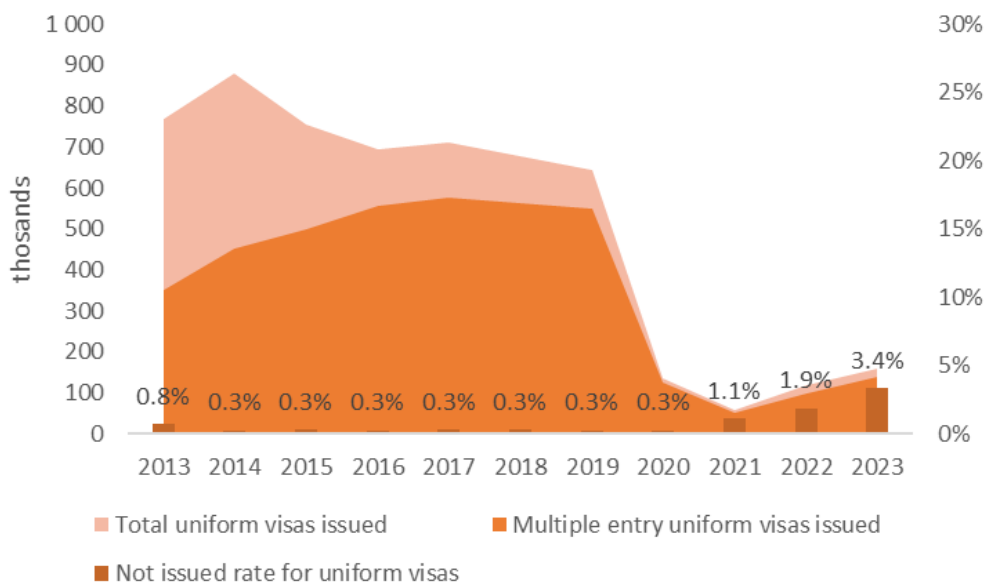


Figure 1. Visas issued in Belarus, 2013-2023

Source: European Commission

The political crisis caused by the fraudulent 2020 elections in Belarus, followed by Russia’s full-scale invasion of Ukraine with support from Lukashenka regime, forced many Belarusians to move and seek safety in the European Union. The number of asylum seekers from Belarus surged from 1,200 in 2013 to 11,800 in 2023, while the number of recognized refugees has more than tripled, increasing from 4,400 in 2013 to 15,100 in 2023. Nevertheless, the majority of Belarusian migrants obtained residence permits, which totalled 447,579 in 2023. Despite the growing demand for permits, the overall number of legal documents issued for entry or stay in the EU remains significantly lower than before 2020 (Figure 2).

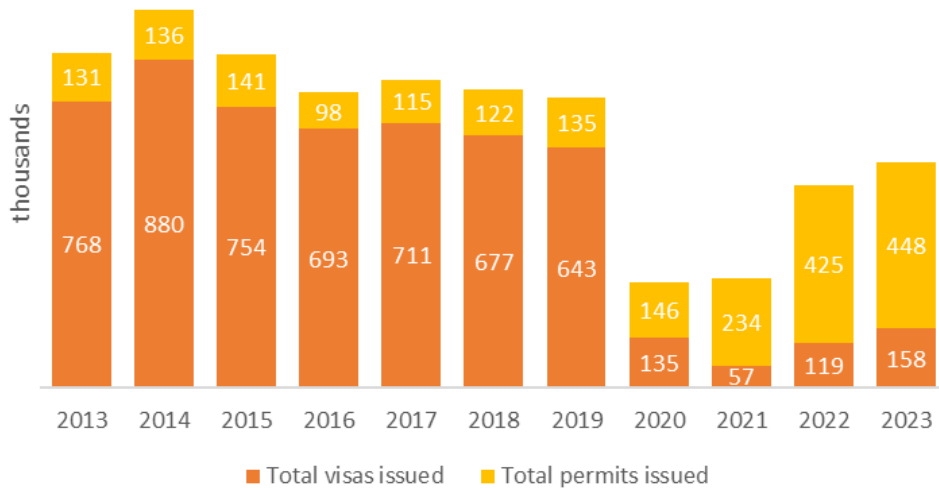


Figure 2. Total visas and residence permits issued to Belarusians, 2013-2023
 Source: European Commission and Eurostat

Alongside the decline in visa issuance, visa applications now incur additional fees due to the closure of European consulates and embassies in Belarus. This was followed by long queues at the border, sometimes lasting several days, due to the closure of customs checkpoints.

WHAT EUROPEAN LAW SAYS

European documents on human rights, such as the [Charter](#) of Fundamental Rights (CFR) of the European Union and the European [Convention](#) on Human Rights (ECHR), recognize freedom of movement as a fundamental principle. This includes the right of both citizens and non-citizens of European countries to move and reside freely within the territory of the EU. Furthermore, these rights must not be subject to unjustified restrictions.

[The Visa Code](#), established by the European Parliament in 2009, outlines regulations regarding multiple-entry visas, such as the obligation to issue such visas to individuals with a positive visa history and a maximum decision-making period of three months.

Additionally, the [Agreement between the European Union and the Republic of Belarus](#) simplified the visa application process for Belarusians, including broader access to multiple-entry visas, reduced decision-making periods, and lowered visa fees. However, in 2021, the Council of Europe partially suspended the agreement for Belarusian officials. Despite this, EU representatives reaffirmed their support for ordinary Belarusians, and **no new legal restrictions** on Schengen visa applications for Belarusians have been introduced since.

FACT-CHECKING THE ARGUMENTS BEHIND DISCRIMINATION

However, some European states have introduced legal acts restricting the issuance of visas to Belarusians, citing national security concerns:

- **Latvia:** The visa ban is justified as a measure to “strengthen national security.”
- **Lithuania:** Restrictions are linked to the concerns about Russian [espionage](#) and include attempts to [cancel](#) residence permits and deny refugee protection to some Belarusians.
- **Czech Republic:** The decision is described as “a series of measures in response to armed aggression.”
- **Estonia:** No explanation was provided.

These actions and legislations violate the principle of personal responsibility. Blanket visa bans targeting all citizens of a country can be considered a form of collective punishment. The [ECHR](#) (Articles 6 and 7) upholds the principle of individual responsibility, asserting that punishment should not be imposed on individuals for actions they have not committed. Visa bans, by assuming guilt by association, contravene this principle. Article 14 of the ECHR and Article 21 of the CFR prohibit discrimination based on nationality, a principle that is violated when visas are denied solely on the basis of citizenship.

Moreover, the Council of Europe [stated](#) that “member States continue to differentiate between the Lukashenka regime and the people of Belarus and avoid, insofar as possible, that sanctions against the former negatively affect the latter”.

Collective visa bans, however, limit educational, employment, and family reunification opportunities, impacting individuals regardless of their stance on national policies. Sanctions should target **state actions, not individuals** uninvolved in such actions. Visa bans based on nationality conflict with the EU and international human rights standards, which are focused on fairness, non-discrimination, and individual justice.

Before 2020, Poland and Lithuania were the main issuers of visas to Belarusians, accounting for an average of 72% of all visas issued. However, this structure changed significantly after 2020, with Germany and Italy taking on a larger share (Figure 3). Since Belarusians can use such visas to travel to allowed to visit any Schengen country, national security bans imposed by other Schengen members looks inconsistent. Furthermore, many Belarusians with Italian or German visas still can enter the EU through Lithuania or Poland.

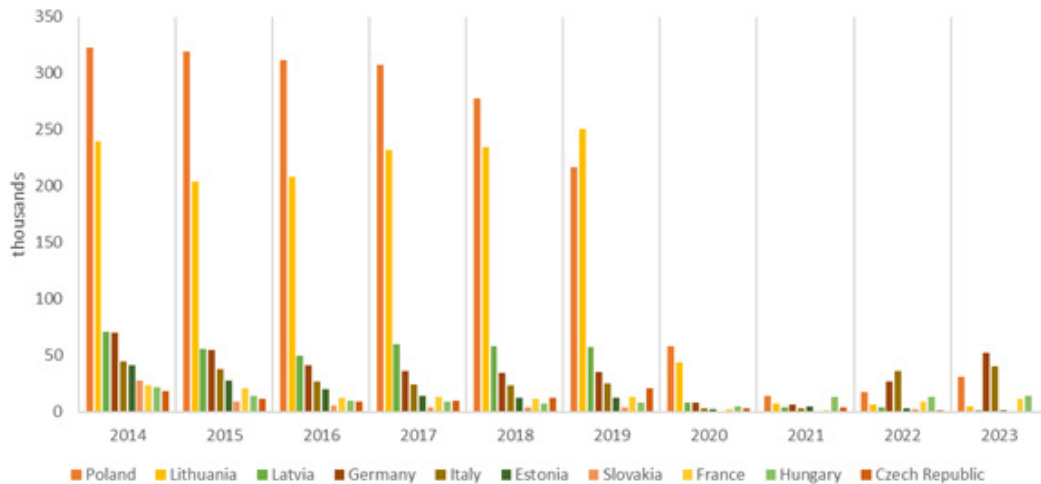


Figure 3. Visas issued in Belarus by country, 2014-2023
 Source: European Commission

HOW MOBILITY FROM AUTHORITARIAN STATES CAN DRIVE POLITICAL CHANGE

The Parliamentary Assembly of the Council of Europe (PACE) has [declared](#) its commitment to “supporting a democratic future for Belarus”. If the EU seeks to promote the democratisation of Belarus, it has to adhere to the evidence-based recommendations on democratisation, which do not include mobility bans.

Research [highlights](#) that migration from authoritarian states to democracies can contribute to the democratisation of authoritarian regimes. Open borders allow the citizens of authoritarian countries to observe alternative political systems, engage with democratic practices and values, and gain first-hand experience of how democratic societies function. This exposure helps dismantle the state-sponsored [narratives](#) that portray democracies as hostile or undesirable. [Research](#) shows that short-term travel experiences may have influenced pro-democracy value changes among Romanian students who travelled to the Western countries and the United States.

Iran serves as another example of an authoritarian regime. Iran imposes severe restrictions on civil liberties through the use of power structures, exerts significant influence on various military conflicts by supporting allied groups and terrorists, and provided Russia with [missiles](#) and [drones](#) for its war in Ukraine. Despite that, Iranian citizens [still have access](#) to Schengen visas. Between 2014 and 2023, over 100,000 were [issued](#) annually, with numbers increasing over time (Figure 4). The visas offer Iranians an opportunity to interact with democratic values and institutions.

Schengen Visa Applications, Approvals, and Rejections for Iranian Residents (2014 – 2023)

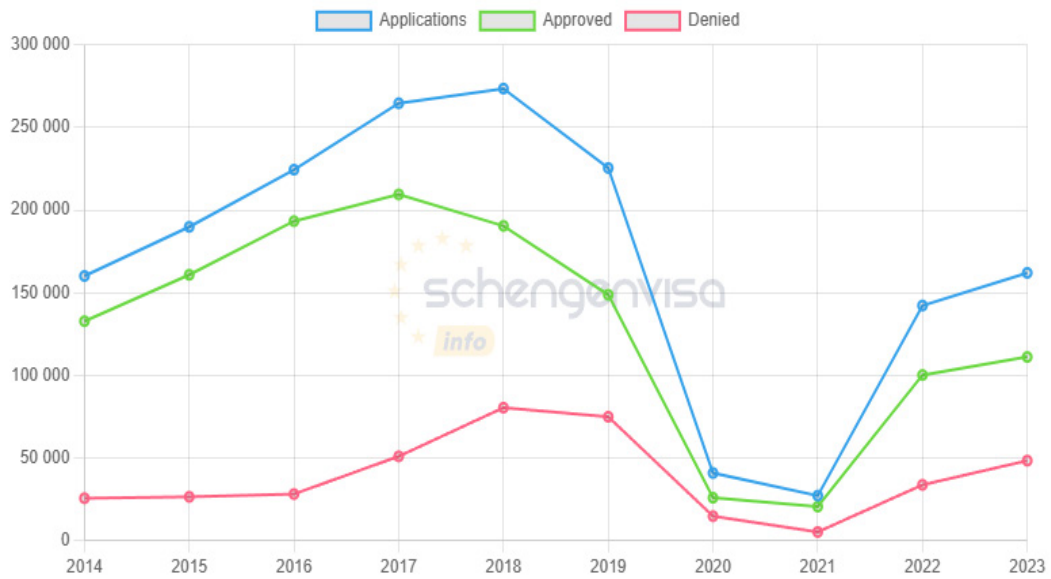


Figure 4. Visas Applications for Iran Residents, 2014-2023
 Source: SchengenVisalInfo

The right to freedom of movement, enshrined in [Article 13](#) of the Universal Declaration of Human Rights, highlights the importance of mobility in shaping democratic attitudes. This access [influences](#) individual perspectives and fosters political change as returning migrants share their experiences back home.

RECOMMENDATIONS

Many Belarusians are bracing for a new wave of [repressions](#) ahead of the upcoming 2025 presidential elections. At this moment, we believe that both European and Belarusian societies are calling for clear and direct actions to support innocent people.

Belarusians were among the main recipients of visas before 2020, supported by the 2019 Agreement simplifying the visa application process. Additionally, numerous statements from EU policymakers have emphasized the support for the Belarusian people and distinction between the regime and its citizens. Therefore, we assume that non-discriminatory adjustments to the EU migration policies could be done.

Although the current restrictions [do not push](#) Belarusians toward favouring Russia, the inability of Belarusians to enter the EU risks complicating efforts to align Belarus with the European track. To avoid future negative scenarios, we recommend that EU policymakers consider the following actions:

1. Specify the term “threat to national security,” ensuring that the responsibility of the government actions is placed on the Belarusian authorities rather than the population.
2. Clarify that the term “co-aggressor in the Russian invasion of Ukraine” refers specifically to the Belarusian authorities, not its citizens.
3. Reinstall access for Belarusians to multiple-entry visas at the levels previously granted before 2020.

To achieve these changes, we propose to undertake the following actions:

1. Organize conferences to raise awareness of the positive effects of human mobility from autocracies to democracies; explaining the growing role of Russia in the Belarusian context under conditions of the restricted EU mobility; and discussing the long-term consequences of the current migration policy. Participants could include European policymakers, European and Belarusian human rights defenders, migration experts, and political scientists who have demonstrated the link between mobility and democratization.
2. Launch an advocacy campaign targeting European policymakers. It can include publishing articles in reputable media (such as *The Guardian*, *The Economist*, and *Politico*), advocating for the simplification of visa policies for Belarusians.
3. Support both European and national migration authorities in developing mechanisms to prevent the entry of individuals associated with pro-Russian and pro-Belarusian government structures. This could be achieved by using databases from Cyber [partisans](#) or [BelPol](#), which are interested in preventing Belarusian KGB agents from infiltrating the European Union.

On the Belarusian side, the Coordination Council (CC), [recognized by the EU](#) as the representative body of Belarusian society, is capable of initiating the dialogue. The CC has direct contacts with Belarusians both within the country and in the EU, enabling to show how visa barriers undermine Belarusians' connections with the EU and deepen their isolation. With the help of the CC, policy ideas can reach the EU migration policymakers – such as the Council of Ministers or Council of Europe – more effectively than through direct appeals. Moreover, these actions would benefit the CC itself by strengthening its credibility among Belarusians.

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