

Brussels, 16 January 2025  
(OR. en)

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LIMITE

JAI 29  
MIGR 8  
ASIM 5  
COEST 17  
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## NOTE

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From:	Presidency
To:	Working Party on External Aspects of Asylum and Migration (EMWP)
Subject:	Situation on the Eastern Land Route, profile of the route, instrumentalisation of migrants, ways to cooperate with the countries of origin and transit

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### *Migratory Flows on the Eastern Land Route<sup>1</sup>*

#### **Background**

The eastern land route leads from Asia and the Middle East, continuing to the West through the eastern land borders of the European Union with Russia, Belarus and Ukraine, which are over 6000 km long. The route runs through a number of EU Member States, including Finland, Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary and Romania, while Frontex considers that the route also passes through Bulgaria.<sup>2</sup> Besides directly impacting nine Member States, the eastern land route also leads through the EU's neighbouring countries, including Norway and Moldova.

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<sup>1</sup> So far, the EMWP's agenda has included discussions of the Mediterranean, eastern, central and west, African and Atlantic routes. The eastern route was on the EMWP's agenda on 6 September 2022 in the context of Russia's aggression against Ukraine (11633/22) and on 21 January 2022 in the context of the instrumentalisation of migration – feedback and the way forward in cooperation with third countries.

<sup>2</sup> Bulgaria is more often seen as part of the Black Sea route.

The eastern land route has been economically and socially important for decades as the main land route connecting the East and the West. Since the start of the 21<sup>st</sup> century, the route has been dominated by nationals of the former Soviet states. Until 2019, citizens from Vietnam, Türkiye, Bangladesh, Afghanistan and Ukraine travelled to the EU via the eastern land route, while there were individual cases involving citizens of African countries. The route was mostly used for transit purposes towards western Europe.

In recent years, the route has been impacted by the travel restrictions and the extraordinary border crossing mode introduced by the Member States during the COVID-19 pandemic in 2020. However, the situation changed most significantly in mid-2021 when Belarus, with the support of Russia, started orchestrating arrivals of third country nationals at the EU's borders, notably the borders with Lithuania, Latvia and Poland. Their well-coordinated actions have affected the security of the Member States and the EU as a whole, while at the same time putting the lives of migrants at risk. Moreover, these actions are designed to use the EU's own values against it and compromise the EU's unity by instigating discord among the Member States. After the outbreak of Russia's full-scale invasion of Ukraine, it became evident that the instrumentalisation of migrants is an element of the hybrid campaign steered by Russia. More recently, between autumn 2023 and spring 2024, Russian authorities not only allowed persons without the necessary documents to travel to Finland but also actively escorted them to the border and prevented them from returning to Russia.<sup>3</sup>

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<sup>3</sup> The southern part of the route through Ukraine and Moldova is dominated by the consequences of the armed conflict and requires a different approach from the EU and the Member States; it has therefore not been included in this discussion.

## Response

The EU and its Member States have taken significant steps to address the instrumentalisation of migration along the eastern land route since 2021.

### Border protection

In order to counteract the phenomenon, Member States have had to reinforce land border surveillance. As a part of these measures, stationary infrastructure including physical barriers and electronic surveillance systems have been introduced on some parts of the eastern land route. By July 2024, Poland, Lithuania and Latvia had established physical barriers along their borders with Belarus (these barriers are being further developed, including with additional perimetric systems). Additionally, the protection of the Polish section of the border, in order to respond to the increased needs and the violent situation, has been reinforced by police and armed forces. In 2023, Finland began constructing a physical barrier along the border with Russia (expected completion by 2026). All those technical measures have been partially (electronic systems) supported by EU funds.

### Diplomatic steps

The EU has intensified its diplomatic outreach, including high-level political engagement, to curb the flow of migrants being used as political leverage. As a result of diplomatic talks with Iraqi officials at both bilateral and EU level, Baghdad suspended direct flights to Belarus in August 2021. Moreover, Iraq organized 12 repatriation flights, returning more than 4 500 stranded migrants. In November 2021, Türkiye banned Syrian, Yemeni and Iraqi nationals from flying to Minsk, while Belarus's state airline Belavia announced it would no longer carry nationals of those countries. The United Arab Emirates also banned Iraqi, Syrian and Yemeni nationals from flights to Minsk departing from the UAE's airports.

## Legislative steps addressing instrumentalisation

Member States affected by the threat of instrumentalisation have implemented legal measures amending existing laws or introducing new legal acts. Last year, Finland introduced the possibility of temporarily suspending the right to asylum under emergency legislation designed to counter hybrid threats. Poland is also working on amendments to its legislation introducing a derogation for temporary suspension of the possibility to lodge asylum applications, in the event of a hybrid attack at the border.

As a response to the actions of Russia and Belarus, the European Council has been insisting, since 2021<sup>4</sup>, that the EU would not accept any attempt by third countries to instrumentalise migration for political purposes, lastly at its meeting on 17 October 2024<sup>5</sup>. The phenomenon of instrumentalisation of migration has also been addressed in the strategic agenda for the Union 2024-2029<sup>6</sup> and in the strategic guidelines for legislative and operational planning within the area of freedom, security and justice<sup>7</sup>. Newly adopted legislation, notably the amended Schengen Borders Code (already in force) as well as the Crisis and Force Majeure Regulation (entering into force in June 2026), provides a definition of the instrumentalisation of migration<sup>8</sup> and possible legal instruments to be used in response to the phenomenon in the area of border, migration and asylum management. However, the legislation does not fully address the phenomenon of instrumentalisation as a security threat. Therefore, on 11 December 2024, the Commission published a Communication addressing the issue from security angle and clearly stating that

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<sup>4</sup> See the conclusions of 24-25 June 2021 (EUCO 7/21, para.13): “The European Council condemns and rejects any attempt by third countries to instrumentalise migrants for political purposes.”. See the conclusions of 21-22 October 2021 (EUCO 17/21, para.19): “The European Council will not accept any attempt by third countries to instrumentalise migrants for political purposes. It condemns all hybrid attacks at the EU’s borders and will respond accordingly.”. See the conclusions of 16 December 2021 (EUCO 22/21, para.18): “The European Council reiterates its condemnation of attempts by third countries to instrumentalise migrants for political purposes. It underlines the need to develop tools to address the instrumentalisation of migration. It calls for swift work on the proposal on measures against transport operators that facilitate or engage in trafficking in persons or smuggling of migrants in relation to illegal entry into the territory of the European Union.”. Since then, the European Council has regularly condemned attempts to instrumentalise migrants for political purposes.

<sup>5</sup> See EUCO 25/24, para. 38.

<sup>6</sup> Annex to the European Council conclusions of 27 June 2024.

<sup>7</sup> As approved on 12 December 2024 by the JHA Council and endorsed by the European Council on 19 December 2024.

<sup>8</sup> Article 1(4), point (b) first sentence of the Schengen Borders Code (EUR-Lex - 02016R0399-20240710 – EN).

Member States have a right to defend themselves from the weaponisation of migration, in line with the obligations arising from international and European law.<sup>9</sup>

Additionally, in June 2024, in the context of the EU Hybrid Toolbox (EUHT), Member States asked the European External Action Service and the Commission to prepare proposals for an EU response to Russian hybrid activities targeting the EU and its Member States. Under this exercise, measures related to instrumentalisation of migration were discussed by the EMWP under the Hungarian Presidency.

### **Current situation**

The border with Belarus is currently the section of the border which is under the greatest threat from the risk of instrumentalisation. On the Polish stretch of the border, the situation has been changing. When instrumentalisation first started in 2021, Poland registered around 39 700 attempts to illegally cross the border. In the year 2022, the statistics dropped to 15 600 registered attempts. In 2023, the number rose again to around 26 100 attempts to illegally cross the border. The situation escalated even further in 2024, when close to 30 500 attempts to cross the border illegally were recorded.

The situation on the border with Russia, following attempts to push migrants across a section of the border with Finland, remains stable due to the decision to close the border crossing points with Russia. On this section, several persons are apprehended annually by the border service for attempting to cross the border illegally.

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<sup>9</sup> Communication from the Commission to the European Parliament and the Council on countering hybrid threats from the weaponisation of migration and strengthening security at the EU's external borders - COM(2024) 570 final.

An analysis of the information from Poland shows that the majority of migrants are issued national Russian visas in several African and Asian countries, mostly student visas, and then travel from their countries of origin, via Türkiye or United Arab Emirates, to Russia, from where they go to Belarus, mostly by train. According to the information obtained, the migration routes used by migrants who illegally crossed the border from Belarus indicate several ways of reaching Russia and then Belarus:

- Syrian citizens travelled through Egypt, Jordan, less often Lebanon and the UAE;
- Somali citizens travelled through Egypt, Ethiopia, UAE and Türkiye;
- Eritrean citizens travelled mainly through Ethiopia, Sudan and UAE;
- Ethiopian citizens travelled mostly directly to Russia or Belarus, but also through the UAE, Türkiye, Sudan and Uganda;
- Yemeni citizens travelled through Egypt, UAE, Saudi Arabia, Türkiye, Morocco and Oman;
- Afghan nationals travelled directly from Russia or through the UAE, Tajikistan, Uzbekistan, Kazakhstan, Iran and Pakistan.

### **Conclusions and proposed remedial actions**

To conclude, most of the eastern land route is now characterised by the instrumentalisation of migrants, which aims to destabilise the situation at the Union's external border and keep its security under pressure. This requires constant actions in order to monitor and, even more importantly, to counteract and prevent this phenomenon. Much has been done in the context of European and national legal frameworks on migration and borders, as well as on the physical security of external borders. However, to prevent migrants from taking this dangerous journey to the EU, we need to continue cooperation with third countries, both transit countries and countries of origin, and implement dedicated actions outside the EU.

Therefore, the Polish Presidency would like to explore the possibility of deploying liaison officers, particularly in key transit countries on the eastern land route. In Türkiye, a liaison officer at the biggest airport would facilitate closer cooperation with Turkish authorities in preventing illegal migration and detecting potential cases of migrant instrumentalisation. Another step could be intensifying cooperation with the United Arab Emirates. Currently, the UAE are not considered a key country in the external dimension of migration, although they are one of the key transit points for migrants travelling to the EU. Establishing closer cooperation, including intelligence sharing and joint actions against smuggling and trafficking networks, would significantly impact the flow of irregular migration through this route.

Regarding countries of origin, we see a need to consider the current situation in Ethiopia and examine the possibility of strengthening EU cooperation in order to prevent irregular migration and trafficking in human beings.

Ethiopia is a country of both origin and transit for migrants who are more frequently intercepted on the eastern land route but are present on other migratory routes as well. Therefore, taking into account Ethiopia's geopolitical location and still relatively stable situation (in comparison to other countries in the Horn of Africa), a more active EU engagement in Ethiopia on countering irregular migration could also be considered.

Moreover, the Polish Presidency plans to continue the work on the proposal for an EU regulation on carriers<sup>10</sup>, which would impose additional obligations on air and land carriers, requiring them to conduct more thorough checks of passengers' travel documents. It would also establish severe financial penalties for transporting individuals without proper documents to the EU or neighbouring countries, like Belarus or Russia.

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<sup>10</sup> Proposal of 23.11.2021 for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures against transport operators that facilitate or engage in trafficking in persons or smuggling of migrants in relation to illegal entry into the territory of the European Union - COM(2021) 753.

## Discussion questions

1. If your Member State is affected by the instrumentalisation of migration, directly or indirectly, please could you share information about the situation?
  2. Do you see possible ways of increasing EU cooperation with countries of origin on the prevention of irregular migration and trafficking in human beings in the near future?
  3. Do you think there is a need to establish an action plan dedicated to the eastern land route similar to the plans for other routes? If not, do you think that this route requires a different approach than other migratory routes to the EU?
  4. The Belarusian-Russian agreement on the mutual recognition of visas will come into force in mid-January 2025. Do you see any risks of this measure increasing the migratory pressure at the EU-Belarus borders?
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