



Supporting Russian Human Rights Defenders in Exile: Best Practices, Current Challenges

A case study of Czechia, Germany, Latvia, Poland
and Portugal

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editor: **Anita Brzozowska**, PhD

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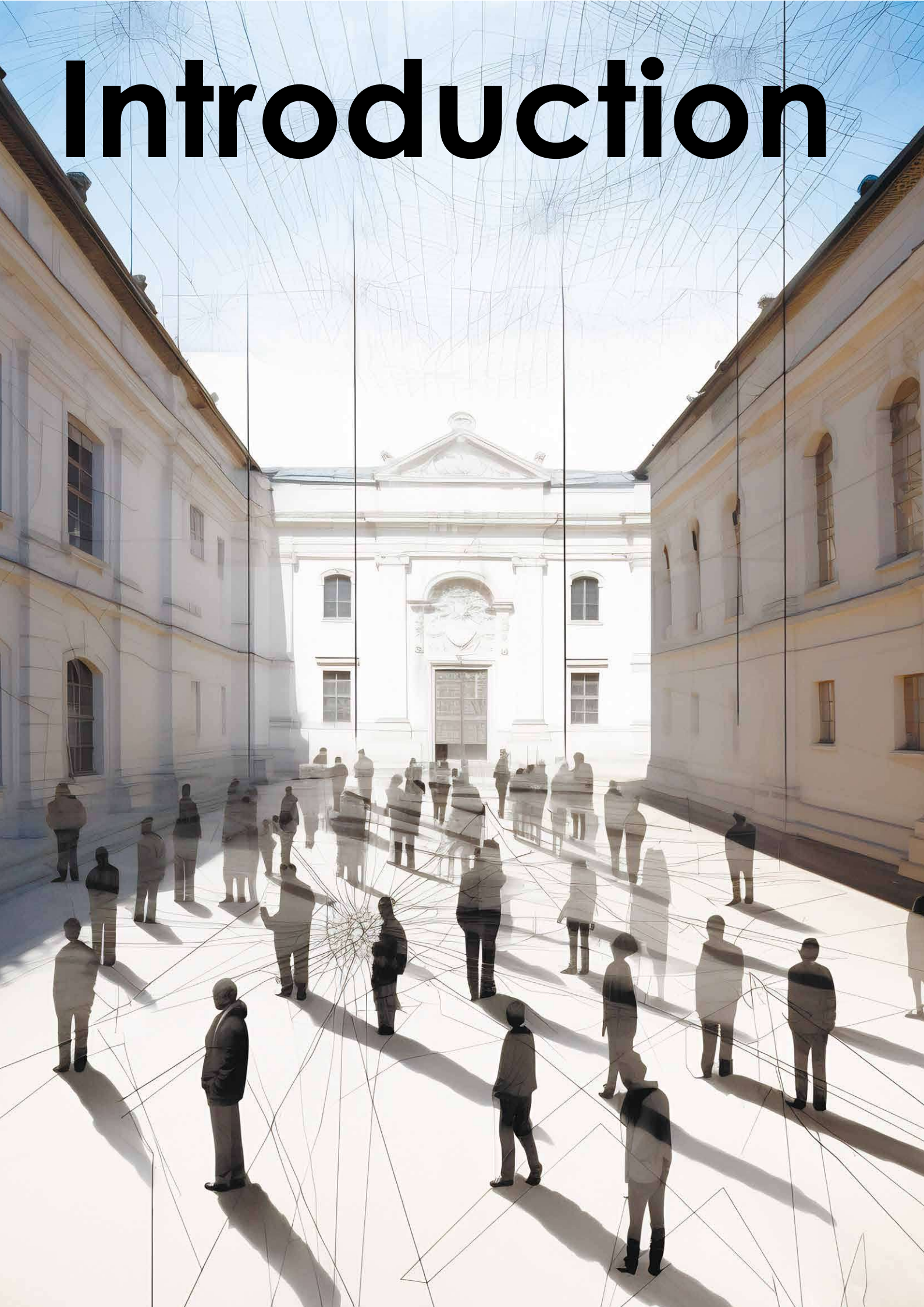
The paper looks at the entry and stay policies towards Russian HRDs at risk in selected EU member states as well as integration measures and opportunities offered after arrival. The questions addressed include: How have the selected EU countries responded to the need for emergency departure of Russian HRDs at risk, particularly in the wake of Russia's full-scale war against Ukraine? What lessons can EU member states draw from this experience for their national policies on receiving HRDs at risk from third countries? And, how can this experience inform the formulation of a common EU policy on humanitarian relocation of of HRDs at risk?

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Introduction



The Russian Federation's full-scale military invasion of Ukraine has not only uprooted the lives of millions of Ukrainian refugees, but has also pushed hundreds of thousands of Russian citizens out of their country. Among them, there is a very specific group – Russian human rights defenders (HRDs), forced to leave Russia for fear of increased persecution and the impossibility to continue their human rights work. Many of them have sought safety in EU member states. Despite many attempts to formulate a common policy for the humanitarian reception and relocation of HRDs at the EU level, member states still have their own policies and practices of receiving HRDs at risk. This paper looks into the humanitarian reception of Russian HRDs in several EU states – the Czech Republic, Germany, Latvia, Poland and Portugal – in order to look for good practices, uncover challenges and contribute to a more comprehensive and coordinated approach to the protection of HRDs at risk and the utilization of their expertise and experience to further promote human rights across the world.

Following the UN definition, we understand HRDs as people who act individually or with others to promote or protect human rights. This understanding is not limited to professionals who work on legal aspects of human rights protection, but encompasses all other persons and groups working on promoting and protecting civil and political rights, as well as economic, social, and cultural rights. This includes representatives of non-governmental organizations, independent journalists, grass-roots activists, elections observers, etc.¹

While the fall of the USSR marked the depoliticization of emigration from Russia, which lasted for two decades (with few prominent exceptions), 2012 marked the beginning of yet another wave of politically charged emigration. It started after the Putin regime responded to the mass protests against falsified elections in 2011 and 2012 with a spiral of criminal prosecutions against activists as well as a series of draconian laws stifling Russian civil society. A number of Russian HRDs were forced to leave for fear of persecution as well as in order to be able to continue their work, which had been made impossible in Russia after the introduction of the “foreign agents” law of 2012 and the “undesirable organizations” law of 2015. While, initially, only non-profit organizations and media outlets receiving funding from abroad were the target, by 2019 Russian authorities started granting the “foreign agent” status to individuals.²

The invasion of Ukraine unleashed another wave of emigration related to the fear of repressions, not only among experienced HRDs, but also among regular people daring to call the Russian Federation's actions in Ukraine by their name – “war”. Almost 20 thousand people were detained due to their participation in anti-war demonstrations, while more than 600 faced criminal charges due to their anti-war position.³ At the same time, the mass mobilization declared in September 2022 has been driving men unwilling to take part in the war out of the country, irrespective of their general political orientation. An estimated 800 to 900 thousand Russians⁴ left the country between February 2022 and July 2023. It is difficult to estimate the number of HRDs at risk among those who left, although one could expect it to be just a small percentage of this massive number.

1~ EU Guidelines on Human Rights Defenders 2008, Council doc. 16332/2/08 REV 2, 10 June 2009, para. II.3.

Article 1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), 9 December 1998, A/RES/53/144, 8 March 1999, United Nations. “About human rights defenders,” <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>.

2~ For a more detailed discussion, see Fomina, Joanna, *Dissent and Democratic Remittances. The Activities of Russian Migrants in Europe*, Routledge, London and New York, 2022.

3~ OVD-Info. “Prosecution for the anti-war views.” [Online] Available at: <https://antiwar.ovdinfo.org/>.

4~ There are different estimations about the number of emigrants, with 400 thousand as the lowest and 1 mln the highest: <https://re-russia.net/review/347/>; <https://www.fiaa.fi/en/publication/the-war-induced-exodus-from-russia?read>.

Currently, there are ongoing discussions in Russia regarding new mobilization measures⁵ and proposed legislation to prevent conscripted individuals from leaving the country.⁶ These developments raise the possibility of a new wave of emigration, including HRDs. Monitoring these trends is crucial for policymakers and stakeholders alike to comprehend the evolving dynamics of migration patterns and effectively respond to the challenges faced by both the migrants and host countries.

While emigration of a politically active population may serve as a safety valve for authoritarian regimes, recent studies demonstrate that transnational engagement in human rights and democratization work is increasingly possible and effective. This is precisely the case of many recent Russian HRDs who left Russia but have managed to continue their work from outside the country in the (relatively) safe havens they managed to find for themselves.⁷ Thus, for the EU and its member-states, the protection and support of Russian HRDs at risk (as well as HRDs at risk from other authoritarian countries) is both a moral obligation and a matter of well-understood self-interest. By supporting Russian civil society, the EU and its member states help preserve the chance of Russia's further democratization.

When confronted with an urgent need to leave Russia for their own safety, Russian HRDs have two options. The initial choice entails relocating to Kazakhstan, Kyrgyzstan or Armenia, countries that grant entry to Russians even without a passport, facilitating swift escape from persecution. When HRDs lack travel documentation, they can procure a passport from Russian diplomatic missions in these countries and proceed to Europe. However, this opportunity is impossible if the applicant faces criminal charges, leading to passport denial. During attempts to exit Kazakhstan and Kyrgyzstan, HRDs might face detainment, triggering deportation proceedings. Armenia detains HRDs facing criminal prosecution in Russia while departing the country yet promptly releases them.

The second viable alternative entails relocation to Georgia or Türkiye, necessitating a passport for entry but exempting Russians from visa requirements. In Türkiye, Russians are permitted a stay of up to two months (extended to three months with a visa), while in Georgia, a unique visa run mechanism permits a stay of up to one year, extendable for an additional year. However, post-February 2022, attaining residence permits in Türkiye has become exceedingly arduous, with Georgia following shortly after. Additionally, since the autumn of 2022, Russian activists in Georgia have been barred from re-entry should they leave,⁸ undermining their visa-run strategy and compelling them to seek alternatives.

In transit countries, HRDs are exposed to transnational repressions (TNR).⁹ This could include actions like freezing accounts, confiscating property and assets within Russia, pressuring HRDs' remaining relatives, conducting surveillance, infiltrating residences and workplaces, monitoring HRDs' and exile assistance initiative staff's mobile phones, attempting social media account breaches for sensitive data access, embedding Russian intelligence personnel in organizations, disseminating threats within the HRDs' home country, and seeking the extradition of activists facing fabricated charges in Russia from third nations. Consequently, HRDs strive to relocate to EU countries, which guarantee

5~ The Guardian. "Russia preparing to mobilize extra 500,000 conscripts, claims Ukraine.", <https://www.theguardian.com/world/2023/jan/06/russia-preparing-mobilise-extra-500000-conscripts-claims-ukraine>.

6~ BBC. "Russia conscription laws change, leaving some fearful of Ukraine war call-up.", <https://www.bbc.com/news/world-europe-66388422>.

7~ For detailed discussion see Fomina, Joanna, *Dissent and Democratic Remittances. The Activities of Russian Migrants in Europe*, Routledge, London and New York, 2022.

8~ Бумага. «По иным причинам». Россиянам отказывают во въезде в Грузию — что об этом известно», <https://paperpaper.io/po-inym-prichinam-rossiyanam-otkazyyv/>.

9~ Council of Europe. "Transnational Repression as a Growing Threat to the Rule of Law and Human Rights.", <https://rm.coe.int/transnational-repression-as-a-growing-threat-to-the-rule-of-law-and-hu/1680ab5b07>.

much more security and stability. It is worth emphasizing, however, that no country is fully secure for HRD at risk, as HRDs can also be the target of TNR while residing in the EU states. The most recent cases include the poisoning of a prominent Russian journalist, Elena Kostyuchenko¹⁰, based in Germany, or the installment of Pegasus spyware on the phones of several independent journalists relocated to Latvia¹¹.

Moreover, the legal provisions as well as practices regarding the situation of third-country HRDs at risk, including those from Russia, differ considerably across the EU.

The relocation of HRDs from Russia to the EU is further complicated by the EU sanctions and policies on travel and migration from Russia that were announced after the onset of the war. On 25 February 2022, the EU declared the partial suspension of the visa facilitation agreement for diplomats, other Russian officials and business people. At an informal meeting held on 31 August, the foreign affairs ministers of member states reached a political agreement to move forward with the full suspension of the EU-Russia visa facilitation agreement of 2007. From 12 September 2022, according to the EU Council decision,¹² Russian citizens should obtain Schengen visas according to the regular provisions of the Schengen Code, which means an increase in the visa application fee from €35 to €80, the need to present additional documentary evidence, increased visa processing times and more restrictive rules for the issuance of multiple-entry visas.

In addition, from February 2022 to July 2023, Russia expelled more than 330 Western diplomats,¹³ including consuls, and limited the number of local staff at Western diplomatic missions. This has restricted the work of most Schengen consulates, especially since EU countries have been consequently closing their general consulates outside Moscow.

A number of EU member states also introduced restrictions on visa issuance as well as the entry of Russian citizens. For example, in September 2022, Poland, Lithuania, Latvia and Estonia introduced an entrance ban with the exception of residence permit holders and holders of visas issued for family reunification or humanitarian reasons.¹⁴ The Polish airline LOT does not accept boarding of Russians who have visas (Schengen or national) issued by a state other than Poland.¹⁵

At the same time, protection of human rights defenders is one of the fundamental principles of the European Union's human rights external relations policy.¹⁶ The idea that the EU needs a common European response in terms of the protection of HRDs at risk is not new. In 2014, the European Commission initiated the European Union Temporary Relocation Platform (EUTRP), a network of entities engaged in supporting HRDs at risk who are seeking temporary relocation or have been temporarily relocated.¹⁷ In October 2015, the European Commission appointed ProtectDefenders.eu as the coordinator of EUTRP. ProtectDefenders.eu, the European Union Human Rights

10~ 'You may have been poisoned': how an independent Russian journalist became a target <https://www.theguardian.com/world/2023/sep/12/you-may-have-been-poisoned-how-an-independent-russian-journalist-became-a-target>

11~ Exiled Russian journalist hacked using NSO Group spyware <https://www.theguardian.com/technology/2023/sep/13/exiled-russian-journalist-galina-timchenko-reportedly-hacked-using-nso-group-spyware>

12~ The Council of the European Union. "Council Decision on the Suspension in Whole of the Application of the Agreement between the European Community and the Russian Federation on the Facilitation of the Issuance of Visas to the Citizens of the European Union and the Russian Federation.", https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_12039_2022_INIT.

13~ РБК (RBC). "Как Запад и Россия поставили рекорд по высылкам дипломатов. Инфографика.", <https://www.rbc.ru/politics/26/07/2023/609d11a69a79477cef513697>.

14~ DW (Deutsche Welle). "Страны Балтии и Польша закроют въезд россиянам с 19 сентября.", <https://www.dw.com/ru/strany-baltii-i-polsa-zakrout-vezd-rossianam-s-19-sentabra/a-63056951>.

15~ Przegląd Sportowy. "Rosjanka wściekła na LOT. Mówi o nazizmie. Jest odpowiedź.", <https://przegladSPORTOWY.onet.pl/tenis/rosjanka-wsciekla-na-lot-mowi-o-nazizmie-jest-odpowiedz/tlnhb3f>.

16~ European External Action Service, Ensuring Protection - European Union Guidelines On Human Rights Defenders, https://home-affairs.ec.europa.eu/system/files/2022-09/communication-providing-guidelines-visa-issuance-relation-russian-applicants_en.pdf.

17~ EUROPEAN UNION TEMPORARY RELOCATION PLATFORM, <https://eutrp.eu/>.

Defenders mechanism,¹⁸ was established to protect defenders at high risk and facing the most difficult situations worldwide. It is led by a consortium of 12 NGOs active in human rights.

Also, there have been attempts to work out a common policy on the issuance of humanitarian visas. The 12 April 2016 resolution from the European Parliament¹⁹ addressed the Mediterranean situation and the need for a unified EU migration strategy. It stressed the importance of humanitarian visas, providing a pathway for vulnerable individuals seeking protection to access a third country for asylum. The resolution urged Member States to utilize available channels, including the issue of humanitarian visas.

Aligned with this resolution, the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) presented an amended report on 25 April 2016.²⁰ This report adjusted the Commission's proposal for the revised Visa Code, allowing individuals seeking protection to directly apply for a European humanitarian visa at consulates or embassies. Upon approval after a thorough assessment, this visa would enable entry for the sole purpose of seeking international protection under the Qualification Directive.

On 7 March 2017, the Court of Justice of the European Union (CJEU) delivered a significant verdict (Case C-638/16 PPU, *X and X v État Belge*).²¹ It clarified that EU law does not oblige Member States to provide humanitarian visas for asylum seekers. However, states maintain the discretion to issue such visas based on national law. By September 2017, the informal trialogue negotiations stalled due to the Commission and Council opposing provisions for humanitarian visas. The European Parliament responded by retracting its amendments, resolving the deadlock.²²

At the same time, the Visa Code, while not obliging EU member states to issue humanitarian visas, provides for such a possibility. It contains provisions that allow for visas to be granted on humanitarian grounds, for reasons of national interest or because of international obligations. The provisions are very relevant in the case of broadly understood HRDs and their families. Article 19(4) of the Visa Code²³ provides for acceptance of applications that do not meet the admissibility requirements. Also, Article 25(1) of the Visa Code²⁴ allows for the issuance of visas with limited territorial validity even though the entry conditions are not fulfilled. The visa fees can be reduced to EUR 35 in case of (Article 16(6) of the Visa Code) due to interests in the field of foreign policy, development policy and other areas of vital public interest, or because of international obligations, or waived altogether (Article 16(2), (4) or (5) of the Visa Code)²⁵.

Article 19(4) allows for acceptance of applications not meeting the requirements to be considered admissible and Article 25(1) of the Visa Code²⁶ allows visas to be issued with

18~ Project Defenderst: <https://protectdefenders.eu/about-us/#who>.

19~ European Parliament, Resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, 2015/2095(INI), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2014:0164:FIN>.

20~ European Parliament, LIBE Committee report on the proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast), 25 April 2016, https://www.europarl.europa.eu/doceo/document/A-8-2016-0145_EN.html?redirect.

21~ Court of Justice of the European Union, Case C-638/16 PPU *X and X v État Belge*, <https://curia.europa.eu/juris/documents.jsf?num=C-638/16>.

22~ European Parliament, Humanitarian visas – amendment of the EU Visa Code, In “Towards a new policy on migration”, <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-humanitarian-visas-%E2%80%93-amendment-of-the-eu-visa-code>.

23~ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>.

24~ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>.

25~ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>.

26~ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>.

limited territorial validity despite the entry conditions not being fulfilled. This is relevant, for instance, in the case of visa applications lodged by dissidents, independent journalists, human rights defenders and representatives of civil society organizations and their close family members that are not controlled by the government of the Russian Federation.

Another Visa Code provision that is extremely relevant to the situation of Russian HRDs is Article 6(2) of the Visa Code. It provides for exceptions to the general rule under Article 6 of the Visa Code that applications should only be examined by the consulate of the competent Member State in the country of legal residence, namely, in the Russian Federation. Article 6(2) of the Visa Code and the guidance contained in the Visa Code Handbook I, Part II, section 1.8, provide for exceptions in cases of hardship and for humanitarian reasons.

This paper looks at the entry and stay policies towards Russian HRDs at risk in selected EU member states as well as integration measures and opportunities available to them. We selected five countries for analysis. Poland is home to a burgeoning Russian political migrant community; its humanitarian visa policy, initially targeting Belarusian HRDs, has enabled a number of Russian HRDs, including political activists, to settle there. An important feature of the Polish visa for humanitarian purposes instrument is the immediate access to the labour market. Germany is home to the largest Russian diaspora in the EU. The country has a humanitarian visa programme and also issues other types of visas to Russian citizens. The Czech Republic has started a dedicated Civil Society Residence Programme for Russian HRDs at risk, however, it issues visas for purposes other than humanitarian ones to the programme beneficiaries. Moreover, the Nemtsov Centre Russian Studies programme at Charles University has offered a relocation opportunity for both dissident Russian students and Russian scholars. Over the past decade, Latvia has become a relatively safe haven for a growing number of Russian journalists and media outlets. Finally, Portugal's migrant-friendly policies have made this country an unexpected, but increasingly popular destination for Russian HRDs and other Russian citizens wishing to leave the Putin regime's Russia.

The main research question concerns how the selected EU countries have responded to the need for the emergency departure of Russian HRDs at risk, particularly in the wake of Russia's full-scale war against Ukraine. What lessons can the EU member-states draw from this experience for their national policies on receiving HRDs at risk from third countries? And, how can this experience inform the formulation of a common EU policy on the humanitarian relocation of HRDs at risk? In particular, the study looks into, compares and contrasts the visa issuance regulations and practices, including visas for humanitarian purposes, opportunities for securing residence, opportunities for continuing human rights work as well as integration opportunities.

The study is based on extensive table research as well as semi-structured interviews with three groups of stakeholders: (1) relevant state authorities, including the Ministry of Foreign Affairs, Ministry of Interior and the Migration Service; (2) local non-governmental organizations engaged in providing support to Russian HRDs at risk in relocating to EU states; (3) Russian HRDs at risk and other Russian migrants who managed to relocate to the given country. In each of the selected countries, between 7 and 9 interviews were conducted. All interviews, held in English or Russian, were recorded, transcribed and coded. The present report presents the results of this study.



The Czech Republic: The Strong Voice of Civil Society



Background

The Czech Republic stopped issuing visas for Russian citizens, except those issued on humanitarian grounds, immediately after Moscow invaded Ukraine in February 2022. It did, however, allow the entry of visitors who had visas issued by other countries in the EU's Schengen travel zone at its airports. Since 25 October 2022, the Czech Republic has been turning away Russian tourists holding Schengen-zone visas issued by any country.¹

The Czech Republic's Residence Programme for Russian and Belarusian civil society at risk was established in May 2022. The Civil Society Programme (*Občanská Společnost*) evolved from the Transition Promotion Programme,² a democracy assistance instrument of the Ministry of Foreign Affairs implemented in cooperation with Czech civil society organizations and their local partners. At least since 2012, the country has been providing visa support to human rights defenders looking to participate in advocacy events and rest and respite programmes organized by the Czech civil society.³ The pre-existing experience of close collaboration between Czech NGOs and the Ministry, on the one hand, and the Czech NGOs and civil society actors in Russia and Belarus, on the other, became the backbone of the new programme.

Apart from having a humanitarian component, namely, providing support to HRDs at risk, the Programme has been publicly justified as being at the heart of the national interest of the Czech Republic. As the Ministry of Foreign Affairs officially explained the motivation behind the Programme: "Civil Society is a residency programme that is supposed to put into practice one of the exceptions in the so-called Lex Ukraine for granting visas to endangered citizens of Russia and Belarus. It is in the interest of the Czech Republic to provide them with protection, given that they are fighting against undemocratic regimes in their countries. Those it concerns are people who are fighting in their country against the criminal regimes of Putin and Lukashenko."⁴ In other words, the Civil Society Programme is not a tailored programme to attract and accommodate Russian HRDs, rather, it simply provides for an exception for experienced HRDs at risk from the Czech Republic's general policy banning the issue of visas and residence permits to Russian citizens following Russia's full-scale military aggression against Ukraine. Moreover, the Czech authorities have also emphasized that the unwillingness to be enlisted in the Russian army is not a sufficient reason for being granted protection. In order to be granted protection in the Czech Republic, they would also need to demonstrate the grounds of their conscientious objection as well as the real threat of serious repressions.⁵

1~ Reuters, "Czechs tighten entry rules for Russian tourists, joining other EU states," 12 October 2022, <https://www.reuters.com/world/europe/czechs-tighten-entry-rules-russian-tourists-joining-other-eu-states-2022-10-12/>.

2~ Ministry of Foreign Affairs webpage, "The Transition Promotion Programme (TRANS) is a financial instrument of the Ministry of Foreign Affairs of the Czech Republic for democracy assistance established in 2005. This programme aims to support democracy and human rights, using the Czech Republic's experience with the social transition and democratization of the country. Projects within TRANS are implemented in cooperation with Czech civil society organizations and their local partners, underpinning the importance of civil society in democratization processes. TRANS is administered by the Human Rights and Transition Policy Department that functions as a kind of 'implementing agency'. Its annual budget amounts to 2 million EUR." https://www.mzv.cz/jnp/en/foreign_relations/human_rights/transition_promotion_program/index.html.

3~ Interview CZ_NGO1.

4~ Ministry of Foreign Affairs webpage, "The Civil Society Programme," https://www.mzv.cz/jnp/cz/zahranicni_vztahy/vyrocní_zpráva_a_dokumenty_poskytnuté_informace/program_obcanska_spolecnost_pro_rusy_a.html.

5~ The Euractiv, "Deserting Russians will not get Czech visas," 23 September 2022, https://www.euractiv.com/section/politics/short_news/deserting-russians-will-not-get-czech-visas/.

Choice of the country

The choice of the Czech Republic as a destination country is usually determined by pre-existing contacts with Czech non-governmental organizations, academia, or Russian diaspora civil society. Also, some HRDs looking for relocation options try various countries and their choice of the Czech Republic may be accidental, for example, dictated by the speed of response from an EU member-state consulate or by a relocation decision based on the Dublin regulations.⁶ In this sense, the reasons behind relocating to the Czech Republic differ from those behind choosing Latvia (geographical proximity and cultural familiarity) or Germany (comprehensive assistance programme, higher level of economic opportunities).

Entry and stay regulations

The Civil Society Residence Programme, with an annual quota set at 500 people, is aimed at providing long-term residence opportunities to human rights defenders, representatives of civil society, independent media or academia who face persecution in Russia (or Belarus) and are forced to leave their home countries for security reasons.⁷

Notably, urgent relocations of HRDs in immediate danger fall outside the scope of the Civil Society Programme. Given that a number of government agencies and structures are engaged in the process of granting long-term residence permits, the official period for the decision to be granted is 30 days,⁸ although in practice it may take longer.⁹ For such cases, HRDs at risk may apply for Schengen short-term visas, which can also be issued for participants of international conferences, retreats or workshops.¹⁰

The Programme assigns a very significant role to the Czech non-governmental organizations taking part in it as *guarantors* who can vouch for a given HRD at risk. In order to qualify for being guarantors, willing NGOs need to submit an application to the Ministry of Foreign Affairs, confirm their legal personality in the Czech Republic, prove that they have no tax arrears as well as that they have sufficient means to provide required assistance to the HRDs they have vouched for.¹¹ The list of organizations that can act as guarantors is not public.

The Czech civil society guarantors usually sponsor their long-standing partners, whose human rights and pro-democratic engagement they can confirm. The scope of conditions which qualifies prospective applicants to take part in the Programme is rather broad. Prospective Residence Programme participants need to be Russian (or Belarusian) citizens who can demonstrate that they are a freedom fighter, human rights defender, representative of civil society, the independent media or academia and that they are a person who is subject to persecution by public authorities and who is forced to leave their country of origin for security reasons, for the active defence of democratic principles and, in particular, freedom of expression, because they are unable to exercise their profession freely and without fear of punishment, or for other reasons of particular concern linked to the restriction or threat to human rights and freedoms.¹²

6~ Interview CZ_R3.

7~ Ministry of Foreign Affairs webpage, "The Civil Society Programme," https://www.mzv.cz/jnp/cz/zahranicni_vztahy/vyrocní_zpravy_a_dokumenty/poskytnute_informace/program_obcanska_spolecnost_pro_rusy_a.html.

8~ Ministry of Foreign Affairs, "The Civil Society Programme," https://www.mzv.cz/jnp/cz/informace_pro_cizince/aktuality/program_obcanska_spolecnost.html.

9~ Interview CZ_NGO1.

10~ Interview CZ_MFA.

11~ Ministry of Foreign Affairs, "The Civil Society Programme," https://www.mzv.cz/jnp/cz/informace_pro_cizince/aktuality/program_obcanska_spolecnost.html.

12~ Ibid.

However, unlike in Latvia, Poland or Germany, the Civil Society Programme participants are not granted humanitarian visas. Instead, they can be granted long-term visas and residence permits, depending on the declared purpose of their stay in the Czech Republic. These include the employee card,¹³ the Blue Card,¹⁴ long-term visa for the purpose of study¹⁵ or long-term residence permit for the purpose of study,¹⁶ long-term residence permit for the purpose of scientific research,¹⁷ long-term visa for the purpose of doing business,¹⁸ long-term visa for other purposes.¹⁹ In practice, some of the supporting NGOs have managed to employ some of the relocated HRDs.²⁰ Also, some Russian civil society organizations have opened their offices in the Czech Republic and employ their colleagues,²¹ provided they could secure the funding. Yet, such solutions are possible for only a limited number of people. Another option is to start a Czech language course and receive a long-term visa for education purposes. In the words of a Czech sponsor NGO representative: “Here, the Czech Republic still wants people to really be connected with the Czech Republic in one way or another. And they really had an understanding of what they were going to do next and look far ahead.”²²

HRDs at risk who cannot secure the support of a sponsoring NGO may apply for asylum according to the general rules, as regulated by the Act on Asylum from 11 November 1999, with amendments.²³

Integration measures and opportunities

Third-country nationals holding long-term residence permits issued for purposes other than study, protection, investment and some other purposes²⁴ are obliged to complete an integration course within a year after being granted the residence permit. The four-hour adaptation and integration courses are administered by Centres for Support of Integration of Foreigners. There are eighteen such centres in the Czech Republic.²⁵

Sponsoring NGOs offer a variety of services supporting and promoting integration, including psychological support, help with finding accommodation and everyday life issues and language courses, but the actual offer varies from NGO to NGO. For instance, one of the NGOs offers 3-to-6-month scholarships to ensure a “soft landing” for exiled HRDs,²⁶ having combined the pre-existing scholarship programme with the Civil Society Programme. As the NGO representative explained: “Earlier, this

13~ Ministry of Foreign Affairs webpage, “Employee Card,” https://www.mzv.cz/jnp/cz/informace_pro_cizince/pobytova_opravneni_k_pobytu_nad_90_dnu/zamestnanecka_karta.html.

14~ Ministry of Foreign Affairs webpage, “The Blue Card,” https://www.mzv.cz/jnp/cz/informace_pro_cizince/pobytova_opravneni_k_pobytu_nad_90_dnu/modre_karty.html.

15~ Ministry of Foreign Affairs webpage, “Long-term Visa,” https://www.mzv.cz/jnp/cz/informace_pro_cizince/pobytova_opravneni_k_pobytu_nad_90_dnu/dlouhodob_e_vizum_1.html.

16~ Ministry of Foreign Affairs webpage, “Residence Permit for Studies,” https://www.mzv.cz/jnp/cz/informace_pro_cizince/pobytova_opravneni_k_pobytu_nad_90_dnu/studium_dlouhodob_e.html.

17~ Ministry of Foreign Affairs webpage, “Residence Permits,” https://www.mzv.cz/jnp/cz/informace_pro_cizince/pobytova_opravneni_k_pobytu_nad_90_dnu/vyzkum_dlouhodob_y.html.

18~ Ministry of Foreign Affairs webpage, https://www.mzv.cz/jnp/cz/informace_pro_cizince/pobytova_opravneni_k_pobytu_nad_90_dnu/podnikani.html.

19~ Ministry of Foreign Affairs webpage, https://www.mzv.cz/jnp/cz/informace_pro_cizince/pobytova_opravneni_k_pobytu_nad_90_dnu/dlouhodob_e_vizum_1.html.

20~ Interviews CZ_NGO1, CZ_NGO2.

21~ Interview CZ_NGO1.

22~ Interview CZ_NGO2.

23~ Act on Asylum, 11 November 1999, <https://www.mvcr.cz/mvcren/article/asylum-migration-integration-asylum.aspx>.

24~ Ministry of the Interior, “Other issuance purposes include long-term residence permit issued by the Ministry of Foreign Affairs of the Czech Republic; cards of an employee transferred within the company (codes for purposes of stay ‘79’); cards of an intra-company transferred employee of another member state of the European Union (code for the purpose of stay ‘80’),” <https://www.mvcr.cz/clanek/adaptacne-integracni-kurzy.aspx>.

25~ Administration of Refugee Facilities, <http://www.integracnicentra.cz>.

26~ Interview CZ_NGO2.

Programme was a rehabilitation programme, after which the people would go back home. Now this works somewhat differently. Now it is about getting them on solid footing.”²⁷

Challenges

The Civil Society Programme is based on a complex bureaucratic mechanism that relies on both mutual trust between all involved parties as well as on a clear bureaucratic framework. As an NGO representative explained: “At the same time, this trust is very fragile since the mechanism itself requires mutual understanding from all involved.”²⁸ It is efficient as long as the trusted relationships between the state actors and NGOs participating in the Programme are maintained.

While the effectiveness of the Programme’s potential beneficiary vetting process derives from the donor NGOs’ previous experience of collaboration with them, it also automatically bars many other Russian HRDs at serious risk, including political activists, from seeking safety in the Czech Republic. Czech NGOs are bound to refuse support to many HRDs seeking their help, because they are not able to sufficiently screen them to be able to vouch for them vis-a-vis the state stakeholders. While this issue has been reported by sponsoring NGOs to their Ministry of Foreign Affairs partners, no solution has been worked out so far.²⁹

Furthermore, under the Civil Society Programme, the potential participants cannot be granted humanitarian visas. Instead, the HRDs together with their sponsoring NGOs need to select and declare the purpose of stay (usually employment, business, studies, or family reunification) and provide all the required supporting documents. As explained by an NGO representative: “It’s just that no one will give you a visa based exclusively on your activist profile, even if it’s super relevant. You still need to have the grounds, which, in fact, are listed, and they remain the same as they were before the introduction of this very Civil Society project.”³⁰ This provision may pose a challenge in terms of both securing an employment or education opportunity for potential Programme participants as well as in fulfilling all the bureaucratic requirements, in particular, the quick collection of all the required supporting documents.

The relatively long procedure for applying for a long-term visa or residence permit has been reported as another challenge. Despite the official maximum period of 30 days, it may take longer for the decision to be granted.³¹ In cases when HRDs at risk arrive in the Czech Republic on the basis of Schengen visas and apply for long-term stay in the country, their visas may expire before the decision on their long-term stay can be made. In such situations, the way to secure a legal stay in the country is to receive a “departure order” that allows third-country nationals to leave the country within a given period, for example, one month.³² While so far functional, this solution goes against the grain of the original purpose of a departure order and may raise concerns among the HRDs seeking safety in the Czech Republic. Another option is to wait for the decision in a safe visa-free country,³³ which may have its own negative consequences due to transnational repression practices.

27~ Ibid.

28~ Interview CZ_NGO1.

29~ Ibid.

30~ Interview CZ_NGO2.

31~ Interview CZ_NGO1.

32~ Ibid.

33~ Interview CZ_NGO2.

Good practices

The Czech Republic is the only country out of the five countries in this study that provides clear, publicly available information about the Civil Society Residence Programme for HRDs at risk. The information available on the Ministry of Foreign Affairs web page explains the criteria for HRDs to be included in the Programme, the type of visas and residence permits they can apply for, the process of how Czech civil society organizations become partners in the Programme that can sponsor HRDs at risk; as well as the justification of the Programme for the Czech public opinion.

Moreover, similarly to Latvia, Germany and Poland, the Programme is based on the close cooperation between public authorities, the Ministry of Foreign Affairs in particular, with local civil society organizations that have experience in cooperation with HRDs at risk. To promote mutual trust and respect, non-governmental and state actors make an effort to regularly exchange information, experiences and show goodwill and understanding. “Cooperation between all involved parties – the Ministry of Internal Affairs, the Ministry of Foreign Affairs, and the pool of NGOs-guarantors – is built on complete trust and is admired by partners, as well as foreign colleagues. [...] On a positive note, all parties try to listen to one another and accept others’ perspectives. Regular meetings allow exchange of experience and opinions, solve existing problems and make the process even more efficient.”³⁴

In order to participate in the Civil Society Programme, HRDs at risk, together with their sponsoring NGOs, need to have a very clear idea on what grounds each arriving person will stay in the country, whether it is work, studies, or family relocation. While this requirement may be limiting for many HRDs in need of relocation, it promotes the integration of those who have qualified.

Another good practice example is the creation of the Russian-language research and study programme that allows HRD students and scholars to continue their work meaningfully. The Russian Studies programme at Charles University in Prague was developed as a result of the cooperation of the Nemtsov Foundation and the University.

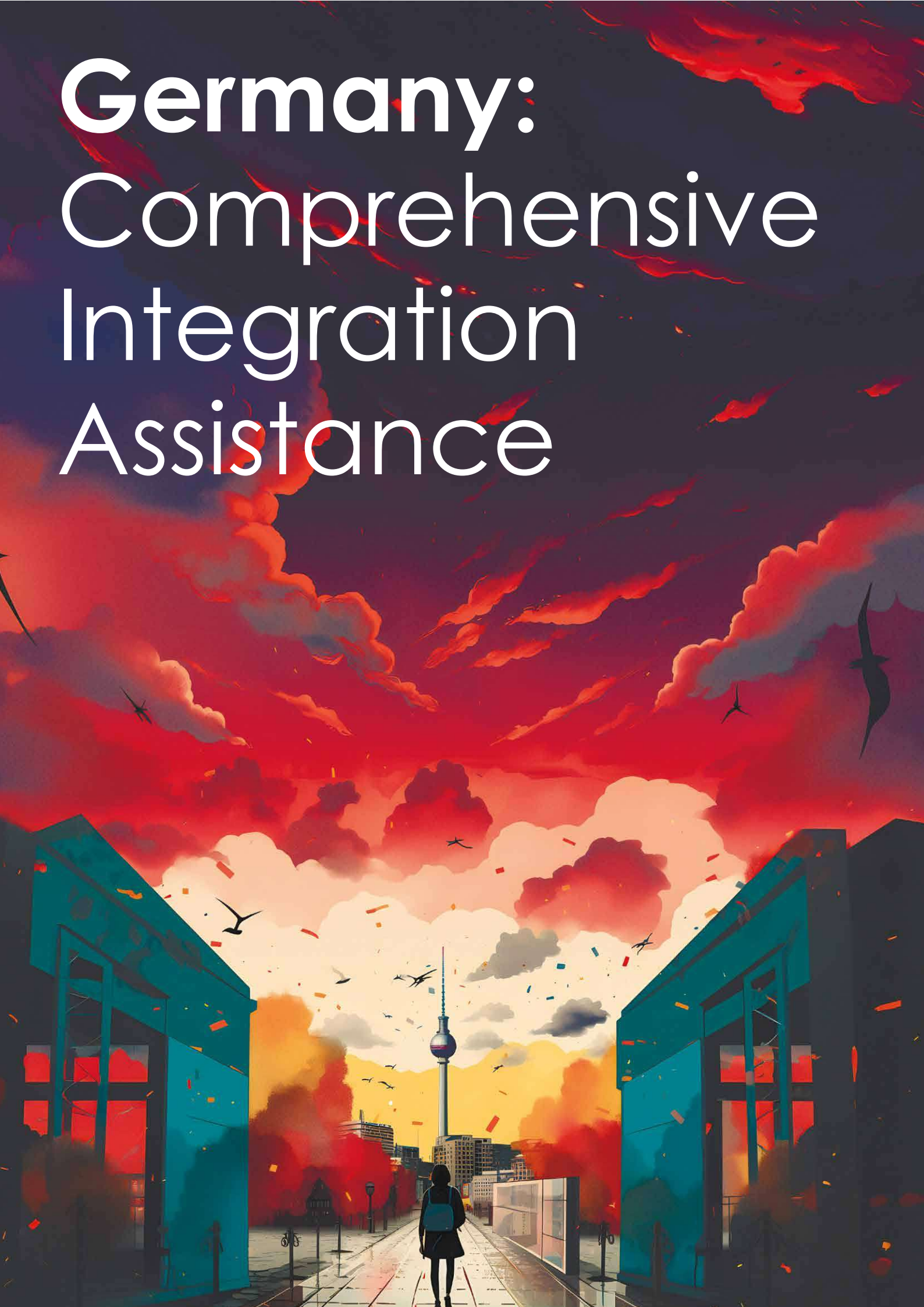
The obligatory short adaptation and integration course is also noteworthy.³⁵ The short course focuses on everyday experiences and covers the basic values of Czech society and Czech culture, the organizations and institutions providing free counselling for foreigners, language courses, and other services.

³⁴~ Interview CZ_NGO1.

³⁵~ Ministry of Interior, “Adaptation and Integration course,” <https://www.mvcr.cz/mvcren/article/adaptation-integration-courses.aspx>.



Germany: Comprehensive Integration Assistance



Background

Germany, alongside Portugal, Greece and Cyprus, did not follow suit when the majority of EU member states decided to introduce at least some visa restrictions against Russian citizens in response to the full-scale military invasion of Ukraine.¹ At the same time, the country, home to a vibrant Russian diaspora civil society, declared an accelerated residence permit procedure for Russian HRDs at risk as well as members of the political opposition. As Interior Minister Nancy Faeser explained: “Russia’s increasingly brutal aggression against Ukraine is accompanied by ever stronger internal repression, especially against the press, human rights activists and opposition figures. [...] We will offer protection in Germany to Russians who are persecuted and threatened.”²

In practice, Germany started issuing Russian HRDs at risk humanitarian visas based on Section 22 of the Residence Act.³ In 2022, Germany issued 1665 humanitarian D-visas to Russian HRDs at risk. While this number is quite significant compared to the other EU states offering HRDs humanitarian relocation, it is only a fraction of the 32 thousand national long-term visas issued to Russian citizens for other purposes, including work, research, study and family reunification.⁴

The special admissions humanitarian programme had been adopted earlier in response to the Taliban takeover in Afghanistan in 2021. Humanitarian visas, issued under Section 22, sentence 2 of the German Residence Act, were granted to local staff employed at German agencies (and the members of their families) out of concern for their security and well-being. Moreover, the Federal Government also expanded the opportunity to admit individuals engaged in various sectors such as science, politics, the judiciary, NGOs, culture and the media, in particular, human rights advocates and journalists. The Taliban’s takeover had directly impacted these individuals due to their professional involvement in Afghanistan.⁵

Germany had already become home to many Russian HRDs, scholars, artists and other Russian citizens who were forced to leave after the increasing wave of political repressions that started in late 2011. Within the past decade or so, a vibrant Russian diaspora civil society has developed in Germany,⁶ which, together with German human rights organizations, has played an enormous role in advocating for and facilitating the humanitarian relocation as well as the integration of Russian HRDs at risk.

Choice of the country

Germany, with its handsome social support system, a humanitarian visa programme and accessible employment, business and education residence opportunities, has been a desirable destination for many Russian citizens, including HRDs.⁷ A number of

1~ For a summary of EU states’ restrictions see Fragomen, Worldwide/Russia: Update on Visa Suspensions for Russian Citizens, <https://www.fragomen.com/insights/worldwiderussia-update-on-visa-suspensions-for-russian-citizens.html>.

2~ Deutsche Welle, “Germany to ease visa rules for at-risk Russians,” <https://www.dw.com/en/germany-to-ease-visa-procedure-for-at-risk-russians/a-61976141>.

3~ Residence Act in the version promulgated on 25 February 2008 (Federal Law Gazette I p. 162), most recently amended by Article 4b of the Act of 17 February 2020, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0634.

4~ The Schengen Visa Info, <https://www.schengenvisainfo.com/news/germany-granted-nearly-32000-national-visas-to-russians-since-february-2022/>.

5~ The Ministry of the Interior webpage, Resettlement and humanitarian admissions, https://www.bmi.bund.de/DE/themen/migration/asyl-fluechtlingsschutz/humanitaere-aufnahmeprogramme/humanitaere-aufnahmeprogramme-node.html;jsessionid=8B18C44B497667DC5B9E366A6C9A72E3.1_cid340#doc9392686bodyText5.

6~ Fomina, Joanna. *Political Dissent and Democratic Remittances. The Activities of Russian Migrants in Europe, London and New York, Routledge, 2022.*

7~ Interviews DE_NGO1, DE_NGO3.

important Russian migrant-led civil society organizations (formed already well before 2022) as well as German civil society initiatives, such as the German-Russian Exchange, promote contacts between German and Russian civil society activists, researchers and media workers. Since February 2022, they have also played a crucial role in terms of advocating for and facilitating humanitarian relocation from Russia.

Entry and stay regulations

There are several opportunities for Russian HRDs at risk to seek relocation to Germany. In addition to the regular migration routes such as employment and business, education or family reunion, they include seeking asylum and humanitarian relocation, including fellowship programmes aimed at HRDs at risk, offered by both local NGOs and academic institutions.

One of the humanitarian relocation options open to all HRDs from third countries is the Elisabeth-Selbert-Initiative (ESI) launched in June 2020. Administered by the NGO Institut für Auslandsbeziehungen (Institute for Foreign Relations) and financially supported by the German Federal Foreign Office, this programme serves to aid those confronting substantial repercussions such as threats, physical harm and psychological violence due to their human rights advocacy. The qualification criteria⁸ include experience in human rights advocacy work and the actual risk related to this work. Interested HRDs can contact the ESI directly via encrypted email or through their potential host organization. Subsequently, they receive access to an application platform where they can detail their human rights efforts, the challenges encountered and the risks they have faced. Prospective defenders can also apply without a host organization, in which case the initiative assists in locating a suitable host. Successful candidates are issued a national D visa.⁹

Some NGOs working on the humanitarian relocation of Russian HRDs have hosted Russians as part of this programme,¹⁰ sponsoring their visa applications, engaging the successful candidate into the organization's work as well as providing housing and networking opportunities.¹¹

Furthermore, according to Section 22 of the German Residence Act, Russian HRDs at risk who need to stay in Germany longer may apply for a German D-type long-term visa issued on humanitarian grounds,¹² and, after arriving in Germany, apply for a residence permit on humanitarian grounds. In this case, the HRD at risk requires an "admission" commitment (Aufnahmezusage) from either the Federal Ministry of the Interior or its designated representative to apply for a visa on these grounds. Upon receiving the admission commitment, an application for a visa can be made at German embassies or directly at the Ministry of Foreign Affairs with the help of the sponsoring organization. Such visas for humanitarian purposes are typically issued for shorter periods than visas for humanitarian purposes in Latvia or Poland since such a visa is issued to enable entering the country and applying for a residence permit for

8~ Elisabeth-Selbert-Initiative, Eligibility criteria for temporary relocation (up to 6 months), https://www.ifa.de/fileadmin/Content/docs/foerderungen/ESI/2021_ESI_EligibilityCriteria.pdf.

9~ German Residence Act, Section 7, subsection 1, sentence 3 [Residence Act in the version promulgated on 25 February 2008 (Federal Law Gazette I p. 162), most recently amended by Article 4b of the Act of 17 February 2020], https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0634.

10~ Interview DE_NGO1.

11~ Ibid.

12~ According to Section 22 of the Residence Act from 25 February 2008 with amendments: "A foreign national may be granted a temporary residence permit for the purpose of admission from abroad for reasons of international law or on urgent humanitarian grounds. A temporary residence permit is to be granted if the Federal Ministry of the Interior or the body designated by it has declared so as to uphold the political interests of the Federal Republic of Germany that the foreign national is to be admitted.", https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0634.

humanitarian purposes. The visa holder should apply for a residence permit based on Section 22, Sentence 2 of the Residence Act at the competent immigration authority (Ausländerbehörde) within the validity of the visa.

Notably, humanitarian visa applications have priority over other visa applications and so are granted more quickly, which usually is of considerable importance in the case of HRDs at risk.

In exceptional situations, a “visa on arrival” or “exceptional visa”, according to Section 14 of the Residence Act, can be issued upon entering Germany. Holders of visas issued under Section 22, Sentence 2 should not apply for asylum (except for particular cases), as in case of such an application, the visa will be annulled.

Residence permits, aligned with Section 22 of the Residence Act, are initially granted for a maximum duration of three years. The permit can be extended for the same period in line with Section 26 (1) of the Residence Act.

An essential feature of the residence permit granted on humanitarian grounds, which sets the German solution apart from other humanitarian residence solutions, is the designation¹³ of each permit holder to a specific federal Land through the application of the Königstein Key principle (Königsteiner Schlüssel), with some exceptions.¹⁴

Moreover, temporary residence permits may be granted by the supreme Land authorities under Section 23 to migrants from specific states or to certain groups of third-country nationals defined by other means, for reasons of international law, on humanitarian grounds or to uphold the political interests of the Federal Republic of Germany (pursuant to Section 23, 1 and 2 of the same Act).¹⁵

Besides long-term visas for humanitarian purposes, Russian HRDs at risk can apply for other types of long-term visas and residence permits based on:

- employment and entrepreneurship (including the freelancer visa¹⁶ and skilled worker visa¹⁷);
- studies and research;¹⁸
- family reunification.¹⁹

HRDs at risk may also seek asylum in Germany.

Non-governmental organizations play a fundamental role in the implementation of the humanitarian visa policy as well as in facilitating humanitarian relocation via securing residence on other grounds. German NGOs and informal groups, including those led by earlier Russian migrants, working in close cooperation with the Ministry of Foreign

13~ The designation practice may not be applied in case of taking up employment subject to social security contributions or vocational training or studies (Section 12a 1 of the Residence Act) or waived (Section 43, 45a of the Residence Act), Residence Act in the version promulgated on 25 February 2008, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0634.

14~ Gemeinsam Wissenschaftskonferenz, <https://www.gwk-bonn.de/themen/finanzierung-von-wissenschaft-und-forschung/koenigsteiner-schluesel>.

15~ https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0634.

16~ Section 21 on Self-employment of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, Part 4 Residence for the purpose of economic activity, 2020, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0621.

17~ Section 18 of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, Part 4 Residence for the purpose of economic activity, Principle of skilled immigration; general provisions, 2020, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0388.

18~ Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, Part 3. Residence for educational purposes, 2020, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0267.

19~ Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, Part 6 Residence for family reasons, 2020, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0722.

Affairs and other relevant authorities, are a crucial link in the communication chain. They help prepare humanitarian visa applications and act as guarantors of HRDs at risk with whom they have previously collaborated.

Also, NGOs are an important source of information on various relocation options. For example, the inTransit²⁰ initiative develops step-by-step guides for various relocation options and distributes them among fellow NGOs and through dedicated social media chats. Such information material enables HRDs at risk to make informed choices about their relocation strategy. What is more, some of the NGOs also provide financial and logistic support in relocation.²¹

Various Germany-based civil society organizations and initiatives engaged in supporting humanitarian relocation work with different groups of beneficiaries. While some focus strictly on HRDs with substantial experience and a history of mutual collaboration facing serious threats in Russia due to their HRD work,²² others may work with much broader populations, for instance, people with an anti-war position, those who try to escape military mobilization or members of LGBTQ+ communities.²³

Notably, there is considerable cooperation and exchange of information and experience between various NGOs located in Germany as well as outside. One of the NGOs, for example, coordinated a group of 22 relocation initiatives across Europe.²⁴

Integration measures and opportunities

Holders of German humanitarian visas are provided with temporary housing and unemployment benefits, subject to regular attendance of free language and integration courses (*Section 44a, p. 1.1.a. of the Residence Act*²⁵). The residence permit on humanitarian grounds also grants holders the right to employment and free education and professional training in Germany. If the person is unable to work, free medical insurance is provided by the Job Centre or Social Welfare Office. Notably, in the case of humanitarian visa holders, the Federal Office for Migration and Refugees (BAMF) distributes people among federal Lands, based on Section 75, p.8 of The Residence Act.²⁶ There are several temporary housing options, including camps or communal housing. Humanitarian visa holders can also get reimbursement for rental on the free market, provided the apartment meets Job Centre requirements.²⁷ However, finding suitable accommodation can be difficult due to the generally tight rental market as well as the reluctance of many property owners to rent to social assistance beneficiaries.²⁸

Given that the German state offers free language and adaptation courses, NGOs are less engaged in this aspect of integration, unlike their peers in Poland, the Czech Republic or Latvia. Some NGOs, however, offer well-being and psychological support. Also, local NGOs, in particular, organizations and initiatives led by Russian migrants, promote integration by creating and managing networking opportunities and organizing various cultural and social events.²⁹

20~ [Helping activists from Russia to evacuate and legalise in Germany](https://truerussia.org/en/projects/transit/) <https://truerussia.org/en/projects/transit/>.

21~ Interview DE_NGO1.

22~ Interviews DE_NGO1, DE_NGO4.

23~ Interview DE_NGO3.

24~ Interview DE_NGO1.

25~ Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, from 25 February 2008, with amendments, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html.

26~ Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, from 25 February 2008, with amendments, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html.

27~ Interview DE_NGO4.

28~ Interview DE_NGO1.

29~ Interviews DE_NGO1, DE_NGO2, DE_NGO3, DE_NGO4.

Challenges

Even though the German system of humanitarian relocation is recognized as one of the most comprehensive, several challenges can be identified within the whole process, starting from visa application submission to the integration process.

One of the main sources of challenges is the scarcity of publicly available official information on the requirements and procedures for the humanitarian visa. This can lead to a lack of consistency in policy and rules application, low awareness about these visa types among public servants and a lack of communication between official bodies and with NGOs. Moreover, not all consular officials dealing with visa applications are sufficiently informed about the provisions for humanitarian visas, with cases of applicants being asked to submit supporting documents which are not required by law (e.g., health insurance).³⁰

Similarly to Latvia, the Czech Republic and Poland, one of the main challenges regarding German humanitarian visa policy is posed by the requirement of the prospective applicant's pre-existing and future cooperation with German organizations or institutions. This requirement is not directly mentioned in any documents in public access and is based on the justifiable intention to support HRDs facing persecution due to their ties with German partners. Unlike the situation with humanitarian relocation from Afghanistan, Russian HRDs face repressions not so much due to their cooperation with German or other foreign partners, but due to the nature of their work. This requirement limits the chances of many HRDs who face serious threats but have not previously cooperated with partners outside Russia. At the same time, there are no effective communication channels between civil society organizations supporting humanitarian relocation and the Ministry of Interior, which may result in unnecessarily prolonged vetting and decision-making processes.³¹

Another challenge identified through research is related to the informal requirement from the Ministry of Foreign Affairs that HRDs at risk not apply for a humanitarian visa based on Section 22.2 if they can get a long-term visa or residence permit on other grounds.³² However, humanitarian visas applications not only have priority over other visa types in their processing by the Ministry of Interior, they can also be submitted at consular representations outside the country of permanent residence. As a result, HRDs at risk who have job offers or have been accepted to study or internship programmes are often forced to wait for a much longer time, since if they decide to apply for a humanitarian visa, their designated Land for residence will most likely be different than the Land where they have been offered a job or studies opportunity.

The designation to specific local communities poses problems of another nature, as research demonstrates.³³ In practice, this requirement may go against the grain of its underpinning justification, which is better integration. Many new visa holders may find themselves away from their support networks and civil society organizations offering dedicated services. The principle of a designated place of residence also limits access to job and study opportunities, or personal relationships, as officially changing the designated place of residence may take months.³⁴ This situation may also prevent relocated HRDs from quickly resuming their human rights work.

30~ Interview DE_R1.

31~ Interviews DE_NGO2, DE_NGO3, DE_R1.

32~ Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, from 25 February 2008, with amendments, https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html.

33~ Interviews DE_NGO 3, DE_NGO4.

34~ Interview DE_R1.

Yet another issue identified through research is the limited awareness about the situation of humanitarian visa holders, their rights and duties, among local public authorities, particularly in smaller places with fewer migrants.

Good practices

The German experience offers a number of examples of good practices in terms of the relocation of Russian HRDs at risk that can be drawn from the German state and non-state actors and are worth promoting in other countries.

First of all, Germany applies a comprehensive approach to the relocation of HRDs at risk. The humanitarian visa allows for the possibility to apply for a residence permit. Humanitarian visa holders also have access to the labour market, social benefits and healthcare as well as accommodations.

The language and integration programme is very extensive. It is free in the case of humanitarian relocations and is tied to receiving social support, which is a strong motivator for regular attendance of classes. Funded by the Office for Migration and Refugees (BAMF),³⁵ the programme consists of 100-hours of orientation and 500-hours of language instruction. After passing the final exam, course participants receive a certificate. Notably, such courses are offered by 1300 local language schools, and there are various editions of the course adapted to the diverse needs of the participants.³⁶

Given the traumatic experiences of many HRDs at risk, the emphasis local NGOs place on physical and mental well-being (therapy sessions, facilitation of doctor and therapist appointments, etc.) is also very important.

German legislation provides for the issuance of travel documents for foreigners when obtaining a passport from the authorities of their country of origin is not possible.³⁷ This is particularly important for Russian HRDs who relocated due to repressions or for fear of repressions and cannot go to the Russian embassy to renew their passports.

Effective communication and cooperation, based on mutual trust and respect, between the Germany-based NGOs and the German Ministry of Foreign Affairs with NGOs who assist in the vetting and risk assessment processes as well as in preparing applications make the whole process quicker. The relevant officials are usually responsive on all issues regarding the application process. They also promote better communication and collaboration between NGOs working on relocation by organizing round tables with representatives of these organizations.³⁸

The German experience is also notable for the strong ties, dialogue and cooperation among civil society organizations and initiatives working in the field in Germany as well as with their colleagues working abroad. Regular exchange of information is crucial in the dynamic policy environment. Also, the exchange of information on incoming cases, as well as the referral of selected cases to organizations that specialize in assistance to particular groups of HRDs at risk (e.g., LGBTQ+, journalists), is essential. The current attempts to establish a formalized association of over ten civil society initiatives working on assistance to (Russian) HRDs at risk and humanitarian relocation will contribute to more effective mutual learning processes and streamline

35~ BAMF, Integration Courses, <https://www.make-it-in-germany.com/en/living-in-germany/learn-german/integration-courses>.

36~ Ibid.

37~ Section 5 of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, 2020, https://www.gesetze-im-internet.de/aufenthv/_5.html.

38~ Interviews DE_NGO1, DE_NGO2, DE_NGO3, DE_NGO4.

HRD assistance. Moreover, two of the organizations polled in this study are positioning themselves as pan-European NGOs.³⁹ Their focus remains on Germany, but they also are enhancing their networks and knowledge of legal instruments to help HRDs relocate to other European countries as well. This approach creates a rich landscape of NGOs in Germany (10+) and abroad, helping the target group to get to safety, legalize their status and integrate into German society, while continuing their work as Russian HRDs.

39~ Interviews DE_NGO1, DE_NGO4.



Latvia: Extensive Practice Without Official Policy



Background

In response to the Russian Federation's full-scale invasion of Ukraine, Latvia joined other EU member states that decided to immediately suspend the issuance of short-term visas to Russian citizens. At the same time, Latvia has opened the possibility of seeking refuge on its territory for Russian HRDs at risk, in particular, for journalists. While officially, Latvia does not have a dedicated policy framework or formal procedure to facilitate the entry and stay of civil society actors at risk, the country has been granting long-term humanitarian visas and residence permits to journalists and other civil society representatives to enable their relocation.

Years before the start of the Russian Federation's full-scale invasion of Ukraine, Latvia enabled the relocation of some Russian independent media outlets, including Meduza and Spektr.Press, in the face of increasing Russian government pressure on independent media. The Russian government's decision to shut down Deutsche Welle's Moscow office and withdraw accreditation from the German broadcaster's journalists in Russia in the very beginning of February 2022 was also met with a public invitation from a Latvian government minister to relocate to Latvia,¹ which took place soon after.

Russia's invasion of Ukraine unleashed a wave of independent journalists and HRDs seeking a safe haven where they could continue their work and escape persecution. This situation forced the Latvian government to take a clear position and the Latvian civil society to look for ways of assisting Russian HRDs, including journalists, at risk. The then-Latvian Foreign Minister set the tone for Latvia's response in a single tweet. Since 24 February 2022, over three hundred media workers have relocated to Latvia and at least 15 media have re-established their editorial offices in Riga.²



Edgars Rinkēvičs
@edgarsrinkevics



As [#Russia](#) closes independent media and introduces complete censorship, I reiterate Latvia's readiness to host persecuted Russian journalists and help them in any way we can. Russian public in Russia and around the world must receive truthful and objective information

10:11 AM · Mar 7, 2022 from Riga, Latvia



22



309



1,295



13



Source: <https://twitter.com/edgarsrinkevics/status/1500761023963447303>

This declaration has been reiterated on a number of occasions by several Latvian officials, including the Prime Minister, who declared on his Twitter account that Russian independent media are welcome in Latvia and share a common purpose “to deliver truth to Russia and Russian speakers in the free world.” However, as emphasized by a Ministry of Foreign Affairs representative,³ even though Latvia does not have a specific legal provision or relocation scheme for Russian citizens at risk, in practice, based on a case-by-case approach, the country has become a place of refuge for many independent anti-regime media workers and their families.

1~ Interview LV_MFA.

2~ Interview LV_NGO2.

3~ Interview LV_MFA.



Krišjānis Kariņš 
@krisjaniskarins

Follow



We must shut down the propaganda channels targeting Russian speakers everywhere with lies about the war. In Latvia, we have given a new home to many independent Russian journalists, who are helping to deliver truth to Russia and Russian speakers in the free world.

12:11 PM · May 25, 2022



1



1



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Source: <https://twitter.com/krisjaniskarins/status/1529404900542652417>

Latvia's two-pronged values-based approach to the travel and stay of Russian citizens was confirmed in a joint statement issued by Estonia, Latvia, Lithuania and Poland on 8 September 2022.⁴

The relocation of independent journalists and media professionals has been strongly supported by Latvian civil society. From the onset of the full-scale war, Media Hub Riga has been providing tailored support to exiled media workers from Belarus, Russia and Ukraine and their families.⁵ The work on Media Hub, envisioned as a safe co-working space with allocated funds for emergency purposes, had started just before the Covid-19 pandemic and could be immediately activated after the pandemic restrictions were lifted. This experience gave the organizations that created the Media Hub Riga team a head start concerning responses to the war-related emergency relocation of independent media outlets and the emigration of journalists and other HRDs.⁶

To sum up, three main lines of reasoning have shaped Latvia's response: one focusing on values and responsibilities towards persecuted civil society; another appealing to Latvia's self-interest in having a democratic Russia as a neighbor; and the former two tempered, however, by appeals to the possible security risks associated with the arrival and presence of Russian citizens. Thanks to the previous experience of the Russian independent media relocations, the political will as well as the readiness of the civil society sector to deal with emergencies even before the war, Latvia has become an important destination for Russian independent media people and other HRDs at risk since the invasion of Ukraine.

Choice of country

Latvia opened its doors to independent media professionals at risk, and as a result many Russian journalists relocated to Latvia due to their employer's decision⁷ and the assistance offered by the Media Hub Riga. Other reasons behind choosing Latvia as a destination country include geographical proximity and familiarity with the country, as well as the large number of Russian-speakers. Some perceive relocation to Latvia as less definitive, and thus, less threatening than emigration to other European countries. In the words of one of the interviewed HRDs: "I wanted to go to Latvia; I wanted to

4~ Chancellery of the Prime Minister, <https://www.gov.pl/web/premier/polska-estonia-litwa-i-lotwa-za-ograniczeniem-mozliwosci-podrozowania-po-europie-dla-obywateli-rosji-oswiadczenie-premierow>.

5~ [Stockholm School of Economics Riga Media Studies Centre](#).

6~ Interview LV_ NGO1.

7~ Interviews LV_R2, LV_R3.

go there from European countries. After all, I proceeded from the fact that you need to spend a maximum of a year there, that this is all for a year. And in my picture of the world, Latvia is an ideal place to spend this time there, and not to emigrate for good. It was always easy to get to it from St. Petersburg by bus, everything is very clear, a beautiful city that I like purely architecturally, there are a lot of Russian-speaking people. Something similar to your home country.”⁸

Entry and stay regulations and practices

The issuance of visas is regulated by the provisions of the Immigration Law.⁹ Due to sanctions imposed after the outbreak of the full-scale war, long-term D-type visas cannot be issued to Russian citizens on the basis of employment in the Republic of Latvia or performance of remote work with an employer registered in another member state of the OECD (Art. 11 (2) point 3).¹⁰ Nor can long-term D-type visas be issued to Russian citizens whose purpose of entry is remote work for an employer registered in another EU member state, OECD country, or self-employment (Art. 11 (5)).¹¹ However, the sanctions do not cover the cases when visa issuance (1) complies with the norms of international law or the interests of the Latvian state, or (2) is related to *force majeure*, important personal reasons or humanitarian considerations. (Art. 11 (2)).¹² Thus, the issuance of national long-term D visas based on these exceptions has been the main avenue for Russian independent media workers and other HRDs at risk to enter and stay in Latvia. The maximum period of validity of such a visa is one year, and, in justified cases, visa holders may apply for a visa renewal or a residence permit.

Notably, the legislation does not define “humanitarian considerations”. However, according to the Supreme Court’s 2021 judgment (followed by the Office of Citizenship and Migration Affairs), a person can be issued a long-term visa or residence permit on “humanitarian considerations” if staying in the country of origin would lead to this person’s facing severe moral experiences or great physical suffering, to the extent that it can be recognized as inhumane treatment. “Humanitarian considerations” are used in exceptional cases, and each visa applicant’s situation is assessed individually. Moreover, the threat of an economic crime proceeding is not sufficient grounds for issuing a visa based on humanitarian considerations.¹³

In practice, the grounds for issuing long-term D-type visas for Russian HRDs at risk has been a combination of two main criteria: the threat of persecution due to professional activity; and their professional credentials and intention to continue their work after leaving their home country. As a Ministry of Foreign Affairs representative explained: “We actually want to know specifically that the reason that these people risk persecution or trouble in Russia is their professional work within the media, that’s the point.”¹⁴ Immediate family members of journalists and HRDs in danger can also

8~ Interview LV_R4.

9~ Immigration Law, Article 11(2), from 1 May 2003, “If the foreigner’s intended period of stay is longer than the period for which a visa can be issued in accordance with Regulation (EC) No. 810/2009 establishing the Community Visa Code (Visa Code) for Article 2(2)(a), a long-term visa may be issued to a foreigner if:

1. its issuance complies with the norms of international law or the interests of the Latvian state;
2. its issuance is related to force majeure, important personal reasons, or humanitarian considerations.” <https://likumi.lv/ta/id/68522-imigracijas-likums>.

10~ Immigration Law, Article 11(2), Point 3, from 1 May 2003, “the foreigner is not a citizen of the Russian Federation and the issuance of the visa is related to employment in the Republic of Latvia or stay in the Republic of Latvia, performing remote work with an employer registered in another member state of the Organization for Economic Cooperation and Development, or to a self-employed person registered in a member state of the Organization for Economic Cooperation and Development.” <https://likumi.lv/ta/id/68522-imigracijas-likums>.

11~ Immigration Law, Article 11, from 1 May 2003, <https://likumi.lv/ta/id/68522-imigracijas-likums>.

12~ Immigration Law, from 1 May 2003, <https://likumi.lv/ta/id/68522-imigracijas-likums>.

13~ Email exchange with a civil society representative on 7 August 2023.

14~ Interview LV_MFA.

apply for type D long-term visas. Decisions on granting national D-type visas are taken on a case-by-case basis. The flexibility of the case-by-case approach is required, given the complex situations of many Russian journalists and HRDs.¹⁵ As part of the security vetting system, long-term visa applicants must provide information regarding their Russia-based relatives, including their places of work. Experience demonstrates that having relatives working for government institutions can be the basis for visa rejection.¹⁶

Unlike the case of the Czech Republic's Civil Society Residence Programme for HRDs at risk, and similarly to Poland's practice, Latvian civil society actors are not official partners to the state administration. However, the above-mentioned Media Hub Riga has been playing a significant role in assisting Russian media professionals at risk with visa formalities, including legal advice, helping with completing the applications and providing advice on professional credentials to the Ministry of Foreign Affairs when required.¹⁷

The total number of people, mainly Russian citizens, who have received long-term D visas from the start of the full-scale invasion is over five hundred. This number includes up to three hundred media workers and two hundred family members.¹⁸

Russian media workers at risk can also apply for a residence permit, but only based on selected purposes specified by law. As a result of the sanctions related to the Russian Federation's war against Ukraine, residence permits may be issued to Russian citizens under three main provisions. The first one is international legal norms, including employment under EU legislation – for instance, highly specialized professionals can be granted an EU Blue Card.¹⁹ This option, however, is mainly available for large media outlets with stable foreign funding, as it is necessary to prove that the company can guarantee the Blue Card recipient's salary for at least one full year.²⁰ The second provision is based on considerations concerning the Latvian national interest.²¹ In this case, either the Ministry of Culture, responsible for media policy, or the Ministry of Interior has to express their support for each individual case, on the basis of which the Ministry of Interior can issue a residence permit based on the interest of the state.²² And the third is humanitarian considerations.²³ As a result, Russian HRDs at risk cannot apply for residence permits related to employment in Latvian legal entities (excluding those eligible for the EU Blue Card).

Russian HRDs at risk can also apply for international protection in Latvia. However, this path is chosen less often by Russian journalists, who usually need to be able to travel to Russia for professional purposes, in comparison to other HRDs at risk.²⁴

15~ Interview LV_MFA.

16~ Interview LV_R3.

17~ Interviews LV_R1, LV_R2, LV_R3, LV_R4.

18~ Interview LV_MFA.

19~ The Blue Card is an approved EU-wide work permit (Council Directive 2009/50/EC) allowing highly skilled non-EU citizens to work and live in 25 of the 27 countries within the European Union, excluding Denmark and Ireland, which are not subject to the proposal. For details, see: <https://eur-lex.europa.eu/EN/legal-content/summary/eu-blue-card-entry-and-residence-of-highly-qualified-workers-until-2023.html>.

20~ Interview LV_NGO1.

21~ Immigration Law, Article 23(3)(3), from 1 May 2003, "a temporary residence permit for a period of up to five years is granted (...) in relation to citizens of the Russian Federation and the Republic of Belarus - the Minister of Internal Affairs, if it corresponds to the interests of the Latvian state or international legal norms or is related to humanitarian considerations."

22~ Interview LV_NGO1.

23~ Immigration Law, Article 23(3)(3), from 1 May 2003, <https://likumi.lv/ta/id/68522-imigracijas-likums>.

24~ Interview LV_R1.

Adaptation and integration processes

Asylum seekers and beneficiaries of international protection are entitled to integration support measures, including free language courses, integration/sociocultural orientation courses, individual consultations on the issues of employment, education, migration, legal matters, etc. Beneficiaries of international protection are also offered the services of social workers and social mentors to support their socio-economic integration.²⁵ Other third-country nationals can also benefit from language and orientation courses, interpretation services, and psychological support offered by Latvian NGOs.²⁶

In the case of media workers relocated to Latvia, Media Hub plays a central role in facilitating their adaptation and integration in Riga by addressing various needs and providing an informal social support system for Russian (as well as Belarusian and Ukrainian) media workers who have relocated to Latvia. Community building lies at the core of the idea behind the Hub. In the words of one of its representatives: “Media Hub Riga is a community, that’s the aim of creating a safe community where people are supportive of one another to help through the transitions and the fast-changing environment.”²⁷ The NGO partners that have created Media Hub Riga deliver legal services, social integration, medical and wellness support, as well as support for professional development, including mentoring with access to funding. Media Hub Riga’s activities are project-based. Thus, until May 2023, their activities were more emergency-oriented, focusing, for example, on relocation support and housing stipends. Their later projects have shifted their aims to integration and wellness, including legal migration advice and psychological support.²⁸

The Hub also organizes various community events aimed at professional development as well as cultural and social integration, including guided walks around the city of Riga (initially held in Russian, but increasingly held in Latvian), various trips and parties during which the participants are familiarized with elements of Latvian culture such as traditional musical instruments.

Regarding professional development and integration, Media Hub is also in the process of introducing Media Hub Riga press cards. To qualify to receive such a press card, candidates must attend four hours of training devoted to Latvian media regulation, rights and responsibilities, and the Code of Conduct defined in the Global Charter for journalists. Another initiative is to fund the membership fee for some media outlets to become members of the Latvian Media Ethics Council. The Hub also provides the space for self-organization of various courses and events and is gradually introducing a co-pay system for the funding of courses and events. For example, Media Hub Riga members could use the premises to self-organize a Latvian language course.²⁹

The adaptation and integration experiences of media workers in large media corporations and that of freelancers or employees of smaller media outlets may vary considerably. Larger media outlets may help with finding and funding accommodation as well as support applications for temporary residence permits, while other HRDs at risk might rely on support from Media Hub Riga and their own social networks.

25~ Republic of Latvia Cabinet Order No. 759, Adopted 2 December 2015, “Action Plan for Movement and Admission in Latvia of Persons who Need International Protection,” <https://likumi.lv/ta/en/en/id/278257-action-plan-for-movement-and-admission-in-latvia-of-persons-who-need-international-protection>.

26~ The European Commission, “Governance of migrant integration in Latvia,” https://ec.europa.eu/migrant-integration/country-governance/governance-migrant-integration-latvia_en.

27~ Interview LV_NGO1.

28~ Ibid.

29~ Ibid.

Significantly, Latvian D-type long-term visas issued for the purposes regulated by the law, unlike Polish national D-21 visas issued for humanitarian purposes, do not grant the visa holders access to the labour market or public health care. Moreover, Russian holders of national D-type visas cannot apply for employment permits because their visas are issued for other purposes, as described above.

Challenges

The flexibility of the case-by-case approach can have obvious positive aspects but may also leave individual visa applicants very uncertain about their chances of being granted a visa or ways of justifying their case. One of the challenges reported by the study participants is the lack of clear provisions regarding the issuance of D-type visas. The “humanitarian” or “national interest” criteria are not clearly defined, leaving room for considerable arbitrariness of the decisions rendered.

Unlike D-type long-term visas issued on humanitarian grounds by Poland, Latvian humanitarian visas do not grant their holders access to the Latvian labour market. Not being able to seek and undertake jobs in Latvian companies, Russian holders of humanitarian visas who do not have income from non-Latvian entities (e.g., a large Russian media outlet that relocated to Latvia) may find securing income to support their livelihood in Latvia very difficult.

Another challenge faced by Russian media professionals and their families who have relocated to Latvia is the sense of temporariness and unpredictability associated with not having a residence permit but only a D-type national visa. While they know that such a visa can be renewed, they feel there is no guarantee that it will be renewed or for how long. As one of the respondents, a journalist who worked for independent media in Russia and moved to Latvia due to security threats, explained: “In terms of everyday life and public security, I feel comfortable and safe. However, I am pretty concerned about the future Latvian government, and I am not sure they will be as welcoming toward me as they are now. I believe a lot depends on Russia’s activities as an aggressor, on the developments in Ukraine, and the political situation inside Latvia.”³⁰ While residence permits can be granted only in the cases allowed by law, as explained earlier, D-type visa holders are often unclear as to whether they have a good chance of receiving a residence permit or not.

Moreover, while opening a local bank account is vital for the new residents’ everyday life, Russian HRDs relocated to Latvia find it impossible to open an account before they are granted a residence permit. This difficulty arises from the rigorous security checks, amplified by the high bank account opening fees of up to 500 EUR.

Good Practices

By focusing on a particular group of HRDs – independent media professionals – Latvia can better address their needs and interests. In this case, Media Hub Riga, established thanks to the cooperation between local NGOs to provide a safe space, integration opportunities and complex services targeted at media workers, is of particular value.

One of Media Hub’s purposes is to help relocated independent media professionals continue their work after relocation, so that humanitarian relocation does not mean professional deactivation. The safe co-working space, integration events, courses and

30~ Interview LV_R4.

lectures are of particular importance to freelance media professionals and employers of smaller independent media outlets who do not have the institutional support of large media corporations.

The strategy of the gradual movement towards greater financial participation in funding language and other courses and responsibility on the part of beneficiaries of relocation and integration assistance adopted by the Media Hub creators is also noteworthy.

The experience of cooperation between the Latvian authorities and the civil society sector, in particular the NGO partners that created Media Hub Riga, has been highly appreciated by both sides.³¹ This success depends on mutual trust and respect as well as formal and informal channels of regular communication. The civil society partners have a kind of “direct line” with the Border Guard service, the Ministry of Foreign Affairs and the Immigration Office for emergency cases, developed already during the COVID-19 pandemic.³²

31~ Interviews LV_NGO1, LV_MFA.

32~ Interview LV_NGO1.



Poland: Immediate Access to the Labour Market for Humanitarian Visa Holders



Background

Poland has been supporting Russian (and Belarusian) human rights defenders facing political repressions by granting them Polish visas issued for humanitarian reasons for at least ten years.¹ Over the past several years, the visa scheme for Russian HRDs at risk has evolved from earlier cooperation between the Ministry of Foreign Affairs and Polish non-governmental organizations as well as the experience with assisting Belarusians facing repressions from the Lukashenka regime.

In a joint statement issued on 8 September 2022, Poland, Latvia, Lithuania and Estonia agreed to take a regional coordinated two-pronged approach to the travel and stay of Russian citizens.² While, on the one hand, the countries agreed to restrict the entry of Russian citizens travelling for tourist, cultural, sports and business purposes, on the other, they expressed their shared support for Russian dissidents and human rights defenders. After the announcement of military mobilization in Russia in September 2022, the Polish authorities warned that they would not welcome every Russian leaving their country for fear of being enlisted. As the Chief of the Chancellery of the Prime Minister of Poland, Michał Dworczyk announced in an interview: “We are not planning on receiving Russian citizens who up to now have been supportive of Vladimir Putin’s regime, and when there was a possibility that they might need to go to the front, they have suddenly become great democrats and want to leave Russia.”³ At the same time, he emphasized that Poland will not close its borders for Russian human rights defenders and dissidents facing repressions. The Regulation of the Minister of the Interior from 19 September 2022,⁴ introduced a ban on entry to Poland for the majority of Russian citizens; exempted from the ban are holders of residence permits, holders of the Pole’s Card, holders of humanitarian or repatriation visas and professional drivers whose entry is related to the performance of official duties.

Choice of country

Poland, similarly to the Czech Republic, is selected as a destination country for HRDs at risk mainly due to their or their colleagues’ pre-existing contacts with local NGOs that can support their humanitarian visa applications.⁵ Moreover, for some older HRDs, Poland appears a much more familiar country than the more Western EU member states, with a language that is more similar to Russian and, thus, less “threatening” than German or Latvian.⁶ Geographical proximity is also a factor in favour of choosing Poland as a destination country. In some cases, Russian HRDs, while applying to several EU member states for visas, received a long-term visa to Poland well before they heard from other countries, which was the main reason for them to choose Poland, even though they may have planned to go to Germany or another Western EU member state.⁷

1~ Interview PL_NGO1.

2~ Chancellery of the Prime Minister webpage, <https://www.gov.pl/web/premier/polska-estonia-litwa-i-lotwa-za-ograniczeniem-mozliwosci-podrozowania-po-europie-dla-obywateli-rosji-oswiadczenie-premierow>.

3~ The Polish Radio 3, “Rosjanie uciekają przed mobilizacją. Dworczyk: Polska nie zamyka granic, ale nie wszyscy są przyjmowani,” 27 September 2022, <https://polskieradio24.pl/5/1222/arttykul/3043397,rosjanie-uciekaja-przed-mobilizacja-dworczyk-polska-nie-zamyka-granic-ale-nie-wszyscy-sa-przyjmowani>.

4~ Rozporządzenie Ministra Spraw Wewnętrznych i Administracji, z dnia 19 września 2022 r. zmieniające rozporządzenie w sprawie czasowego zawieszenia lub ograniczenia ruchu granicznego na określonych przejściach granicznych, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20220001963>.

5~ Interviews PL_R1, PL_2, PL_3, PL_4.

6~ Interview PL_R5.

7~ Interview PL_R1.

Entry and stay regulations

Poland offers several avenues for the relocation of Russian HRDs at risk. Generally, Schengen and national visas on humanitarian grounds can be issued to all third-country nationals according to Art. 60 (1) (23) of the Law on Foreigners from 2013.⁸ In the case of Russian HRDs, a dedicated humanitarian visa scheme based on the collaboration between the Ministry of Foreign Affairs, other relevant state institutions as well as selected civil society actors allows Russian HRDs to come to Poland on humanitarian grounds. Russian HRDs at risk can apply for national visas on humanitarian grounds through Polish consulates in Russia and other countries, as well as through intermediaries such as visa centres and selected Polish NGOs with a long track record on human rights and cooperation with Russian civil society partners.

Two main criteria are considered when assessing a visa application on humanitarian grounds: evidence of HRD work and the actual risk or threat. Before selected NGOs can support a visa application, they collect information on these two criteria from potential applicants. In the words of an NGO representative: “There are two criteria that must be met in order to receive assistance. A human rights defender must prove their experience in human rights activities. They cannot be human rights defenders who have just started doing something as part of their activities; there must be experience. And secondly, they must prove the threats, the risks. Without this, we will not be able to decide to provide assistance. We have clear rules, a defined sort of information that we must receive from a human rights defender in need of assistance. They have to fill out a questionnaire, and this questionnaire has all the information we need to make a decision.”⁹

Moreover, the NGOs supporting humanitarian visa applications may “specialize” in the type of HRDs they support, usually giving priority to HRDs whom they already know from previous cooperation. For example, some may be open to supporting human rights lawyers and independent journalists but not political opposition activists, while other NGOs would also support the latter. If a given civil society organization cannot assist an HRD at risk, they try to suggest other organizations that might be in a position to help.¹⁰

Notably, Russian HRDs at risk can apply for national D-type visas in Poland’s embassies in other countries than Russia, for example, in Türkiye, Armenia or Georgia – visa-free countries that are often treated as transit countries on the way to EU member states.¹¹

National visas on humanitarian grounds (type D21 visa) can be issued for up to one year. During this period, to secure their stay in Poland, the humanitarian visa holder can apply for international protection¹² or a residence permit on the basis of:

- work,¹³
- studies,¹⁴
- being a family member of a Polish citizen,¹⁵
- family reunification.¹⁶

8~ Ustawa o cudzoziemcach z dnia 12 grudnia 2013,

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20130001650/U/D20131650Lj.pdf>.

9~ Interview PL_NGO1.

10~ Ibid.

11~ Interview PL_R1.

12~ Urząd do Spraw Cudzoziemców, “Kto może złożyć wniosek o udzielenie ochrony międzynarodowej?” <https://www.gov.pl/web/udsc/kto-maze-zlozyc-wniosek-o-udziel-ochrony-miegraniczowej2>.

13~ Serwis Rzeczypospolitej Polskiej: Praca i pobyt, <https://www.gov.pl/web/uw-mazowiecki/praca-i-pobyt>.

14~ Serwis Rzeczypospolitej Polskiej: Edukacja, <https://www.gov.pl/web/uw-mazowiecki/studia-i-graduates>.

15~ Serwis Rzeczypospolitej Polskiej: Prawo stałego pobytu członka rodziny obywatela UE, <https://www.gov.pl/web/uw-mazowiecki/pobyt-czlonka-rodziny-obywatela-rp>.

16~ Serwis Rzeczypospolitej Polskiej: Pobyt z rodziną, <https://www.gov.pl/web/uw-mazowiecki/pobyt-z-rodzina>.

In this regard, the situation of Russian citizens holding a D21 visa issued on humanitarian grounds is different from that of Belarusian citizens, who can also apply for a residence permit issued on humanitarian grounds.¹⁷

Another difference in the situation of Russian and Belarusian HRDs at risk is that Belarusian citizens can also apply for a “Polish travel document” in the case of loss of a travel document, destruction or loss of validity of a travel document as well as inability to obtain a new travel document at the consulate of countries of origin. The Polish travel document for foreigners is valid for a period of one year and entitles the holder to multiple border crossings.¹⁸ This opportunity is not yet available to Russian citizens.

Moreover, a scholarship programme for Russian HRDs who could not continue their education in Russia due to persecution provides them with an opportunity to apply to Polish universities after completing a year-long Polish language course. The programme’s beneficiaries are awarded scholarships and are also provided with accommodations in student dorms. The number of available scholarships, however, is limited. The programme is the result of cooperation between the NAWA (Polish National Agency for Academic Exchange), the Polish Ministry of Foreign Affairs and the Conference of Rectors of Polish Higher Education Institutions (CRASP).¹⁹

Poland-based NGOs assisting Russian HRDs at risk, apart from supporting their visa applications, also may provide several other services, including temporary housing in co-living facilities, legal advice on migration issues, psychological support and networking opportunities.

Integration measures and opportunities

In terms of integration, Polish law provides integration programmes only in the case of third-country nationals granted refugee status or subsidiary protection, or members of their close family who were granted a residence permit on the grounds of family reunification.²⁰ The programme’s beneficiaries receive individual support and guidance from an employee of the Municipal Family Support Centre as well as cash benefits, provided for a period not longer than 12 months. Financial support is paid monthly and can range from PLN 647 to PLN 1,376 (EUR 144 to 307 as of August 2023), depending on the number of people in the family. The funds are intended, among others, for maintenance, in particular, to cover expenses for food, clothing, footwear, personal hygiene products and housing fees, and to cover the costs of learning Polish.

All other HRDs granted humanitarian visas or residence permits in Poland rely on the assistance provided by the selected NGOs that support the relocation of the Russian HRDs at risk. In the majority of cases, they provide various services to the people they helped in the relocation process.

17~ Office for Foreigners, “Changes in the law – more foreigners entitled to obtain a Polish travel document for a foreigner,” 2 January 2023, <https://www.gov.pl/web/udsc-en/changes-in-the-law--more-foreigners-entitled-to-obtain-a-polish-travel-document-for-a-foreigner>.

Regulation by the Minister of Interior and Administration, from 14 June 2022, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220001335/O/D20221335.pdf>.

18~ Regulation from the Minister of Interior and Administration, from 23 June 2023, <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/obywatelstwa-ktorych-posiadanie-uprawnna-do-ubiegania-sie-o-wydanie-21848687>.

19~ CRASP (Conference of Rectors of Academic Schools in Poland) is a voluntary association of rectors representing those Polish institutions of higher education which have the right to award the PhD degree (or equivalent) in at least one discipline of science or arts, <https://www.krasp.org.pl/en/about-crasp/statutes>.

20~ Ustawa o pomocy społecznej z dnia 12 marca 2004, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20040640593/U/D20040593Lj.pdf>.

Regulation of the Minister of Labor and Social Policy, 7 April 2015, on providing assistance to foreigners, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20150000515>.

The services provided by NGOs include language courses, professional networking opportunities, help with visiting relevant public institutions, legal migration advice, assistance with finding accommodation or signing up HRDs' children for school.²¹

Significantly, unlike the situation, for instance, in Latvia, since 1 December 2020, holders of Polish visas issued for humanitarian purposes have immediate access to the labour market without the need to obtain any additional permits.²² In this way, holders of D-type long-term visas issued on humanitarian grounds can apply for jobs without any administrative obstacles immediately after arrival (needless to say, the language barrier as well as possible requirements of diploma recognition remain significant obstacles for Russian migrants in finding gainful employment in Poland).

Moreover, The Ark ("Kovcheg"), a transnational voluntary organization, focuses on providing emergency accommodation to Russian HRDs at risk who relocate to Poland (as well as to other countries).²³ Other services offered by The Ark include legal advice regarding migration, psychological support as well as networking opportunities in the receiving counties.

Notably, Russian HRDs who have already relocated to Poland may help other HRDs with their relocation, for example, by administering various social media chats on the topic.²⁴

Challenges

The research participants reported several issues that they have faced in Poland. Even though the Polish national long-term visa issued for humanitarian purposes grants access to the Polish labour market without additional permissions, securing a job can prove a challenge.

One of the reasons cited by participants in the study is the prejudice against Russians among Polish employers. In the words of one of the interviewees: "Russians face problems getting employment here, for example, out of concerns for possible conflicts with Ukrainians. Some people just have prejudice. When they see a Russian passport, they immediately say it won't work."²⁵ As the interviewee emphasized, while securing safety is vital, people also need to find the means to live on. The Polish legislation does not provide for granting a residence permit on the basis of performing free-lance or other work for employers outside Poland, which is rather typical in the case of Russian HRDs. At the same time, unemployment benefits are not available to people who have not worked at least 365 days in the past 18-month period,²⁶ and additionally, all foreigners, except those with permanent residence permits or asylum, are not eligible to apply for unemployment benefits.

Public and private institutions may also be poorly informed about what the sanctions entail as well as the opportunities still open to Russian citizens, and in particular to Russian holders of long-term visas issued on humanitarian grounds. To give an example, a Russian HRD humanitarian visa holder explained: "When I even took a bank card [tried to open a bank account – ed.] in PKO bank, the woman who accepted

21~ Interviews PL_NGO1, PL_NGO2.

22~ Legal Intervention Association, "Wiza humanitarna uprawnia do legalnej pracy w Polsce," 1 December 2020, <https://interwencjaprawna.pl/wiza-humanitarna-wraz-z-zezwozeniem-na-prace-uprawnia-do-legalnej-pracy-w-polsce/#:~:text=1%20grudnia%202020%20r.,podejmowa%C4%87%20legalnie%20prac%C4%99%20w%20Polsce>.

23~ The Ark website, <https://kovcheg.live/>.

24~ Interview PL_R3.

25~ Interview PL_R1.

26~ Art. 71 of the Law on the Promotion of Employment and Labour Market Institutions, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20040991001/U/D20041001Lj.pdf>.

the documents told me that she would not be able to do anything because of the Russian passport. I said: 'OK, let's make a bet. Please try to enter my data. If you succeed – okay, if you fail, I'll get up and leave.' She baulked and said: 'Oh, oh, I did it.' That's it. But she had been sure it wouldn't work. What's the matter?'²⁷

A number of non-governmental organizations working with Russian HRDs offer free Polish language courses. However, the organization of such courses is project-based and is not always available to all interested, at all required levels or at times that do not collide with their work. Thus, many migrant HRDs, as well as other migrant groups, including Ukrainian citizens granted temporary protection in Poland, have limited opportunities to improve their Polish skills after the achievement of the initial A1 level. The same goes for training seminars and courses raising awareness about legalization opportunities, one's rights and obligations, access to public services, and other issues important for integration into Polish society. While some NGOs do offer such opportunities, they are only guaranteed for some interested persons and information about them is not widely available. One of the interviewees explained that she was lucky enough to be immediately added to a social media chat that offered information about such topics, but this may not be the case for other Russian HRDs who arrive in Poland: "It would have been nice if there were not just the Polish language courses, but also some legal information, so that I would know what I can and what I cannot count on in this country. Maybe a database on what one can do here. I came here, and somebody added me to a chat, so I should be considered lucky."²⁸

All research participants emphasized the very friendly process of obtaining Polish long-term visas issued for humanitarian purposes. However, as mentioned above, unlike the citizens of Belarus granted humanitarian visas, Russian holders of long-term visas issued on humanitarian grounds cannot apply for residence permits on humanitarian grounds. They must comply with the complex requirements for residence permits issued on other grounds, including employment. As one of the interviewees put it: "If there are humanitarian visas for Russians, maybe it is possible also to have a residence permit on humanitarian grounds? [...] All this process of collecting documents for employment or a business incubator [for freelancers – ed.] is very stressful. [...] I'd love to have a simpler process from humanitarian [visa – ed.] to humanitarian [residence permit – ed]."²⁹

Good Practices

The effective cooperation between local civil society organizations and the Ministry of Foreign Affairs based on mutual trust is one example of good practices in Poland. As in the other researched countries, the exchange of information is conducted through formal and informal channels, leaving room for urgent responses and out-of-the-box solutions when required.

Poland is issuing an increasing number of visas for humanitarian purposes to Russian HRDs. In contrast to some other EU member states, Polish humanitarian visa holders have immediate access to the labour market. This enables the relocated HRDs to more quickly attain financial independence, integrate into Polish society and continue their work for Russian civil society.

27~ Interview PL_R1.

28~ Interview PL_R4.

29~ Interview PL_R3.

There is no strict requirement for documented previous experience with Polish organizations to successfully apply for a visa on humanitarian grounds, subject to successful vetting and risk assessment procedures supported by Polish NGOs. This is a crucial facilitation and an opportunity for less publicly known HRDs with few or no international contacts but have documented human rights engagement and face real risks.

Belarusian HRDs relocated to Poland are able to apply for a Polish travel document in case it is not possible to obtain one from their country of origin's consulate. This practice would also be beneficial for Russian HRDs who cannot apply for a passport at the Russian Federation embassy because of security risks.

The provision of temporary and emergency housing provided by local NGOs is an important way of supporting HRDs at risk during the initial period after their arrival as well as an opportunity for networking with fellow HRDs. Some NGOs also offer fellowships for up to six months.

Importantly, holders of visas issued on humanitarian grounds have the choice of applying for residence permits issued on the grounds of work, studies, family reunification (but not on humanitarian grounds in the case of Russian HRDs) or applying for refugee status or both.

Polish NGOs also strive to ensure legal consultation for HRDs at risk to ensure proper individual case assessment and choice of legalization strategies.



Portugal: Easy relocation country



Background

Portugal is one of the few EU states, along with Germany, Cyprus and Greece, that have opposed tourist visa bans for Russian citizens as part of the sanctions package in response to the war. As Portugal's Ministry of Foreign Affairs declared: "Portugal believes that the main goal of the sanctions regime is to punish the Russian military machine, not the Russian people."¹ It has, however, been denying so-called "Golden Visas" to Russian citizens, starting from February 2022.² As of August 2023, Portugal remains a country that still issues visas enabling Russian citizens to travel to the Schengen zone for reasons other than humanitarian ones.

Moreover, Portugal has one of the most accommodating immigration policies in Europe.³ The Portuguese documented migrant community has grown by 25% just in the past several years: from 590 thousand foreign residents in 2019 to 781 thousand in 2022.⁴ While getting to Portugal might be more challenging for Russians than reaching Poland, Latvia, Lithuania or Estonia, Russian migrants, including HRDs at risk, have been attracted to this country thanks to its liberal migration policy. Although Portugal does not have any humanitarian visa programme dedicated to Russian HRDs at risk, the country still attracts HRDs even without dedicated procedures because of the relatively easy requirements for obtaining a residence permit on non-humanitarian grounds.

Choice of country

Portugal is not the obvious or first choice for Russian HRDs at risk and other Russian citizens considering emigration.⁵ However, an increasing number of Russian citizens have discovered Portugal as an easy relocation country. In the words of one of the Russians relocated to Portugal: "Suddenly, a mutual friend relocated to Portugal. I started asking questions: 'Why Portugal? Sounds a bit strange.' And then, another friend went to Portugal. And then, my friend also moved there. I asked him why he chose Portugal. He explained in a clear manner that they carefully analysed countries and realized that Portugal is a very favourable country. The integration of children, socialization, the list of required documents, and the climate here is actually pretty good."⁶

The perceived security of Portugal is another pulling factor. As one of the interviewed Russians relocated to Portugal explained: "Also, there was the security factor. In the sense that there are no threats. For example, we did not go to Georgia or Serbia, because these countries also have disputed territory issues, in fact, frozen military conflicts, which can blow up again anytime."⁷

1~ "EU visa sanctions: Portugal does not support 'punishment of the Russian people,'" Front News Ukraine, August 20, 2022.

2~ The requirement for qualifying for an investment visa, popularly known as the 'Golden Visa,' includes:

i) Capital transfers equal to, or more than, €1 million into Portugal;

ii) Creation of at least 30 new jobs;

iii) Investment in real estate equal to, or more than, €500,000 (See, Art. 3, d of the Aliens Act from Act 23/2007 of July 4, with amendments, <https://sites.google.com/site/leximigratoria/lei-de-estrangeiros-texto-atualizado>).

"Portugal Has Denied All Golden Visa Applications Filed by Russians Since February," Schengen Visa Info, September 22, 2022, https://www.schengenvisainfo.com/news/portugal-has-denied-all-golden-visa-applications-filed-by-russians-since-february/#google_vignette.

Partly responding to pressure from the EU, in 2023, Portugal announced its plan to stop issuing investment visas altogether.

3~ Partly due to the high out-migration of its own citizens to richer EU member states or the US. See, e.g. "How Portugal Quietly Became a Migration Hub," The Foreign Policy, May 21, 2022, <https://foreignpolicy.com/2022/05/21/portugal-europe-migration-undocumented-work-residency-citizenship-south-asia/#:~:text=The%20result%20is%20an%20immigration,is%20usually%20ignored%20by%20authorities>.

4~ SEF: Relatório de Imigração, Fronteiras e Asilo 2022, <https://www.sef.pt/pt/Documents/RIFA2022%20vF2a.pdf>.

5~ Interviews PT_RL1, PT_R3, PT_R4, PT_R5.

6~ Interview PT_R2.

7~ Interview PT_R1.

An additional positive aspect of relocating to Portugal is the relatively short period of residence in Portugal required for obtaining citizenship (six years).⁸

Entry and stay regulations

Portugal continues to grant short-term C-type Schengen visas, including tourist ones, to Russian citizens, and, unlike some other EU states, also allows entry of holders of Schengen visas issued by other EU member-states. The official waiting time is five days.⁹ What is more, relocated HRDs' experience demonstrates that the Portuguese consulate practices are client friendly.¹⁰ However, in case of urgent temporary relocations to visa-free countries, HRDs at risk may find it challenging to receive a Schengen visa outside the country of their permanent residence.¹¹ The experience of HRDs at risk who relocated to Portugal demonstrates that holders of any visa issued by another Schengen member-state, may apply for residence upon arrival, provided the conditions are met.

HRDs at risk may also apply for a national D-type visa that enables its holder to enter Portuguese territory with a view to applying for a residence permit on the basis of:

- employment (Art. 59 of the Aliens Act,¹² Art. 60A for highly qualified employees,¹³ including regulated professions);
- studies (Art. 62 of the Aliens Act, including residence visa for study, students exchange schemes, traineeships or voluntary service schemes);
- family reunification (Art. 64, in case of those having a spouse or another first-degree family member who is lawfully residing in Portugal at the time of the application);
- self-employment and entrepreneurship (Art. 60).

Entrepreneurs can be granted a so-called “start-up visa”. There is also a large number of business incubators specializing in various spheres of economy.¹⁴ Furthermore, the so-called “retirement visa” or passive income visa, is also an option for people who can demonstrate an annual income of at least €8,460 an additional 50 percent of this amount for the spouse and 30 per cent for each dependent child.¹⁵

Notably, residence visas are refused to any third-country national who has been convicted of a crime which, according to the Portuguese legal framework, is punishable by imprisonment for one year or more, even if the sentence has not been served, or who has been given the same sentence on more than one occasion, even if its execution has been suspended.¹⁶ A visa applicant's criminal record is one of the required documents for temporary stay or residence visa application submission. Many criminal offences under Russian law, however, do not exist in the Portuguese laws, for example, “the discreditation of the army”, or “undesirable organization”. Moreover, the relocated HRDs' experience demonstrates that the Portuguese Immigration and Border Service

8~ Regulamento da Nacionalidade Portuguesa, Art. 15 and 17, https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=895&tabela=leis&so_miolo=.

9~ Portuguese Consulate in Moscow website, <https://moscovo.embaixadaportugal.mne.gov.pt/en/consular-section/visas>.

10~ Interview PT_R1.

11~ Interview PT_P2.

12~ Aliens Act 23/2007 of July 4, with amendments, [https://www.sef.pt/en/Documents/LeideImig\(Lei29_2012\)EN.pdf](https://www.sef.pt/en/Documents/LeideImig(Lei29_2012)EN.pdf).

13~ A person should hold an actual or promised employment contract with a validity of at least one year, establishing an annual remuneration of at least 1.5 times the average gross annual salary or three times the social support index.

14~ IAPMEI - Informação Pública, [https://www.iapmei.pt/PRODUTOS-E-SERVICOS/Empreendedorismo-Inovacao/Empreendedorismo-\(1\)/DOCS_Emp/StartUP-Visa_Incubadoras-Certificadas_22fev-23.aspx](https://www.iapmei.pt/PRODUTOS-E-SERVICOS/Empreendedorismo-Inovacao/Empreendedorismo-(1)/DOCS_Emp/StartUP-Visa_Incubadoras-Certificadas_22fev-23.aspx).

15~ Get Golden Visa website, <https://getgoldenvisa.com/portugal-d7-visa>.

16~ Aliens Act, Article 52(3), 23/2007 of July 4, with amendments, [https://www.sef.pt/en/Documents/LeideImig\(Lei29_2012\)EN.pdf](https://www.sef.pt/en/Documents/LeideImig(Lei29_2012)EN.pdf).

(SEF) officials usually understand that some economic crimes purportedly committed by HRDs are politically charged.¹⁷

Temporary residence permits are issued on the same grounds as residence visas (Art. 77 of the Aliens Act¹⁸), and residence visas are renewed until the residence permit is granted. People granted a residence visa may sign up for a residence permit application appointment already at the Portuguese consulate.¹⁹ The interviewed Russian citizens who relocated to Portugal found the relocation process relatively straightforward.²⁰

Integration measures and opportunities

Portugal offers a range of integration measures and instruments and is ranked high among the EU states both on migration and integration policies.²¹ The Migration Strategic Plan²² provides for optional orientation programs, typically conducted by government entities across the entire nation. At the national level, there are language support initiatives such as “Portuguese for All”²³ and “Portuguese as a Foreign Language”,²⁴ alongside the “Promoting Immigrant Entrepreneurship”²⁵ project. Furthermore, there are initiatives dedicated to mentoring migrants and facilitating intercultural mediation. However, the interviewed study participants did not have the experience of participating in any of such integration opportunities, apart from language courses. Application for permanent residence or citizenship requires successful completion of the Portuguese language exam at A2 level.²⁶

Challenges

While the process of relocation to Portugal, despite the lack of a humanitarian visa programme, is rather straightforward and available to many HRDs at risk, the bureaucratic procedures in various spheres of public life may hinder the process of integration.²⁷ This includes the long waiting time for residence permit decisions, which may take more than a year, leaving the applicants in a suspended state with limited access to some public services or the inability to open a bank account.²⁸

Since applying for EU state visas outside one’s country of permanent residence is possible only in the case of humanitarian visas, relocation to Portugal is not open for the HRDs at risk who found temporary safe haven in visa-free countries unless they already have a Schengen visa.

Portugal’s Russian diaspora community is still very small and fragmented. Unlike the situation in other countries covered by this research, there are no NGOs working on humanitarian relocation or on the integration of Russian migrants. (Although there are migration lawyers who can help with the relocation process on a commercial basis.)

17~ Interview PT_R1.

18~ Aliens Act 23/2007 of July 4, with amendments, [https://www.sef.pt/en/Documents/LeideImig\(Lei29_2012\)EN.pdf](https://www.sef.pt/en/Documents/LeideImig(Lei29_2012)EN.pdf).

19~ Interview PT_R1.

20~ Interviews PT_R2, PT_R3, PT_R4, PT_R5.

21~ Migration Integration Index (MIPEX): 2020, Portugal, <https://www.mipex.eu/portugal>.

22~ Strategic Plan for Migrations, https://ec.europa.eu/migrant-integration/news/portugal-strategic-plan-migrations-2015-2020-approved_en.

23~ The High Commission on Migration, <https://www.acm.gov.pt/-/portugues-para-todos-ppt-na-internet#>.

24~ The General Directorate for Education, <http://www.dge.mec.pt/portugues-lingua-nao-materna#inf>.

25~ The High Commission on Migration, <http://www.acm.gov.pt/-/programa-de-empreendedorismo-imigrante-pe-1>.

26~ The European Commission, “Governance of migrant integration in Portugal,” https://ec.europa.eu/migrant-integration/country-governance/governance-migrant-integration-portugal_en.

27~ Interviews PT_R1, PT_R3, PT_NGO1, PT_NGO2.

28~ Interview PT_R1.

Good practices

While Portugal does not have a humanitarian relocation programme, its liberal migration policies can benefit many HRDs and others looking for relocation opportunities. Unlike many EU states, Portugal allows entry with a Schengen visa issued by any member state, which gives Russian HRDs at risk more flexibility when faced with the need for urgent departure.

Migrant-friendly political and policy discourses make adaptation and integration in Portugal smoother, while the residence policies make securing a residence permit a relatively easy and predictable process, further facilitated by the well-developed e-administration in migration services.

Portugal allows foreigners to secure residence based on registered individual entrepreneurship as well as income from outside Portugal, which is particularly important for freelancers and HRDs cooperating with more than one entity.

The opportunity for all third-country nationals to learn Portuguese free of charge thanks to the “Portuguese for All” language programme offered by the High Commissioner for Migration (ACM) is another example of good practice in Portugal.



Recommendations



The recommendations we suggest below are addressed to several groups of stakeholders. Some of them overlap due to the fact that the success of proposed activities depends on cooperation between several stakeholders. We also offer some recommendations to HRDs at risk.

Recommendations for member states (Ministry of Foreign Affairs/Ministry of the Interior/Migration service)

In order to facilitate the entry and stay of Russian HRDs at risk, we recommend that the relevant authorities:

- provide clear publicly available information about the issuance of visas for humanitarian purposes and other available visa schemes for HRDs at risk;
- enable the relocation of HRDs' family members, including parents, adult children and siblings, when justified;
- ensure the possibility of HRDs at risk to apply for visas issued on various grounds – not solely humanitarian ones – in the representations of EU member states in countries other than the HRDs' country of legal residence, as granted by Article 6(2) of the Visa Code¹ and the guidance contained in the Visa Code Handbook I,² Part II, section 1.8;
- expedite visa issuance to all who can invoke a justified case of emergency as required by Article 23(2a) of the Visa Code, including for humanitarian reasons;
- provide visa applicants with clear information regarding geographic scope when issuing visas with limited territorial validity;
- ensure the possibility to work without registering Individual Entrepreneurship (IE) and broaden the grounds for residence permits to include passive income, income coming from a different country, freelance work;
- enable HRD visa applicants to apply directly at the consulate and not through external visa services due to potential data leaks; conclude agreements with other countries to ensure consular coverage;
- work closely with selected NGOs to facilitate the vetting and risk assessment process of HRD visa applicants; ensure sufficient resources for NGOs for this purpose;
- refrain from making previous cooperation history with national civil society or other actors an obligatory condition for granting visas to HRDs at risk;
- together with relevant NGOs, work out a secure and clear system of data transfer, storage and management in accordance with the EU GDPR principles.

1~ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>.

2~ Annex to the Commission Implementing Decision amending Commission Decision C (2010) 1620 final as regards the replacement of the Handbook for the processing of visa applications and the modification of issued visas (Visa Code Handbook I), https://home-affairs.ec.europa.eu/system/files/2020-06/visa_code_handbook_consolidated_en.pdf.

In order to facilitate and promote the integration of HRDs at risk in the new country and avoid the waste of the newly arrived HRDs' human capital:

- design and conduct activities in close cooperation with local and international civil society partners to raise public awareness about international human rights obligations vis-a-vis the protection of HRDs, the needs, risks and role of HRDs arriving in the country and the steps taken to assist and protect them;
- allocate sufficient resources to ensure access to language and integration programmes for all relocated HRDs; and consider introducing an incentive mechanism, for example, linking social support to regular attendance of language classes or a security deposit paid back after successful completion of the course;
- ensure access to the labour market and individual entrepreneurship, social benefits, medical care and bank services for holders of visas issued for humanitarian purposes;
- advocate for updating the EU Visa Code to provide for a European humanitarian visa issued for entering and staying in a member state in order to apply for residence on humanitarian grounds or asylum; such visa holders should be granted access to the labour market and individual entrepreneurship, social benefits, medical care and bank services;
- consider establishing dedicated grant competitions for relocated HRDs for activities supporting and promoting the Russian civil society;
- consider designing paid HRD internship programmes in cooperation with relevant media, civil society institutions, higher education institutions and others; ensure funds for both the intern and the hosting institution;
- allocate sufficient resources, including institutional support, to local civil society organizations that provide services to relocated HRDs;
- inform and train relevant officials of public institutions about the particular situation, rights and opportunities for holders of visas issued for humanitarian purposes;
- work with NGOs on promoting the establishment of more EU-funded relocation and residence programmes for HRDs at risk;
- consider issuing residence permits on humanitarian grounds (not just visas on humanitarian grounds) in countries where this is not done to ensure the safety of relocated HRDs who do not want to apply for asylum for personal or professional reasons but who also may not fulfil all the requirements for residence permits granted on the usual grounds including employment, business, education or family reunification;
- organize training events for border guards and the police on how authoritarian states, including the Russian Federation, exploit Interpol and existing mechanisms of international security cooperation to persecute dissidents;
- consider the issuance of special travel documents for relocated HRDs who cannot apply for new passports at their countries' embassies.

Recommendations for NGOs assisting HRDs:

- develop long-term planning strategies to ensure that the HRDs your organization cooperates with who remain in their country of origin have multiple-entry visas (MEVs) with long-validity;
- develop clear vetting procedures for HRDs to be potentially relocated in cooperation with the relevant national public authorities; advocate against treating previous cooperation with the HRD in question as an obligatory principle, where relevant;
- work out a secure and clear system of data transfer, storage and management, in accordance with the EU GDPR principles, together with the relevant public authorities;
- advocate for qualifying HRDs' family members (including parents, adult children and siblings, when justified);
- consider the gradual introduction of co-funding solutions to finance integration activities for HRDs (language courses, relevant legal framework training activities, psychological support, etc.) as well as linking financial support to regular participation in integration activities or a deposit system to encourage relocated HRDs' active participation;
- organize security training for employees with a focus on physical security as well as digital security;
- organize regular networking opportunities for relocated HRDs with the civil society sector, media and research communities;
- encourage relocated HRDs to start their own initiatives (e.g., public lectures, seminars, etc.);
- advocate for grant competitions for relocated HRD initiatives at the national, EU and international level;
- establish cooperation with experienced migration lawyers to ensure the best support for HRDs with complicated cases;
- organize awareness-raising activities and cooperate with the media to familiarize the general public with human rights defenders' work, risks and needs;
- engage in strategic litigation, when appropriate;
- advocate for the EU-level harmonization of humanitarian visa issuance for entering and staying in a member state with the further possibility of applying for residence on humanitarian purposes or asylum; such visa holders should be granted access to the labour market and individual entrepreneurship, social benefits, medical care and bank services;
- advocate at the EU level for increasing the number of fellowships and internships available for HRDs at risk within the EU;
- engage in cooperation with international and European HRD protection programmes, including Protect the Defenders,³ ICORN⁴ and the Human Rights Cities Network;⁵
- cooperate with national and international NGOs as well as with academic, research and cultural institutions in providing relocation opportunities for HRDs at risk;
- consider partnering with more recognizable NGOs when issuing letters of invitation to HRDs in support of visa applications in the case of small organizations with no or weak established contacts with the Ministry of Foreign Affairs.

3~ Project Defenders, <https://protectdefenders.eu/>.

4~ International Cities of Refuge Network, <https://www.icorn.org/>.

5~ Human Rights Cities Network, <https://humanrightscities.net/>.

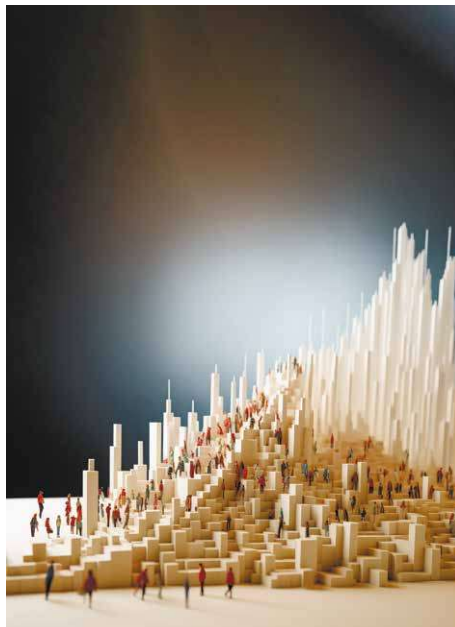
Recommendations for HRDs:

in the home country, even those not planning relocation at all:

- make sure to secure a multiple-entry visa (MEV) with long-term validity with the help of EU-based civil society organizations and help colleagues to do the same;
- collect any pieces of evidence validating one's human rights defence work as well as potential risks;
- prepare a set of relevant documents (and their digital copies), personal items and cash in hard currency that one may need in case of urgent relocation;
- familiarize oneself with relocation opportunities and the experiences of others through numerous civil society organizations' websites and dedicated social media channels;
- think of international partner organizations that could help with an invitation letter and vouch for one's legitimacy vis-a-vis the relevant national public authorities during the vetting process;

after relocation:

- actively search for and take part in host-country language learning and integration measures and opportunities offered by state and non-state institutions in the receiving country and make sure relocated family members do the same;
- register one's organization, initiative, media outlet in the receiving country and promote institutionalization among other relocated HRD colleagues;
- familiarize oneself with the target country labour laws, norms about tax residency;
- develop a personal short and long-term migration strategy (EU long-term residency, citizenship, etc.);
- take part in local civil society grant competitions;
- take part in civil society networking initiatives;
- look for opportunities for professional development and requalification.





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