

FIGHTING OR ENCOURAGING, BUT NOT IGNORING – DIFFERENT ATTITUDES TOWARDS MIGRATION

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Abstract. Current discourse on the tendencies of the migration very often excludes migrants from the normal fabric of society, not just as aliens, but as aliens who represent risk to national security. It frames the key question about the future of the political community as one of a choice for or against migration. It sometimes reproduces the political myth that a homogenous national community or western civilization existed in the past and can be re-established today through the exclusion of migrants who are identified as cultural aliens (Huysmans 2000, 758). This article examines the roots and the reasons of such discourse while examining some recent broadly discussed cases of the migration.

Keywords: Human migration, refugee, war in Ukraine, Syria.

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Introduction

After the Second World War overturned the international order and caused millions of migrants inside the Old Continent, a status of refugee within the international conventions has been established. The Convention Relating to the Status of Refugees signed in Geneva in 1951 has been initially designed for the refugees of war, but later geographical limitations were removed. After many decades the Convention still stands, but the time has passed since then and the nature of human migration has changed a lot. It became highly complex, not only social but also economic, political, military issue that affects humans, states and regions.

Migrants and migration may impact political processes in the country or even inter-state relations. The host societies sometimes try to isolate the newcomers at least in the first stage, which may cause different type of crises: social unrest and partition in the society that leads to the governmental crisis or rise of the sense of unity in the recipient country. If migrants are being manipulated and misused as an instrument on the neighbouring country, the response can even cause international tensions. On the other hand, migration may be seen as a positive phenomenon as well: not as destroying societies, but as a factor for positive transformations and economic development happening in any society.

Two major crises that happened in Europe in the 21st century are related to the civil war in Syria and Russian invasion to Ukraine. The scale of the migration flow following the Syrian Civil War was reasonably lesser, but reached 1.5 million of refugees and caused migration crisis in 2015. In comparison with 2015, migration influx of 2022 from Ukraine notably surpassed the first mentioned crisis with the largest number of refugees fleeing the country within 6 months. In Ukraine from the beginning of the armed conflict a total number of 7.5 million Ukrainian refugees have been registered outside of Ukraine as of end of September 2022.

The aim of this article is to define the migration and related terms from the legal, social and political perspectives – the most important definitions are provided and discussed in the first part of this work. Another goal of the analysis is to examine, whether classical formulation of migration as the one, which weakens national tradition and societal homogeneity is still correct. Methodology of this article is based on the recent migration policies and attitudes comparison therefore practical examples from recipient states like from Hungary, Poland and Lithuania will be used: based on official data, legislation, and amendments of immigration laws also taking into account official reports,

statistics and interviews, this article is an attempt to explain the differences between EU member states' and go deeper into the causes of these differences. In other words, this article is an attempt to confirm or neglect Jef Huysmans' insight that migration represents an internal and external danger for the western civilization.

Definitions, distinctions and related problems

Following the Convention, a **refugee** is someone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” Accordingly, the definition of **migrant** usually involves any person who changes his or her country of usual residence not for business nor tourism. In this regard a person who moves into a country generally is defined as an “**emigrant**” from the perspective of the country of departure and an “**immigrant**” from the perspective of the country of arrival.

The immigrants can become “**irregular**” if they enter a country without documentation that acts as proof of identity or their right to enter the country. If a documented migrant overstays after the expiring of the document or does not obey the removal order for repatriation could become irregular as well. **Country of origin** in this context means a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad. **Country of destination** is the one, which is the destination for a migrating person or a group of persons, irrespective of whether they migrate regularly or irregularly.

In the context of the EU *acquis* the term “**migration**” is mainly used in relation to the immigration of third-country nationals. Here migrants are sometimes divided by societies and law into “desired” and “undesired” since “there is not only one migrant, but many” (Nail 2015, p. 15). According to Kmak, migration law differentiates unofficially three groups of migrants:

- “the Good” – EU citizens and highly qualified third-country nationals desired by the Global North;
- “the Bad” – other migrants working in member states, with EU legislation focused not on securing their rights, but on preventing their entry and effectiveness of their removal;

- “the Ugly” – encompassing asylum seekers or undocumented migrants, i.e., a thoroughly unwelcome group of visitors, lumped together under one label, shunned by EU countries, which try to deter them by, among others, building physical obstacles at borders and introducing controls on their territory. (Klaus 2017, 87–91)

Definition and understanding of the migration are very closely related to the definition of the boundary and border. So, the **boundary** is defined as an imaginary line that determines the territorial limits of a State. The **border**, specifically, is the separating territory between politically defined boundaries. Since the border is not only a limit of a country, but also a connection point with the neighbours, it consists of crossing points, transit zones, and “no-man’s land”. The political power realizes itself as sovereignty in that portion of the territory of any country which lies close along the borderline of another country, called **frontier**, more than in other parts. The frontier of the modern states, similar to Roman *limes*, is the subject of the different dimensions of military and civil power.

The priority of protecting the border from the influx of “unwanted” migrants by means of various measures became a priority for many national states. Conceived as an issue of sovereignty, migration therefore now is controlled by the states and perceived as a matter of national security. On the other hand, the modern states manage the migration flows following the **principle of non-refoulement** and the concept of **border management** which contains detection, rescue, interception, screening, interviewing, identification, reception, referral, detention, removal and return procedure.

At this point it must be stressed, that one of the most distinctive differences between definition of “**migrants**” and “**refugees**” is the fact that the latter is defined and protected under the international law: States are obliged to comply with norms of refugee protection and asylum that are defined in both national legislation and international law. In other words, the status of being refugee must be legally accepted by a State: following the 1951 Convention the person, who fled the country and arrived to the new State, should be recognized as a “refugee” if certain conditions are fulfilled. That is, “the State has to protect the person against refoulement, permit the person to remain on the territory and provide access to humane standards of treatment and to a durable solution.”³ However, strategies and policies of some countries still identify the momentum of arrival of migrants, particularly “irregular migrants”, as a threat to their national security and refuse them the status of “refugee”.

3 *United Nations High Commissioner for Refugees*, <https://help.unhcr.org/faq/how-can-we-help-you/asylum-and-refugee-status/>

Another source of problem is that the refugees, to pass across borders in order to apply to the asylum procedures, turn to the **smugglers**. The migrant smuggling consists in assisting migrants to enter or stay in a country illegally, for financial or material gain. Smugglers make a profitable business out of migrants' need and/or desire to enter a country and the lack of legal documents to do so. International law requires governments to criminalize migrant smuggling, but not those who are smuggled. Since migrants give their consent to the smuggling venture, mostly due to the lack of regular ways to migrate, they are not considered victims in absolute terms. However, **smuggled migrants** are often put in dangerous situations by smugglers (such as hazardous sea crossings) and might therefore become victims of other crimes during the smuggling process, including severe human rights violations. ("Human Trafficking and Migrant Smuggling", n.d.)

Attitude towards migration: cases inside the EU

The *1951 Refugee Convention* and its *1967 Protocol* are the two fundamental documents that obliges and regulates the policies of the States regarding "refugees" and migrants in general requiring the application of the principles of non-refoulement, non-discrimination and non-penalisation. Additionally, Protocol against the Smuggling of Migrants by Land, Sea, and Air, Supplementing the United Nations Convention against Transnational Organized Crime is aimed "to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants."⁴

Nevertheless, since the 1980s, immigration has been increasingly politicized in the EU countries. In some cases migrants are linked to criminals or "identified as being one of the main factors weakening national tradition and societal homogeneity"⁵. Politicians don't mind putting additional pressure on the issue provoking the sentiments of people and further feeding the discrimination. The result is increased security and control measures that may lead to the dismissal of the humanitarian aspect of exile. This way refugees are becoming a security issue rather than a human-rights issue.

On the other hand, people may accept refugees, even culturally different ones. Governments in this case shift from closed-door policies to the open

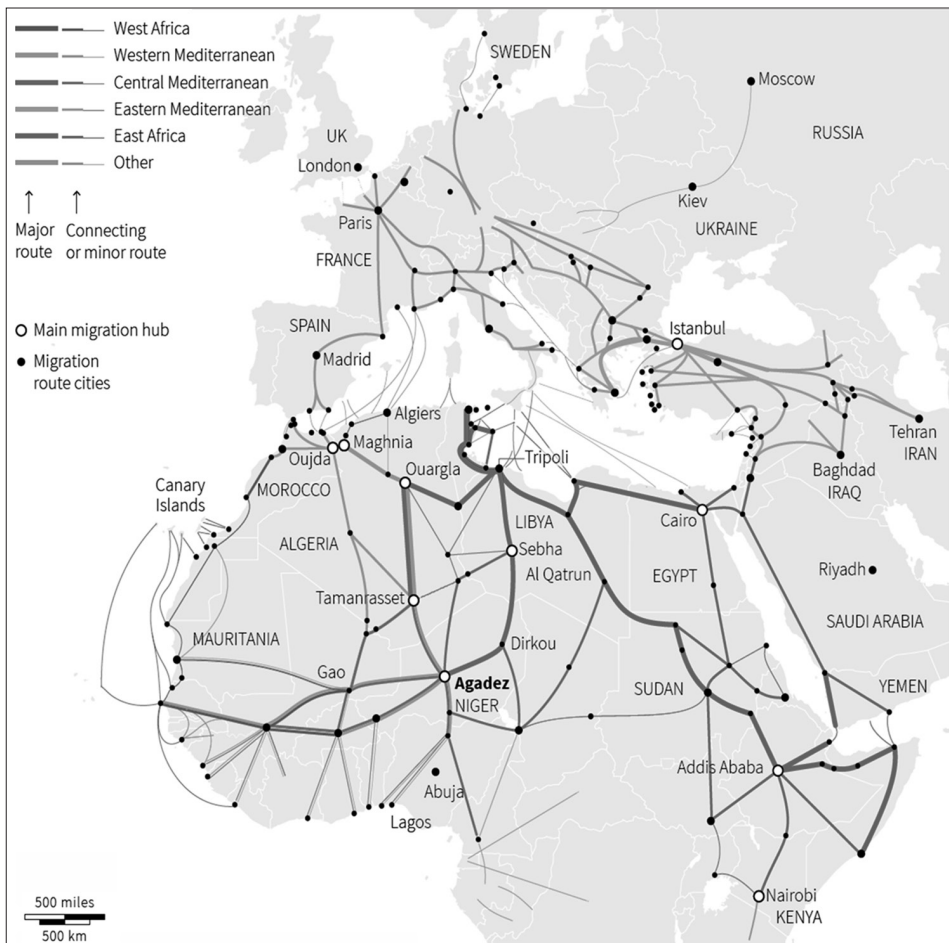
4 The original document of the *Protocol against the Smuggling of Migrants by Land, Sea, and Air, Supplementing the United Nations Convention against Transnational Organized Crimes* <https://www.refworld.org/docid/479dee062.html>

5 J. Huysmans, op. cit., p. 758.

door policies under certain circumstances. Further we will analyse, how some selected countries respond to the migration phenomenon in comparison between the Migration Crisis of 2015 and the one of 2022 as a “new phase” of migration.

Hungary – from push-backs to solidarity

One of the large-scale flows of migrants and refugees after World War II took place in 2015 following the Syrian War, where millions of refugees were forced to flee the country mainly to neighbouring Turkey, and Lebanon, targeting the EU, especially Germany by using dangerous routes such as crossing the Mediterranean Sea. (See the map 1)



Map 1. Source: European Commission; International Centre for Migration Policy Development (Map data); International Organization for Migration; Eurostat; UNHCR – Credit: Reuters

An overwhelming majority of the migrants reached the EU by sea, from Turkey to Greece, where most of them applied for asylum. Despite developing migration laws, the EU was completely unprepared for this migrant crisis. Countries that accepted several million refugees were left to handle the situation practically without any real support on the part of the international community.

Hungary has been the first EU member state which migrants entered on their way to the West. The so called “Balkan route” has been used already before for migration, although on a smaller scale: between 2003 and 2012, the number of applications for asylum ranged between 1,600 and 4,600 annually, though usually not exceeding 3,000. The shift began in 2013, which saw 18,900 applications, with 42,700 applications the following year and a record 177,100 applications in 2015 (the actual number of migrants passing through Hungary was most likely at least twice as high since only some of them submitted the applications for asylum officially).⁶

Before 2015 Hungary has been considered as the one, who made considerable efforts to be in line with the standards set by the United Nations (UN) regarding refugees and asylum seekers, including the ratification of the 1951 Convention relating to the Status of Refugees (United Nations High Commissioner for Refugees [UNHRC], 2012)⁷. In 2007, Hungary adopted the Law on Asylum which implemented an asylum policy that also incorporated the asylum policies of the EU (Hungarian Helsinki Committee, 2008). While Hungary did implement the Law on Asylum, its approach to adopting the 1951 Convention in 1989 was less satisfactory (Law-decree 15/1989).

With the gradual increase of the number of asylum seekers, Hungarian authorities modified some migration laws, introducing a list of safe countries of origin and safe third countries of transit, with Serbia and Macedonia on the said list. It was motivated by the fact that between 2013 and 2014, Kosovars constituted the most numerous group of applicants (accounting for 32 % and 50 %, respectively, of all applicants), the number of whom reached 24,700 in 2015. Additionally,

6 W. Klaus et al. Refugees and asylum seekers in Central-European Countries – reality, politics and the creation of fear in societies. H. Kury, S. Redo (eds). *Refugee Law and Policy. Challenges and Opportunities for Global Civic Education*. Springer International Publishing, forthcoming; B. Nagy. Sharing the Responsibility or Shifting the Focus? The Responses of the EU and the Visegrad Countries to the Post-2015 Arrival of Migrants and Refugees. Budapest: Central European University, 2017, pp. 11–12; B. Nagy. Hungarian Asylum Law and Policy in 2015–2016: Securitization Instead of Loyal Cooperation. *German Law Journal*, 17 (6), 2016, pp. 1035–1039.

7 Hungary has ratified this convention but initially did so under the condition that only applicants from European countries would be accepted. (“Asylum-Seekers and Refugees, a statistical report”, n.d.)

owing to the lists, it was possible to turn away to Serbia all the remaining asylum seekers who came to Hungary via Serbia (“Shifting Immigration Policies” by Anna M. Winslow”, n.d.). Though fence on the Hungarian-Slovenian border remained unfinished for fear of violating the Schengen Agreement, full border controls have been resumed.⁸

Following the 2015 migration crisis Hungary revised its migration policy considerably: system could not handle more than 175,000 asylum applications that were submitted in Hungary, with an estimated 64,000 applications presented by Syrian nationals only (Eurostat, 2015). Noticing, that there was little solidarity within the EU at that period, Hungarian government announced that they suspend the Dublin System⁹ in order to find another solution to the problem. This pounce was met with a firm reaction from Brussels, but nevertheless Hungarian Parliament decided to go further and pull barbed wire to the border with Serbia on 7th of July, 2015.

The number of asylum applications submitted does not reflect the number of refugees that entered Hungarian borders without any application. Pressured economically and politically, Hungary pursued border control measures. The construction of a fence between Serbia and Hungary was completed in September 2015, while the Croatia-Hungary border fence was finished in October 2015, effectively closing the border between these countries. Following the completion of the Serbia-Hungary fence in September, only 185 asylum seekers were allowed to enter the transit zone in a single day. This action left hundreds more waiting in Serbia with no food, water, or shelter provided to them by either Hungary or Serbia. These actions came shortly after Hungary had allowed refugees to pass through open borders and provided them with transport closer to the Austrian border (Hungarian Helsinki Committee, 2015)¹⁰.

8 A. M. Winslow, op. cit., pp. 103–104; A. Kallius, D. Monterescu and P. Kumar Rajaram, op. cit., p. 3.

9 Dublin System – determines which of the countries would be responsible for the asylum application. There are four criterias for identifying the responsible country. 1) The Member state where the family of the asylum applicant lives under asylum seeker status, that is, if the relative approves this unification and is already an asylum seeker (only for spouse or children younger than 18 years). 2) The Member State which granted residence permit or VISA for an applicant 3) The Member State which recorded the fingerprints of the applicant 4) The Member State where applicants have stayed or have been transferred through another state, even though the fingerprints have not been recorded. <https://euromedrights.org/members/human-rights-league-ldh/> Human Rights League

10 “The unpredictable behavior of the authorities continued. When the fence between Serbia and Hungary was ready, migrants and refugees from Serbia crossed into Croatia and from there into Hungary. Then, the Hungarian state offered train

In 2015, so-called “transit zones” were created as an integral part of the fences, which are treated as extraterritorial areas – the Hungarian government maintains that migrants detained there have not yet crossed the Hungarian border. There were four “transit zones,” two on the Serbian border, in Tompa and Roszke. These are the only places where migrants can legally cross the border and apply for asylum. These zones have been equipped with shipping containers, where those who have managed to cross the border are detained for the duration of the accelerated border procedure, which aims to determine whether the application is admissible, i.e., whether they will be allowed to enter Hungarian territory.

Due to dangerous roads used by migrants, S. Bianchini compares the case of the 2015 migration influx to Hungary to the migration of the East Germans towards West Germany up to 1989. According to S. Bianchini, both East Germans and Syrians trying to reach Germany were similar in a sense that both were “seeking freedom, a new chance to live decently and improve their opportunities in peace. In both cases it was about the human future.”¹¹ In fact, the situation in 2015 was even worse as people arriving to Hungary were demanding respect for their human right to live as of East Germans were aspiring to a better life and enjoyment of full freedom.

Hungarian attitude towards Ukrainian refugees in the context of the Ukrainian war was the exact opposite to the 2015 migration crisis. On the one hand, as Coakley notices, “in 2015, Hungary closed its border with Serbia and erected a razor fence to deter people from crossing into the EU via the Balkan route” (Coakley 2022). On the other hand, the same Hungary applied open-door policy for refugees from Ukraine when war started in the neighbouring country. Illustration of this is Beregsurany village of Hungary that supported Orbán’s anti-migrant policies in 2015 and has acted differently while meeting asylum seekers from Ukraine. In fact, most European countries, especially neighbouring ones, have taken direct and cooperative actions in receiving refugees from Ukraine.

Comparing attitude towards two migration flows one can notice, that in July 2016 Hungarian government passed a law that legalized the so called “push-backs” – the practice of pushing asylum seekers back across borders without due

services to more than 200,000 of the migrants, without registering them and politely delivering them to the Austrian-Hungarian border, enhancing their walking through it, without a hint of intention to prevent their departure.” (“Closing Gates to Refugees: The Causes and Effects of the 2015 “Migration Crisis” on Border Management in Hungary and Poland” 2017)

11 Stefano Bianchini. *Liquid Nationalism and State Partitions in Europe*. Edward Elgar Publishing, 2017.

process. (Coakley 2022) However, this policy and practice has not been used at all towards migrants from Ukraine in 2022. Moreover, Hungary, which built fencing walls on its border with Serbia against the approaching wave of migrants and refugees in 2015, has factually embraced and supported refugees fleeing the war in Ukraine. On the other hand, Orban's government has been accused of inflating the number of refugees from Ukraine to secure European funds to finance their welfare which may signal the desire to profit rather than help¹². In any case, in opposition to the harsh policy towards migrants from the Middle East in 2015 (which attracted distrust and accusations), this time Hungary by no doubt has been supportive to the policies of the other EU countries and demonstrated clear solidarity with them and Ukrainians.

Case of Lithuania: spectator, opponent and then – supporter?

Lithuania has seen a slow development in immigration policy, with little response to the 2015 refugee crisis. The country ratified the 1951 Convention in 1997 adopting the Law on Refugee Status (UNHRC, 2011). In 2013, the Lithuanian government moved towards a defined immigration policy and agreed upon a comprehensive set of guidelines regarding immigration, specifically refugees and asylum seekers. ("Shifting Immigration Policies" by Anna M. Winslow", n.d.). Therefore it may be concluded that all in all Lithuania favours an EU immigration strategy. This is demonstrated by the establishment of migrants' accommodation centres, such as the Foreigner's Registration Centre or the Refugees Reception Centre.

It is important to notice, that Lithuania receives a considerably low number of asylum applications, with the government reporting 2,600 applications between 2008 and 2012 (UNHCR, 2011). Since June of 2015, there have only been an estimated 100 asylum applications submitted to the government. In 2009, Lithuania granted international protection to 42 persons of 211 applications, and this number dropped to only 15 of 373 applications in 2010 (UNHCR 2011). This highlights that Lithuania has a significantly low acceptance rate (8 %) of asylum applications – if the government did have a list of safe countries of origin, that number might have been even lower.

12 "Zoltán Kovács, the government's international spokesperson, once said that Hungary welcomed more than 540,000 people escaping the conflict, whereas Hungarian Helsinki Committee found these statistics misleading and said that arrived refugees crossed the country in order to reach their relatives in other European countries. (Tait 2022)

In response to the 2015 refugee crisis, Lithuania's policies did not see a dramatic shift in the beginning. The most explicit of Lithuania's responses have been from the parliament, with a law passed on refugee settlement in November of 2015 (Agora Portal, 2015). The parliament amended the Law on the Legal Status of Foreign Nationals, which further defined the rights of asylum seekers and specified resettlement procedures. Prior to the adoption of these amendments, Lithuania had no law regarding the resettlement of refugees from other countries (UNHRC, 2015). This amendment allowed Lithuania to "transpose the EU directives on refugees into national law", which is significant considering the announcement of Lithuania to accept 1,105 refugees over a two-year period (Agora Portal, 2015, para. 1).

In 2021, the first "non-specific" migration crisis in Europe following the "plane crisis" happened after Belarussian authorities decided to ground a plane flying from Athens to Vilnius in Minsk due to a faked bomb alarm on board. Following this incident Belarus has faced sanctions by Western and European countries, after which, Belarus' President Lukashenko reacted by introducing a new instrument of the hybrid warfare in the region: delivery of the people from the Middle East to the external EU and NATO borders. Over 4,000 migrants, mostly from the Middle East and Africa, were misled and then forced to cross into Lithuania from Belarus in July 2021, but another 8,000 have been turned away since August 2021¹³.

According to Frontex data, Iraq was the main country of origin for migrants detected crossing Lithuanian, Polish or Latvian border from Belarus. There were smaller numbers from Afghanistan and Syria, as well as other countries. The vast majority of them arrived at Minsk – the capital of Belarus – by air, and then travelled: in most of the cases – with the assistance or threatening from Belarussian authorities.¹⁴ The European Commission has formally accused Belarus of luring migrants to Minsk with the false promise of easy entry to the EU. President Lukashenko admitted to the BBC that it was "possible" that his country had helped migrants into the EU, but he denied inviting them to Belarus.

Thus, the migration crisis that happened in 2021 on a Belarus / Lithuania border has a background that clearly differs from the 2015 crisis in Hungary – irregular immigrants were to cross the border since the Belarussian government

13 LRT English, Lithuanian volunteer rescuing irregular migrants: 'I'm told I'm harming my country' – opinion. <https://www.lrt.lt/en/news-in-english/19/1668034/lithuanian-volunteer-rescuing-irregular-migrants-i-m-told-i-m-harming-my-country-opinion>

14 BBC News. "Belarus Border Crisis: How are migrants getting there?," by Reality Check 26.11.2021. Accessed on 18.01.2022. <https://www.bbc.com/news/59233244>

contributed a lot: initiated visa free entry to the country, organized additional air flights to Minsk and transportation to the border, facilitated illegal border crossing. As a consequence, many of these people became victims of the regime – they were first tricked into Belarus and then had to spend days in forests, wandering on foot in freezing cold and with no food.

Called upon the Government to undertake all possible measures, on 13th of July the Parliament of the Lithuanian Republic adopted Resolution No. XIV-505 entitled “On countering hybrid aggression”. In August 2021 Parliament amended the laws to state that all people entering the territory can be directly returned to the border, without examination of an application for international protection. In other words, Lithuania, as a country that has never faced a migration influx, declared a state of emergency and decided to secure its borders and national security by factually applying the Orban’s anti-migrant policy and the push-backs (MSF, 2021). Nongovernmental organizations organized massive support campaign to ease the life of the forcefully arriving to the border people, but Lithuania’s official policy has been harsh (though generally recognized as the only possible): to push migrants back into Belarus and only accept asylum applications at the embassy in Minsk and official border checkpoints¹⁵.

Amendments to the Law on the Legal Status of Aliens raised compliance since the response to the crisis may challenge some core EU laws such as Schengen Agreement and Dublin Principles. The legalized “push-backs” by some experts are considered as hostile behaviour that may even contradict to 1951 Convention. Nevertheless, L. Kasčiūnas, chairman of the parliamentary Committee on National Security and Defence, explained that amendments on the legislation are aimed to make Lithuania unattractive to irregular migrants, as well as to prevent them from leaving their accommodation centres and travelling freely to Western Europe.¹⁶

Another U-turn happened then Lithuania has been faced with the challenge of Ukrainian, Belorussian and Russian migrants running from war in Ukraine and related sanctions also political decisions of Russia and Belarus. Lithuania, a country with a population of 3 million, first accepted proportionally huge number of Belarusians fleeing the country in reaction to the Lukashenko’s violence and then Ukrainians running from Russian atrocities in the occupied territories.

15 Worth to notice, that very soon Poland and Latvia adopted the positions of solidarity and cooperation to counterattack against a hybrid warfare in a similar way as Lithuania.

16 LRT News English, “Lithuanian parliament allows restricting migrants’ movement for up to a year”. <https://www.lrt.lt/en/news-in-english/19/1570850/lithuanian-parliament-allows-restricting-migrants-movement-for-up-to-a-year>

In relation to Ukrainians, reaching Lithuania from Ukraine was possible by crossing the border and registering in Poland. All Ukrainians were allowed to apply for temporary residence permits in Lithuania in one of the seven registration centres.

Moreover, on 4th of April 2022, the Lithuanian government has announced that persons fleeing the war in Ukraine who are granted temporary protection in Lithuania will be exempted from language requirements for certain jobs. The EU resolution of temporary protection lasts for one year and can be extended for one more year if necessary according to the Ministry of Social Insurance and Labour.¹⁷ For the refugees from Ukraine it became possible to apply for a residence permit or national visa in Lithuania subject to the fast-track, also to benefit from free assistance related to education, psychological support, food aid, material aid, social services, child care and other services¹⁸. Moreover, it is possible for residents in Lithuania to offer a ride or accommodation to the Ukrainian refugees via <https://stipruskartu.lt/>. By 01 August 2022, 10,119 of people offered their flats to the refugees and 5009 to ride from the borders.¹⁹ According to the latest data of the UNHCR, there are 60,755 refugees from Ukraine in Lithuania registered for Temporary Protection. This way from being practically non-engaged in 2015 crisis (then refugees were fleeing Syrian Civil war) and continuing with the push-backs of migrants coming via Belarus in 2021, Lithuania finished up of demonstrating strong solidarity with Ukrainians in 2022. Knowing the context and the background of the arriving people and country of their origin was a crucial factor of this shift.

Changing attitude of Poland

The year 2015 marked the beginning of increased tensions related to the reception of asylum seekers also in Poland even though the country has not been affected by the influx of refugees from the south of Europe. Admittedly, the number of asylum seekers grew consistently, but only once, in 2013, did it exceed 15,000. In 2015–2016, it remained stable at slightly over 12,000 individuals, most of whom were Chechens, Ukrainians, Georgians, and Tajiks.

17 LRT English, Lithuania Exempts From Language Requirements Ukrainian Refugees Wishing to Get Employed. <https://www.schengenvisa.info.com/news/lithuania-exempts-from-language-requirements-ukrainian-refugees-wishing-to-get-employed/>

18 Information for a war refugee from Ukraine. [https://migracija.lrv.lt/uploads/migracija/documents/files/info%20ua_new_ENG\(1\).pdf](https://migracija.lrv.lt/uploads/migracija/documents/files/info%20ua_new_ENG(1).pdf)

19 Assistance to war refugees from Ukraine. <https://stipruskartu.lt/>

Despite the ongoing conflict in Donbas in 2014, only 4,300 Ukrainians applied for international protection in Poland²⁰. On the other hand, large numbers of people got refused entry on the grounds of incomplete documents: in 2015 on the Belarusian border 3.399 refusals were issued to Russian citizens, in 2016 the number increased to 74.391.²¹

As of 2014, the number of Ukrainians in Poland had increased several-fold, reaching around a million in 2016.²² However, the influx of asylum seekers from Ukraine to Poland was insignificant in the beginning because there existed many legal channels of migration. Besides that, most of the Ukrainians who arrived did not come from the regions affected by the conflict (thus, were not eligible for asylum status), nor did the Polish government offer them any exceptional integration support. Having arrived, the individuals were left mostly to their own devices and subject to laws applied to economic migrants.

The first half of 2017 even saw some restrictions in receiving asylum applications in Terespol and therefore new anti-terrorist bill has been issued. Based on it, any person without Polish citizenship was deemed suspicious and subject to unlimited surveillance, e.g., in the form of phone tapping.²³ As a consequence, the number of asylum applications dropped by 81 % in comparison with the respective period in 2016. Only 382 applications were received, covering 1,214 individuals

20 W. Klaus et al., op. cit.; M. Pachocka. The Eastern Partnership in Times of the Migrant and Refugee Crisis in the European Union. C. E. Pacheco Amaral, V. Cucerescu, G. Gabrichidze, I. Horga, A. Kruglashov, E. Latoszek and M. Pachocka. *EU Association Agreements with Georgia, Moldova and Ukraine: Through Cooperation Towards Integration*. Chişinău-Tbilisi-Chernivtsi: Tipografia "Print-Caro", 2017, p. 25.

21 Many refugees made multiple attempts to submit the application – with one reported record holder covering the distance from Brest (in Belarus) to Terespol (in Poland) over 60 times. Large part of them finally succeeded in entering Poland after their applications were eventually accepted, which raised a question if they should have been admitted in the first place. See A. Chrzanowska et al. *At the border. Report on monitoring of access to the procedure for granting international protection at border crossings in Terespol, Medyka, and Warszawa-Okęcie Airport*. Warsaw: Association for Legal Intervention, 2016, pp. 35–45. <https://interwencjaprawna.pl/wp-content/uploads/2020/04/at-the-border.pdf>

22 It is difficult to quote the exact number since Poland lacks credible instruments to count migrants living in our country. See: P. Kaczmarczyk. 'Polska jako kraj emigracji i imigracji' [Poland as an emigration and immigration country]. P. Kaczmarczyk (ed). *Mobilność i migracje w dobie transformacji. Wyzwania metodologiczne* [Mobility and migration in the time of transformation. Methodological challenges]. Warsaw: Wydawnictwo Naukowe Scholar, 2011.

23 W. Klaus et al., op.cit.; W. Klaus. Security First – New Right-Wing Government in Poland and its Policy Towards Immigrants and Refugees. *Surveillance and Society*, 15 (3/4), 2017, pp. 524–526.

(in 2016, there were 1,979 applications for 5,566 people), which means that only 2–3 families were allowed to enter Poland daily. Altogether, in the whole country, there was a 60 % drop in the number of received asylum applications.²⁴

The intensification of war since February 2022, direct attacks against Ukraine's civil infrastructure objects and general condemnation of the Russia's aggressive policy determined new flow of people to Poland. The increase of fleeing people has been very sudden: if in the first weeks of the war in Ukraine the number of refugees was more than half a million, it has exceeded 4.5 million within one month after the beginning of the war. Within 6 months the number skyrocketed to 10 million of refugees who crossed borders from Ukraine to Poland which has a population of approximately 41 million. According to the latest data of the UNHCR as of 3 August 2022, 5.1 million of individual refugees crossed Polish border in total.

As experts notice, among people fleeing the war in Ukraine were other nationals who at the beginning of the invasion faced difficulties crossing borders: "Ukraine has long been a destination for students and immigrants from around the world. According to government data from 2020, 80.000 international students were in the country, with the largest groups from India, Morocco, Azerbaijan, Turkmenistan, and Nigeria. These students, and people from numerous countries who immigrated to Ukraine for work, now find themselves desperately trying to get out of a war zone."²⁵ Nonetheless, reacting to the dramatically increased number of people running from war, the Government of Poland has announced that all non-Ukrainians who were living in Ukraine before the war now were able to register online to apply for temporary protection.

The political component of this decision included the provisions related to the so-called Polish card – not a passport, but a document confirming the foreigner's belonging to the *Polish* nation. Exploring migration issue for the political purposes has not been a novelty in Poland – after the Prime Minister Mateusz Morawiecki has said he is protecting "holy Polish territory" during the Belarus regime initiated and supported migration crisis in August 2021, many analysts noticed the right-wing government playing the anti-immigration card that helped

24 *Biuletyn statystyczny Straży Granicznej za I półrocze 2017 r.* [Border Guards Statistical Bulletin for the 1st half of 2017], p. 8. <http://strazgraniczna.pl/download/1/14456/biuletynIpolrocze2017.pdf>

25 Human Rights Watch, Ukraine: Unequal treatment foreigners attempting flee. Access on 04/04/2022. <https://www.hrw.org/news/2022/03/04/ukraine-unequal-treatment-foreigners-attempting-flee>

it win in 2015²⁶. Thus, following the governmental decision, foreigners that possess the Polish-card, including family members of Ukrainian residents who do not hold Ukrainian citizenship and are not spouses of Ukrainian nationals or close family members of a Ukrainian citizen holding a Polish card could get a temporary protection and stay in Poland until March 4, 2023. (“Poland: Foreigners Living in Ukraine Before the War Can Now Apply Online for Temporary Protection – SchengenVisaInfo.com” 2022). With 3.5 million of people reaching Poland in few first months of war in Ukraine, in the past sceptical Poland became the country of blue and yellow flags.

Conclusions

Motives for movement vary from war in the first place, followed by discrimination, human rights violations, economic and political instability, racism, inequality and other factors. Nevertheless, since the end of the Second World War, the international migration has changed in character and direction. While for centuries Europeans have been moving outward and settling in lands elsewhere on the globe, these patterns were partly reversed in the second half of the twentieth century. Together with rising of the modern nation-state, the rising political oppression, genocides, poverty, wars, ethnic cleansing, and violence millions of people are forced to flee their countries of origin. In this context the European Union as a free trade and migration zone has emerged as a major global migration destination (Haas, Castles, and Miller 2020, p. 102).

Hungary, Lithuania and Poland provide valuable insight on how different nations inside the EU react towards migrants – different flows of migrants are treated differently as perception of migrants varies from treating them as a “weapon” that is used against the West by the criminal regimes to the people that must be supported and accommodated as refugees of wars. Treating migrants differently countries respond with the acceptance and effective integration programs or by pushing them back, providing “transit corridors” or letting to escape from the detention camps. Reaction depends on several factors: wealthier, more appealing member states usually maintain a willingness to accept refugees, but believe that the burden should be shared proportionally throughout the EU. Other countries often voice their frustration, even if it means singling themselves out from the other EU member states: Hungary, Poland and the Baltic States

26 Losing steam, Polish government plays immigration card. EURACTIV.com with AFP, 30/08 2021. Losing steam, Polish government plays immigration card – EURACTIV.com

demonstrated that there are those who are perceived as “strangers” that cause a threat and therefore are far from welcomed on the state level. However, this did not hinder them from accepting refugees from Ukraine without complaints and with solidarity – people dying in Ukraine are met as “same Europeans”.

To understand countries’ attitudes towards the migration, geopolitical circumstances, cultural ties and historical relationship between country of destination, the cause party (which is often the aggressive country in the neighbourhood) and the country of origin must be analysed. As for instance, even though Polish-Ukrainian relations had many traumatic events in their historical past, full independence of Ukraine remains crucial for Poland’s security – this circumstance and the aggressive Russian policy in the whole Central Eastern Europe region are they key while explaining the reasons of the enormous support to the refugees from Ukraine since Russia’s military invasion. Similarities and proximities in culture, linguistics and history of the common statehood also play a positive role. On the other hand, the anti-Muslim sentiment – Islamophobia that ties all Middle Eastern men to “terrorism” is an important factor while explaining just the opposite attitudes towards the migration.

Another important reason shifting the policy from one extreme to another might be the internal political events in the country. For example, the events in Poland coincided with the parliamentary elections, and the issue of migrants became one of the main points of the electoral agenda of 2015 (some politicians, although without success tried to actualize the issue in Lithuania before the elections in 2016). Displaying a negative attitude toward refugees and migration politicians hope to win the elections and form the governments, therefore bid on negative campaigns, intimidating the public with images of “Islamic terrorists” and diseases spread by refugees. Later governments may establish the anti-immigrant rhetoric as the main instrument of communication, followed by changes in law that increases the control of services over foreigners.

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