



CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION

Co-financed by the European Union

Readmission, Return and Reintegration: Belarus

Larissa Titarenko

CARIM-East Explanatory Note 13/07

Socio-Political Module

February, 2013



© 2013. All rights reserved.
No part of this paper may be distributed, quoted
or reproduced in any form without permission from
the CARIM East Project.



Introduction

The goal of this note is to shed light on some aspects of migration processes in Belarus, including the state policy in this sphere, through the lens of policies on readmission and return.

First of all, it is necessary to explain the meanings of the main categories that are used further in this text as they slightly differ from the generally accepted definitions. Currently, as O. Bakhur observes, “questions of readmission are poorly developed at the legal level because of complexities of conclusion of bilateral international agreements” (Bakhur 2011: 6). Therefore, it is only possible to discuss the meaning of the process of readmission with regard to practice of those Belarusian agencies that are involved in the border protection from illegal migrants. In this context, readmission practically means the acceptance of a person from abroad in circumstances when this person has no legal status for continued presence in a foreign country. Generally speaking, readmission refers to three categories of persons: citizens of Belarus, citizens of third countries, and stateless persons (as long as they entered a foreign country via the Belarusian border). With regard to modern day Belarus, such practice only reflects the reality for the citizens of Belarus. Only these persons can return to Belarus, whether such return is voluntary or forced (i.e. on the basis of an EU administrative or judicial act). So, the term “readmission” in this text primarily refers to Belarusians, who return to Belarus from the EU countries, and not on the basis of EU acts, or readmission agreements, but on the basis of their Belarusian citizenship.

Return migration denotes the movement of people returning to the country of origin or habitual residence after staying abroad for a short period of time or several years. The definition here differs slightly from the general approach (Perruchoud & Redpath-Cross 2011: 85), according to which only people who have spent at least one year in another country will be considered as return migrants. There are no differentiated statistics in Belarus dealing with the number of days, months and years the return migrants have spent abroad. Therefore, ‘return migration’ refers to citizens of Belarus who have returned home, or to third country nationals who are leaving Belarus voluntarily, or are being removed from Belarus on the basis of Belarusian legislation.

The focus of this note is on irregular migrants, i.e. those persons who have either left Belarus without having a proper legal status (clandestine migration) or have lost this status after staying abroad for a longer period than authorized, or who have subsequently taken up unauthorized employment while being abroad. Therefore, for the purposes of this note, irregular migrants are those citizens of Belarus who have tried to enter or have entered another (host or transit) country and (a) have been captured by Belarusian border guards before crossing the border, or (b) have been returned to Belarus from the destination country by foreign police forces. As for third country nationals who try to cross the Belarusian border without legal documents, their actions are considered as violations of Belarusian legislation. Such migrants can be stopped at the border by Belarusian border guards or other services. If they are detained at the border by the Belarusian border control agencies, they will later be “returned back” from Belarus. In most cases, if they have arrived from Russia, they will be deported to the Russian state border and released, or handed over to the Russian police in the nearest Russian settlement. (This will be a case of “forced return”). If returned individuals are Russian citizens, they will be immediately released – as long as they have not broken the Belarusian legislation whilst staying in Belarus.

As stated in the literature, “there is no clear or universally accepted definition of irregular migration” (Perruchoud & Redpath-Cross 2011: 54). The approach in this note reflects the needs and the position of Belarus. From this perspective, the criteria for irregular migration include: either lack of a valid passport (or another travel document), or the violation of the administrative rules of Belarus for leaving the country (even in the case when these requirements can be viewed differently by the EU). This approach may differ significantly from the perspective of the receiving country whose primary concern would be

whether a migrant meets the legal regulations for entry, stay or work in the country of transit or destination. The interests of sending and receiving states may not always coincide.

Migration Policy Regulation in Belarus

The Republic of Belarus is a specific case within the CARIM-East project with regard to its readmission policy. There are no agreements on readmission signed by Belarus either with the EU, or with any other country. All of the issues related to the policies of return of irregular migrants to Belarus are regulated by the existing Belarusian legislation on migration.

Belarusian migration policies are elaborated by state institutions and are mainly implemented by the Citizenship and Migration Department of the Ministry of Internal Affairs (MIA) of the Republic of Belarus. According to the declared policy goals of this Department, it is the major state body responsible for elaborating migration policy, implementing it, defending the state's interests in labor relations, preventing the country from the development of criminal activity related to migration, and regulating the employment of migrants in Belarus. The Department is subordinated in its activities to the upper level of authorities, represented on the highest level by the President of the Republic of Belarus and the Council of Ministers. Any important decision related to migration policy must be first approved by the highest level of power in Belarus. Thus, on December 31, 2010, the Council of Ministers issued an Act that approved the regulation on return of foreigners and stateless persons to the neighboring states in case they broke Belarusian laws or border-crossing regulations. Deportations and dispatches are made on the basis of this Act. According to MIA statistics, in 2012 alone, 1,036 foreigners were deported and 1,150 were dispatched from Belarus (in total, 24 persons more than in 2011). Some of them received entry bans for the future. All returnees were third country nationals. They were “returned” to the state border with Russia or Ukraine, depending on the point of entry. Statistics are not available on further details.

Another body involved in the migration policy implementation is the State Border Committee. In Belarus, the Ministry of Labor and Social Protection is much less involved in the regulation of migrants' employment than the Ministry of Internal Affairs or other state bodies.

Readmission Agreements

As has been already mentioned, Belarus has signed no agreements on readmission. Consequently, no special programs on return and reintegration on the basis of readmission agreements have been implemented.

This situation indicates that until recently, the policy interests of the EU and the Republic of Belarus were divergent. Their only shared goal was the ‘soft security’ cooperation. Some other policy interests declared by the EU, such as human rights, were not officially followed by Belarus, being at the same time “an EU political precondition” for further negotiations. A few years ago, the EU did not have negotiations on readmission with Belarus. In November 2010, a Finnish politician Heidi Hautala stated in her evaluation of the EU's readmission policy with regard to Belarus: “Due to the human rights situation I wouldn't support a readmission agreement with Belarus” (Hautala 2010). However, as a Russian expert on migration Oleg Korneev argues (Korneev 2012: 612), “it is important to distinguish between declared and actual policy goals of the partners.” In February 2011, the EU made a decision to open negotiations on agreements to facilitate the procedures regarding issuing of short-stay visas and on readmission between the European Union and Belarus (Melyantsou 2012: 1).

The official reaction of the Belarusian authorities was twofold, as the EU proposal combined two issues. On the one hand, as the press-secretary of the Ministry of Foreign Affairs Andrey Savinyh said to the BelaPAN media agency, the facilitation of visa regime “is still a priority” for the Belarusian state. On the other hand, he added, since the EU combined this issue with the preparation

of the readmission agreement, “this condition significantly complicates the decision” (BelaPAN 2011). In other words, the Belarusian authorities were ready to discuss the visa regime simplification separately from the readmission agreement. As a result, readmission policies of those third-country nationals who transited through Belarus to the EU remain uncertain. At present, they are not taken back to Belarus (no “return”).

Various comments have been made on this issue. As Leszek Sherepka, then the Ambassador of Poland to Belarus, explained at a press conference in Minsk, a Belarusian official had confidentially mentioned to him that the readmission agreement “was not a priority” for the Republic of Belarus (BelaPAN 2011). Another Belarusian official (also confidentially) mentioned that this was a “totally political issue” that depended on Russia. This remark makes sense, since Belarus and Russia are in a Union where migration policies are commonly formulated.

The reasons for the current position of Belarus on readmission are numerous and lie in the political and economic spheres. Firstly, Belarus is a transit country, so, potentially, many irregular migrants going to the EU through Belarus are third country nationals. In case of signing the readmission agreement with the EU, the Republic of Belarus would acquire the responsibility to re-admit all these irregular migrants from the EU. It will be necessary to provide these migrants with temporary camps, support them legally, provide them with travel documents, and so on, at the expense of the Belarusian budget. Currently, there are no such camps in Belarus, only points for asylum seekers. Establishing the camps (or centers) for readmitted migrants, as well as further improving the border infrastructure would require extra resources. President Lukashenko has repeatedly reiterated that the EU is not willing to pay Belarus for protecting the EU borders, while such protection is in the interest of both sides. In his Reuters interview (Interfax 2012) President Lukashenko said that 120,000 third country nationals who had attempted to enter the EU, were stopped in Belarus, while Belarus was not paid for this “service”. In 2012, in the Brest border district alone, according to the border guards’ report, 134 citizens of third countries (mainly from Asia and Africa) were detained for attempting to cross the EU border illegally (Government of the Republic of Belarus 2012). In such cases, Belarus takes responsibility for these persons as they are captured on the territory of Belarus.

Secondly, as Belarus does not have readmission agreements with the countries of origin of potential migrants, there is no legal basis for returning the third country citizens (if they are returned to Belarus as a country of transit) to their home countries. Therefore, Belarusian authorities do not want to take responsibility for all irregular migrants who might be seized in the EU. According to them, the maintenance of the migration regime in Belarus is a burden for the state budget. Media press service of the Belarusian State Border Committee stated that the state spends 4,5 euro on protection of one meter of state border with the EU, while the EU spends 25 cents. Annually, Belarus receives for these purposes 7 million dollars from the EU as a form of international technical help, while the state spends 125 million dollars on border protection annually (Korovenkova 2012). Additionally, Belarus spends part of its state budget on the monitoring of migrants and the maintenance of regulations inside Belarus. According to the Belarusian State Border Committee, in 2012 alone, 15,000 foreigners were involved in infringement of migration legislation and an additional 6,400 were guilty of offences at the border territory (Korovenkova 2012). Many were detained and deported from Belarus at the expense of the state.

Thirdly, although the simplification of visa regime that the EU wants to discuss together with the readmission issue is among the declared priorities of the Belarusian authorities, some direct consequences of visa simplification may be against the state economic interests. As some observers notice (Visavsem 2011), if the costs of the EU visa for the Belarusians decrease, then the costs of a Belarusian visa for the EU citizens must also decrease. As a consequence, the state budget will lose money. Also, given the income difference between Belarus and the EU, many Belarusians would consider the possibility of leaving the country and finding employment abroad, if visas were not an issue. Therefore, for the state, the visa regime simplification and readmission agreement may bring certain negative consequences: the country may lose part of its population, while the state budget may lose money currently accrued from visas.

Considering that ‘multivectoral cooperation’¹ with the Russian Federation is proclaimed as one of the main principals of national foreign policy, it is not impossible that Russia played a role in the uncertain state of affairs with regard to readmission agreements in Belarus. No official information on the preparation of the readmission agreement between Russia and Belarus was available until 2012. In late 2012, after Russia had signed the readmission agreement with Ukraine and encouraged the “visa-free talks” with the EU, the information appeared in the media that the preparation of the readmission agreement between Belarus and Russia had started. Along these lines, in late November 2012, Aleksei Begoun, the head of the Citizenship and Migration Department, told the BelTA reporters that negotiations on the readmission agreement with Russia are almost complete: “We have almost completed the process of negotiations on the readmission agreement with Russia. Belarus will also continue negotiating with other countries. As a result, we will get an effective mechanism countering illegal migration with other countries” (BelTA 2012). On the basis of this news, one may assume that the agreement can be signed in 2013. After it becomes a reality, the Republic of Belarus may start the negotiations with the EU on a similar agreement. However, there is no official information in this regard.

Additionally to the news on the preparation of readmission agreement between Russia and Belarus, it was announced that the readmission agreement between Belarus and Turkey is almost ready to be signed (BelTA 2012). This is also important, taking into account that Russia has an agreement with Turkey that ensures that all irregular migrants who crossed the border from Turkey can be sent back.

To summarize: although there are no readmission agreements and therefore no special return and reintegration programs for those irregular migrants who are returned from the EU, other CARIM-East states or the third countries, there is some progress in the preparation of the readmission agreements with Russia and some other states, though not yet with the EU member states.

Policies with regard to accepting / returning irregular migrants

According to a private interview with an official from the Ministry of Internal Affairs on 27.11.2012, the current practice between Belarus and the EU countries is the following: the Belarusian migration service re-accepts the irregular migrants if they are citizens of Belarus. In such cases this procedure is regulated by the existing rules or legislation of Belarus. They are provided with reintegration and rehabilitation programs only if they are trafficking victims.

If migrants are citizens of other countries, the approach depends on the circumstance, namely, where exactly the persons were detained – on the Belarusian border or on the territory of the EU member state. Only in the first case does Belarus take back the citizens of third countries. Meanwhile, the majority of irregular migrants crossing the Belarusian-EU borders are not citizens of Belarus. For example, according to the Lithuanian border guard service statistics, in 2012, 426 out of 445 detained infringers of the Lithuanian-Belarusian border were non-Belarusian citizens: 269 of them were Georgians, 85 Vietnamese, 54 Afghans, 36 Russians, and 11 Lebanese (Government of the Lithuanian Republic 2013). In addition, 1,546 persons, who tried to cross the border officially from Belarus, were not allowed to enter the Lithuanian Republic, amongst them 1,065 citizens of Belarus and 790 citizens of Russia (in most cases, they did not have a proper visa). Belarusians were not detained in Belarus as they had not broken the Belarusian legislation but were merely stopped at the border and turned back.

In case of Russian citizens, it is not an issue of acceptance by the Belarusian service: if they are detained as irregular migrants in the EU, the citizens of Russian are returning back to Russia within the framework of the readmission agreement between Russia and the EU.

There are cases of abuse of the facilities of voluntary return programs in the EU by some citizens of Belarus. As Euroradio reported, in 2012, the Netherlands and Norway announced that they had

¹ *The Main Principals of National Foreign Policy*. Official internet-portal of the President of the Republic of Belarus. Available <http://www.president.gov.by/press23865.html>, accessed 13.02.2013.

stopped paying money to Belarusians who had applied for asylum status and were rejected because they abused the legislation: many of them returned home as soon as they received money, without inquiring about the official decision on their status (Euroradio 2012). It means that some Belarusians formally seek asylum while really seeking easy money, as they cannot earn such an amount (2000-3000 euro) in Belarus so quickly.

Currently, special policies of acceptance (return) of irregular migrants to Belarus need to be yet elaborated, particularly for cases when the EU deports citizens of Belarus. There is no agreement (or practice) of information on the part of the Belarusian migration service regarding this matter, and therefore there are no available statistics in Belarus.

References

- Bakhur, O. (2011). The Development of Legislation of the Republic of Belarus Regulating Social Relations in the Field of Migration and Asylum since 1991. Analytical review. Methodological Seminar of the Project. [Развитие законодательства Республики Беларусь, регулирующего общественные отношения в сфере миграции населения, а также предоставления убежища с 1991 года. Аналитический обзор. Методологический семинар проекта]. Warsaw, October 27-28, 2011. Available <http://www.carim-east.eu/publications>.
- BelaPAN (2011) (Belarusian News Agency). *Minsk is offered to start negotiations on the simplification of visa regime with Lithuania* [Минску предлагают начать переговоры об упрощении визового режима с Литвой]. Available http://naviny.by/rubrics/politic/2011/12/22/ic_news_112_383374. Access date 15.12.2012.
- BelTA (2012) (Belarusian Telegraph Agency). *Negotiations on the Readmission Agreement with Russia are Almost Completed* [Переговоры о реадмиссии с Россией практически завершены]. Available http://www.belta.by/ru/all_news/society/Peregovory-o-readmissii-s-Rossiej-prakticheski-zaversheny_i_616162.html. Access date 22.11.2012.
- Euroradio (2012). *Holland and Norway have stopped offering financial support to the Belarusian pseudo-refugees* [Галандыя і Нарвегія спынілі фінансавую падтрымку беларускім псеўдаўцекачам]. Available <http://euroradio.fm/report/galandyua-i-narvegiya-spynilifinansavuyu-padtrymku-belaruskim-pseudauekacham-125232>. Access date 07.12.2012.
- Government (2013). *The Main Principals of National Foreign Policy. Official internet-portal of the President of the Republic of Belarus*. Available <http://www.president.gov.by/press23865.html>. Access date 13.02.2013.
- News Site NAVINY.BY (2013). *Lithuanians counted the inaccuracies of the Belarusian border guards* [Литовцы подсчитали промахи белорусских пограничников]. Available http://naviny.by/rubrics/abroad/2013/01/05/ic_articles_118_180426. Access date 05.1.2013)
- Government of the Republic of Belarus (2012). TV criminal news program «Zona X», channel “Belarus 1” (www.tvr.by, 13.11.2012)
- Hautala, H. (2010). *Need for an evaluation of EU readmission policy*. Available <http://www.heidihautala.fi/2010/11/need-for-an-evaluation-of-eu-readmission-policy>. Access date 13.11.2010.
- Interfax (2012) (International Information Group). *Lukashenko: there will never be a revolution in Belarus* [Лукашенко: революции в Беларуси никогда не будет]. Available <http://www.interfax.by/news/belarus/121022>. Access date 12.10.2012.
- Korneev, O. (2012). “Deeper and Wider than a Common Space: European Union–Russia Cooperation on Migration Management” // *European Foreign Affairs Review*, 17, 4: 605-624.
- Korovenkova, T. (2012) *Europe Needs a Belarusian Shield, not a Belarusian Baton* [Европе нужен белорусский щит, но не нужна белорусская дубинка]. Available http://naviny.by/rubrics/eu/2012/12/17/ic_articles_627_180236. Access date 27.12.2012.
- Melyantsou, D. (2012) *Belarus Country Report*. Available http://novisa.eu/wp-content/uploads/2012/03/Country-Report_belarus_eng.pdf. Access date 15.12.2012.
- Perruchoud, R., Redpath-Cross, J., eds. (2011) *Glossary on Migration*. 2nd ed. International Organization for Migration, #25.

Visavsem (2011) (Center of visa support). *Could Schengen visa cost 35 euro instead of 60? Why not to lower the price?* [Шенгенская виза могла бы стоить 35 Евро вместо 60 Евро? Почему не опускают стоимость?]. Available http://vizavsem.by/novosti/viza_shengen_35_euro.html. Access date 16.1.2013.