# Background Note

## Asylum seekers from the Eastern Partnership and Central Asian Countries in the EU

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# EXECUTIVE SUMMARY

This Background Note provides a statistical overview on the inflows, demographic indicators and recognition rates of asylum seekers coming to the European Union, focusing on eight countries of origin, located in the Eastern Partnership and Central Asia region: Moldova, Ukraine and Georgia, as well as Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan and Tajikistan. The document entails evidence on the socio-economic and political push factors behind these flows and the policy context they are embedded in. Particular attention is given to the classification of these countries as so-called 'safe countries of origin', in spite of the ongoing or frozen territorial conflicts suffered by some of them. Several conclusions and recommendations are drawn at the end.

# INTRODUCTION

The past 30 years have seen several waves of asylum seekers from the post-Soviet region reaching the EU, including from the Central Asian (CA) and Eastern Partnership (EaP) countries. Their relatively small numbers resulted in limited attention by the research community. Yet, in 2018, asylum seekers from the two regions accounted for over 7% of all first-time asylum applicants in the EU.

The EaP region has been characterised by 'frozen' or ongoing territorial conflicts[1], ranging from the Donbass region in Ukraine to the various 'frozen' conflicts in Georgia (Abkhazia and South Ossetia), Moldova (Transnistria) or between Armenia and Azerbaijan (Nagorny Karabakh). These conflicts and their consequences have pushed some of EaP nationals to seek asylum in the EU. Both regions retain a high conflict potential, with CA countries suffering particularly from the consequences of climate change, which brought land degradation, soil drainage and a worsening struggle for water resources.

Both regions also feature various socioeconomic and political push factors, including high unemployment rates, low salary rates, poverty, social insecurity, political instability and totalitarism. The GDP per capita in the CA and EaP countries is two to three (Georgia, Moldova, Ukraine) and sometimes even ten times (Tajikistan) lower than the GDP of Bulgaria, being the poorest EU Member State. Whereas the significant outmigration may constitute a solution to the demographic and economic problems of the overpopulated CA countries, it may rather represent a socioeconomic and geopolitical risk for the EaP countries, which are facing aging and a significant population decline[2].

The extremely low recognition rate of asylum applications and the broad demographic profile among asylum seekers from the eight countries examined suggests that they actually misuse the EU asylum system to improve their socioeconomic situation. The witnessed mixed flows of forced and voluntary migration from the EaP and CA states challenge the efficiency of the EU asylum and international protection system. Several aspects deserve particular attention in this respect: the inclusion of the CA and EaP countries in the lists of safe countries of origin (SCO), resulting in accelerated asylum procedures; and the need for proper awareness raising about regular migration channels to the EU MS. This paper aims at analysing the nature of forced migration from the CA and EaP countries to the EU MS and thereby contribute to developing efficient policy solutions in this area.

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[1]  As many scholars have noticed the term "frozen conflict" was not in use before the dissolution of the USSR and end of the Cold War in the 1990s. 'Frozen conflicts' describe those situations in the post-Soviet space where are no active large-scale hostilities take place (in spite of eventual small-scale violence), but where efforts to achieve a mutual ceasefire and/or peace agreement remain unsuccessful. See: Neil MacFarlane (2008) , Frozen Conflicts in the Former Soviet Union – The Case of Georgia/South Ossetia, in: In: IFSH (ed.), OSCE Yearbook 2008. Baden-Baden: 23-33.
[2]  In 1994-2017, the net emigration rate in Georgia amounts to over 1,26 Million people, with the share of elderly people (above 65 years) among the national population increased from 10.5% in 1994 to 14.6% in 2018. According to the 2014 census in Moldova, its population decreased by almost 1 Million from 1989 to 2019 (3.65 Million in 1989 as compared to 2.68 Million in 2019), with every fifth resident over 60 years of age. Ukraine's population decreased by almost 10 Million from 1994 to 2018. If the birth rate, life expectancy and emigration rates remain unchanged, by 2050 the remaining population of Ukraine will decrease to 32.9 million.

# 1. ASYLUM SEEKERS FROM CENTRAL ASIA

Over the past decade, nationals of the five Central Asian states have submitted over 35,000 asylum applications inside the EU. Apart from nationals of Turkmenistan (1,604 applications), the distribution among applicants from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan was rather balanced. Based on the information collected and database established on asylum cases from the early 1990's until 2019, recent research has identified five main categories of forced migrants from Central Asia

1. former regime insiders and their family members;

2. members of opposition political parties and movements;

3. banned clergy and alleged religious extremists;

4. independent journalists, scholars, and civil society activists;

5. businessmen, workers or relatives of persecuted refugees[3].

The majority of asylum seekers from the CA countries are 18 to 34 years old, with only few elderly applicants[4]. This is most common and unlikely to change in the coming years. The CA states feature a high proportion of youth who do not find sufficient opportunities for realisation at home. In 2040, the average age of population is expected to be 28.5 years in Tajikistan, 30.9 in Kyrgyzstan, 32.9 in Kazakhstan, 35.2 in Turkmenistan, and 36.1 years in Uzbekistan[5]. The predicted high unemployment rates will increase the out-migration, depending also on the level of turbulence in the region and its individual countries.



Age of asylum applicants from the Central Asian states in the EU in 2018
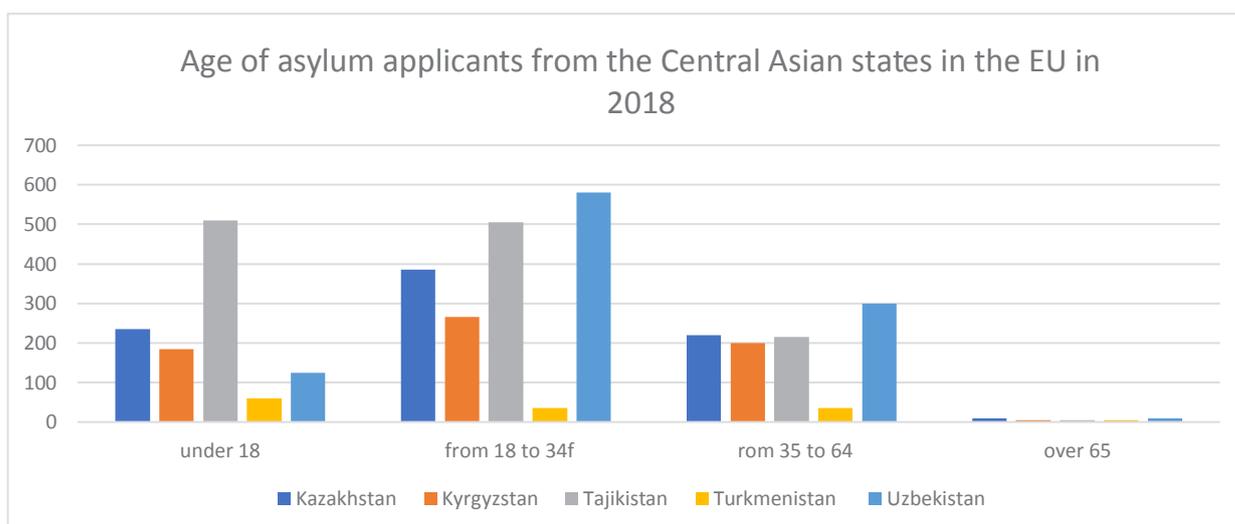
*Sources: Eurostat data, 2018.*

The majority of asylum seekers from the region, especially from Uzbekistan and Tajikistan[6], are men. Meanwhile, a gender balance could be observed among Turkmen and Kyrgyz asylum seekers in 2018[7]. Considering the predominance of men across all spheres of political, public and social life, this is highly unusual and worth additional research.

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[3] CabarAsia (2019), Political refugees from Central Asia: what pushes people to forced migration?, https://cabar.asia/ru/politicheskie-bezhentsy-tsentralnoj-azii-prini-mayushhie-strany-dolzhny-ukreplyat-svoi-mehanizmy-predotvrashheniya-repressij-za-rubezhom/? Access date 8 December 2019.
[4] Eurostat (2008-2020), Asylum applicants by age, gender and citizenship in 28 EU, excl. Switzerland, Norway, Iceland. Available at https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en. Access date 17 December 2019.
[5] Heleniak, T., Canagarajah, S (2013), Demography, aging, and mobility in the ECA region: a critical overview of trends and future challenges. World Bank Working Paper 8. Available at http://documents.worldbank.org/curated/pt/866441468196139470/Demography-aging-and-mobility-in-the-ECA-region-a-critical-overview-of-trends-and-future-challenges. Access date 8 December 2019
[6] In 2018, the number men was two to three times higher than that of women among Uzbek and Tajik asylum seekers.
[7] 330 Kyrgyz women versus 325 men and 70 Turkmen women versus 65 men. See Eurostat (2018), Asylum applicants by age, gender and citizenship in 28 EU, excl. Switzerland, Norway, Iceland. Available at http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do. Access date: 17 August 2019.
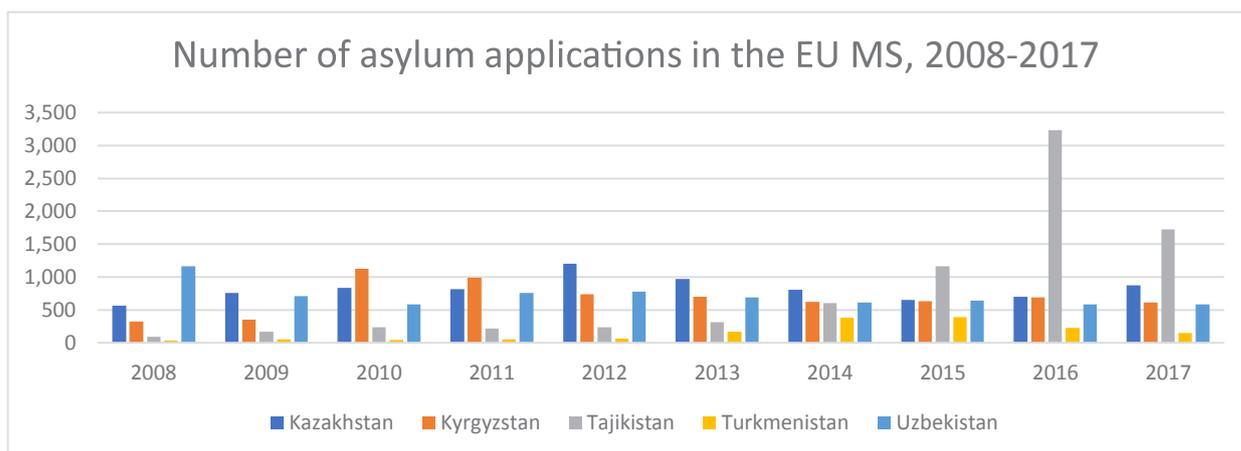
Number of asylum applications in the EU MS, 2008-2017

*Source: O. Gulina (2019), Migration as a (Geo-)Political Challenge in the Post-Soviet Space & Eurostat*

Over the past decade, Sweden, Belgium and France have granted the most positive decisions to asylum **applicants from Kazakhstan**, whose number of applications across the EU peaked in 2012[8] when political reshuffling, terrorist attacks and inter-clan struggles occurred.

In 2010, Kyrgyz nationals filed 1125 asylum applications across the EU as compared to 355 applications in 2009. This three-fold increase is linked to the Tulip Revolution in **Kyrgyzstan** and the inter-ethnic unrest in the country's south. The next surge in applications occurred in 2012-2016, when the country faced a fundamental political modernization. The bill on liability for "non-traditional sexual relations" of 26 March 2014, withdrawn by the Jogorku Kenesh parliamentaries only in 2015, caused a wave of persecution of LGBT representatives and their exodus from the country[9]. In 2008-2018, Sweden received the most Kyrgyz asylum applicants (2545), followed by Germany (995), Belgium (725), France (655), and Austria (520).

Similarly, the arrival of **Uzbek forced migrants** to the EU is closely tied to the political and economic transformation in the country. A growth in the number of their asylum applications was noted in 2005-2006, 2008 and 2018, which coincides with the occurrence of turbulent events in Uzbekistan. The mass riots in Andijan in April 2005 resulted in hundreds of deaths. Many demonstrators, human rights activists, religious leaders and journalists covering the events fleed the country. For many years, Sweden granted asylum to Uzbek citizens who had previously been detained across the former USSR and accused of extremist activities in Uzbekistan[10].

The surge of asylum applications on behalf of Uzbek nationals in 2008 was linked to a new wave of political repressions, resulting in the conviction of 868 persons for political reasons[11] and the search for many others until 2010. As of 2017, Uzbek asylum seekers have been in the focus of the EU's security, immigration and secret services after Uzbek nationals carried out a number of terrorist attacks in Stockholm and planned a terrorist attack in Oslo[12]. However, this did not result in a higher share of dismissed asylum applications in Sweden, which registered 740 Uzbek asylum applicants in 2018, as compared to 365 in 2017. The reasons behing this increase remain unclear but may be linked to the opening of the country since the accession to power of President Mirziyoyev.

**Tajik nationals** mostly applied for asylum in Germany (66%) and Poland (28%), with the number of applications peaking at 3,210 applications in 2016. Between 2015 and 2017, the number of terrorist crimes in Tajikistan increased from 192 (2015) to 260 (2017)[13], which could be linked to the official ban of the Islamic

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[8] In 2012, 435 applications were registered in Sweden, 225 in Belgium, and 210 in France.
[9] Bonheur, S. (2016), LGBT in Kyrgyzstan: from anti-gay propaganda bill to hate crime? Bishkek: NUPI & OSCE Academy.
[10] European Court for Human Rights Judgement: Turdikhojaev v Ukraine, ECtHR of 27 October 2012, no. 72510/12, Available at: https://hudoc.echr.coe.int/eng#{%22item-id%22:[%22001-196975%22]} Accessed 11 August 2019: Khamroev and Others v. Ukraine, ECtHR of 15 September 2016, no. 41651/10. Available at http://hudoc.echr.coe.int/eng?i=001-166690. Access date 11 August 2019:
[11] Ponomariov V. (2011), The scale of repression in Uzbekistan poses a greater threat than the IMU. Available at: https://iwpr.net/ru/global-voices. Access date 15 August 2019.
[12] Zeit Online (2017), Stockholm: A truck drove into a crowd of people [Stockholm: Lkw rast in Menschenmenge, Polizei bestätigt mehrere Tote]. Zeit Online. Available at: Zeit.de. Access date 7 April 2017.
[13] Dynamics of the number of registered crimes related to terrorism, by the CIS countries in 2014-2017.

Renaissance Party of Tajikistan (IRPT), a long-term opposition party, classified as a terrorist organisation in 2015[14]. Another reasong for the increase in asylum applications inside the EU may arise from the attempt of Tajik nationals working in Russia to take advantage of Germany's 'open door' policy at the time. Meanwhile, Poland was the first entry point into the EU on the way to Germany.

In April 2020, five Tajik citizens were detained in Germany for planning terrorist attacks in the country. All of them had entered Germany as asylum seekers in 2014-2017[15].

Until 2014, **Turkmen** nationals did practically not appear in the EU's asylum statistics, making the respective analyses most difficult. Turkmenistan's seclusion makes it hard to follow any developments inside the country. 96% of Turkmen asylum seekers inside the EU were registered in Germany, with a surge recorded in 2014-2015. Ever since, very few asylum applications have been registered.

This is not due to any major improvements in Turkmenistan, but because of the further tightening of travel bans for Turkmen citizens of working age[16]. Opposite to the other Central Asia states, Turkmen youngsters below the age of 18 have been the predominant group of asylum applicants for many years. The inability of Turkmen nationals to leave their country has characterised migration as a whole.

The recognition rate of asylum applications from the CA states in the EU has varied according to the developments and turbulence on the ground. Throughout 2008-2018, Turkmen nationals had the highest recogntion rates (above 30%) and Tajiks the lowest (approximately 10%), with Uzbekistan (12,5%), Kyrgyzstan (25%) and Kazakhstan (20%) in between.

[14] RFE/RL's Tajik Service (2015), Shuttered Tajik Islamic Party Branded As Terrorist Group. Available at https://www.rferl.org/a/tajikistan-islamic-party-terrorist-organ-ization/27277385.html. Access date 11 August 2019.

[15] Tageshau News [Tagesshau.de] (2020) Terrorist group exposed [Islamistische Terrorzelle ausgehoben]. Available at https://www.tagesschau.de/inland/ter-rorzelle-nrw-101.html?, 15 April, 2020.

[16] Radio Azatlyk (2018a), Citizens under 40 are not allowed out of Turkmenistan. Available at https://rus.azathabar.com/a/29323179.html. Access date 6 October 2019; Radio Azatlyk (2018b), Turkmenistan: men under thirty will not be allowed to travel abroad. Available at https://rus.azathabar.com/a/29170638.html, Access date 6 October 2019.

# 2. ASYLUM SEEKERS FROM MOLDOVA, GEORGIA AND UKRAINE

Asylum seekers from Moldova, Ukraine, and Georgia usually opt for economically stable and geographically close destination countries in the EU. Opposite to nationals from the described Central Asian states, asylum seekers from the Eastern Partnership (EaP) countries in fact often look for employment and better living conditions.

Among the three examined EaP countries, **Moldova** features the smallest numbers of asylum seekers to the EU, ranging from 3,575 persons in 2015 to 4,485 persons in 2019[17], featuring various age groups and a gender balance[18]. The prime destination countries are Germany, France and Austria. In 2018, their recognition rate was minimal at 0.4% in Germany (6 out of 1,782 first-time asylum applications), with France and Austria rejecting all filed applications.

The number of Ukrainian asylum applicants peaked at 20,825 in 2015 (as compared to 13,550 in 2014 and 11,110 in 2016). Most applicants belonged to the age group 18 to 34, with only few teenagers and elderly registered. The significant number of children below 14 years of age[19] shows that most asylum seekers head to the EU with their families, including young children. However, by far the greatest share of Ukrainian nationals arriving to the EU are labour migrants with asylum seekers playing only a marginal role.



*Source: O. Gulina (2019), Migration as a (Geo-)Political Challenge in the Post-Soviet Space & Eurostat*
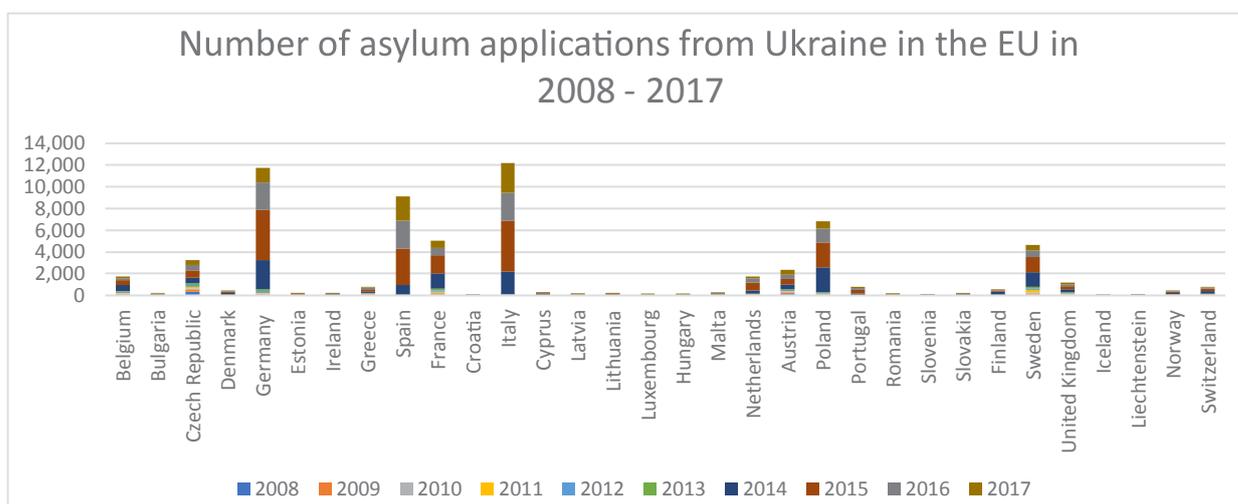


*Source: O. Gulina (2019), Migration as a (Geo-)Political Challenge in the Post-Soviet Space & Eurostat*

In 2008-2017, the most targeted destination countries among Ukrainian asylum seekers included Italy, Germany, Spain, Poland, France, and Sweden. However, the recognition rate was rather insignificant, reaching between 1.8% in Germany and 9.9% in France.

As of 2017, forced migration from **Georgia** has been greater than from Ukraine or Moldova. In 2019, 19,925 Georgian nationals submitted first-time asylum application as compared to 18,080 in 2018. In 2016-2017, their number was only at 7,290 and 9,900 applicants, respectively.

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[17] Eurostat (2015-2020), First-time asylum applicants from Moldova in 28 EU, excl. Switzerland, Norway, Iceland. Access date Monday, July 15, 2019
[18] Of the 3,160 Moldovan asylum applicants in 2018 in the EU, 1,005 were under 14 years old; 1,015 were aged from 18 to 34; and 815 – from 35 to 64. The distribution of Moldovan applicants by gender in the same year was approximately equal: 1,600 women and 1,560 men.
[19] Eurostat (2014-2020). Ibid. – 23% in 2014; 22% in 2015–2017, and 21% in 2018.
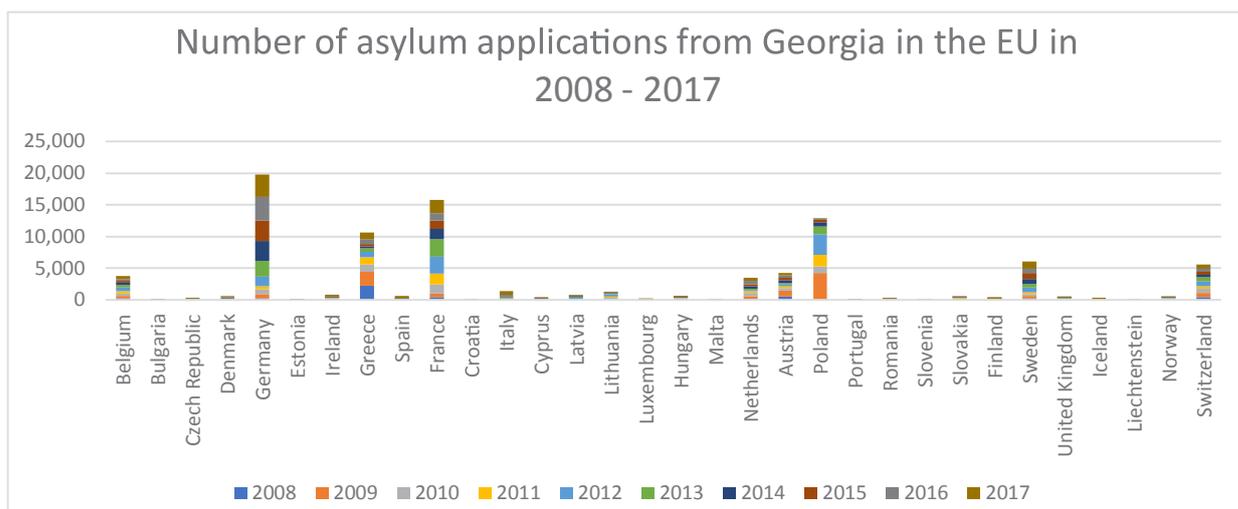
## Number of asylum applications from Georgia in the EU in 2008 - 2017

*Source: O. Gulina (2019), Migration as a (Geo-)Political Challenge in the Post-Soviet Space & Eurostat*

The top five destination countries among Georgian asylum seekers include Germany, France, Poland, Greece, and Sweden. The recognition rate in these countries has been rather insignificant, topping at 1.9% in France. Most asylum applicants were male and of working age[20].

To sum up, applicants from Moldova, Ukraine and Georgia mostly misuse the EU asylum system to leave their countries for socio-economic reasons.

## IMPACT OF THE VISA LIBERALIZATION POLICY

The EU visa liberalisation for Moldova, Georgia and Ukraine represented a long-awaited step and symbol of approximation. It also brought a slight increase in the numbers of asylum seekers from these countries[21], although the respective recognition rates remained minimal.

The increases have raised concerns on both sides. As EU MS have voiced concerns over misuses of the visa-free regime, the EaP countries fear that a significant increase in the number of asylum applications on behalf of their nationals (with approval rates below 3-4%) may lead to a temporary suspension or even complete cancellation of the visa-free regimes[22].

Some Georgian nationals, whose asylum applications had been rejected in the EU, returned home to change their surname and then re-apply for asylum again. The Georgian lawmakers therefore forbid name changes within five years after being deported from an EU MS or returning to Georgia under a readmission program[23].

Meanwhile, the EU MS' legislators began expanding their safe country of origin (SCO) lists in an attempt to tackle the issue of asylum seekers from the EaP countries. Moreover, additional border security measures were introduced with working arrangements established between the European Border and Coast Guard Agency (Frontex) and individual EaP countries, including Ukraine (2007) and Georgia (2008)[24].

It is noteworthy how EaP countries may use the visa liberalisation to potentially resolve or at least reduce their respective territorial conflicts. In particular, Moldova took advantage of the fact that residents of Transnistria would only benefit from the EU visa-free regime upon obtaining Moldovan citizenship. The first year of the visa-free regime thus resulted in more than 27,000 residents of Transnistria applying for Moldovan citizenship. Nowadays, some 77,000 residents of Transnistria own a Moldovan biometric passport and have the possibility to travel visa-free to the EU[25]. Likewise, Georgia and Ukraine may also use the leverage gained through visa liberalisation.

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[20] Eurostat (2014-2020). Ibid.

[21] European Commission (2017), First Report under the Visa Suspension Mechanism, Available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-is-new/news/20171220_first_report_under_suspension_mechanism_en.pdf. Access date 10 July 2019.

[22] Article 8, EU Regulation 2018/1806 of 14 November 2018. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1806. Access date 27 July 2019

[23] Gulina, O (2018), Safety in Legal Limbo: Refugees from Georgia, Ukraine and Russia. Available at https://www.ridl.io/en/safety-in-legal-limbo-refugees-from-georgia-ukraine-and-russia/, Access date 18 May 2019.

[24] Frontex (2019): Working arrangements with non-EU countries. https://frontex.europa.eu/about-frontex/key-documents/?category=working-arrangements-with-non-eu-countries, Access date 1 December 2019

[25] Gulina, O (2017), Visa-free EU travel: passport to peace and prosperity? Available at https://www.ips-journal.eu/regions/europe/article/show/visa-free-eu-travel-passport-to-peace-and-prosperity-2190/. Access date 18 June 2019.

# 3. EAP AND CA STATES AS 'SAFE COUNTRIES OF ORIGIN'

In 2015, the European Commission proposed establishing a common list of safe countries of origin (SCO)[26], which would allow for accelerated asylum procedures. Compared to the six months usually required for a regular asylum procedure, such an accelerated review can be concluded within 15 days (e.g. Belgium and France) or even 48 hours (e.g. UK and Norway).

At present, each EU MS decides independently whether to have such SCO list and whom to include in it. In October 2019, only eight of 32 European countries – Cyprus, Latvia, Lithuania, Liechtenstein, Estonia, Poland, Portugal and Sweden – did not have such a SCO list. Meanwhile, 12 European countries – Austria, Belgium[27], Bulgaria, Czech Republic, Denmark, France, Germany, Iceland, Luxembourg, the Netherlands, Switzerland and the UK – classified some Eastern Partnership states as SCO.

The most extensive SCO lists are those of the Netherlands (32 countries)[28], the UK (24 countries), and Austria (20 countries)[29]. Bulgaria has not updated its list since its publication in 2005. Some EU MS, such as Greece, Finland and Norway, do not have a SCO list, but still use the concept for an accelerated review of asylum applications in their judicial and administrative practice. The Finnish Aliens Act grants the competent agencies the right to independently classify countries as SCO if the following three criteria apply: a stable and democratic political system; an independent judiciary with a fair trial; adherence and compliance with international human rights conventions[30].

France was among the first countries to introduce the SCO concept into its legislation[31] and regularly updates its SCO list. In December 2018, the French list contained 16 states, including Armenia, Georgia[32] and Moldova[33]. While Ukraine also featured until 2014, it was removed due to the armed conflict in the Donbass region.

In 2017-18, the status of Moldova, Ukraine and Georgia as SCO raised political turmoils in Germany. Following the EU visa liberalization for these countries, Germany experienced an influx of asylum seekers from them, whose recognition rate has remained very low[34]. Consequently, Bavaria even proposed to add all three EaP countries as well as Armenia to the SCO list[35]. By January 2019, however, only Georgia remained on the German SCO list[36].
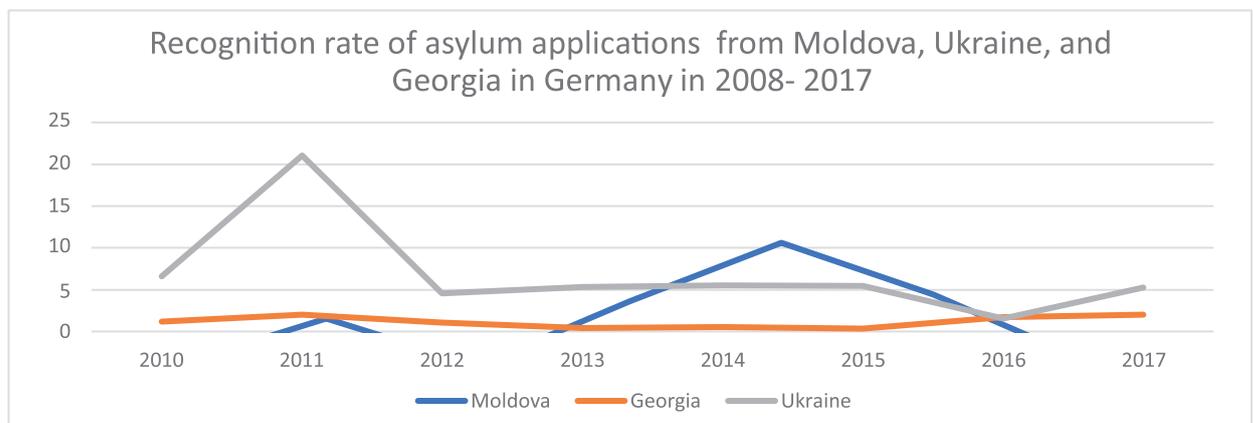


*Source: Hoffmeyer-Zlotnik, P. (2019), Changes in Germany in the Context of Visa Liberalization*

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[26] EMN (2018), Safe countries of origin: Proposed common EU list, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_inform_safe_country_of_origin_final_en_1.pdf. Access date 8 December 2019.

[27] Royal Decree of 15 December 2019 for implementation of article 57/6/1, § 3, fourth section, of the Act of 15 December 1980 regarding access to the territory, residence, settlement and the removal of foreign nationals, establishing the list of safe countries of origin. Access date 15 Dezember 2019, http://www.ejustice.just.fgov.be/eli/arrete/2019/12/15/2020010017/justel

[28] Government of the Netherlands] (2019): Dutch list of safe countries of origin https://www.government.nl/topics/asylum-policy/question-and-answer/list-safe-countries-of-origin. Access 8 Dezember 2019 г.

[29] Ibid.

[30] Finnish Aliens Act, https://www.finlex.fi/en/laki/kaannokset/2004/en20040301.pdf. Access date 7 December 2019.

[31] French Law 2003-1176 of 10 December 2003 on the right to asylum, https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000611789&dateTexte=&categorieLien=id. Access date 8 December 2019.

[32] In November 2009, Georgia was excluded from the French SCOM list and was recognized as an unsafe country due to hostilities in its territory in August 2008. In December 2013, the French Bureau for Protection of Refugees and Stateless Persons (OFPRA) recognized Georgia as a SCOM again and added it to the list.

[33] Decision of 16 December 2013 amending the list of safe countries of origin of migrants [Décision du 16 décembre 2013 modifiant la liste des pays d'origine sûrs, JORF n ° 0301 of 28 December 2013], http://bit.ly/1LI8R1H, 26152. Access date 27 July 2019.

[34] Hoffmeyer-Zlotnik, P. (2019), Changes in Germany in the Context of Visa Liberalization [Entwicklungen in Deutschland im Kontext von Visaliberalisierung]. Working Paper 83, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/11b_germany_visa_liberalisation_de.pdf. Access date 8 December 2019.

[35] Bavaria Land Ministry (STMI Bayern) (2016), Expand the list of safe countries of origin of migrants [Liste sicherer Herkunftsstaaten erweitern], https://www.stmi.bayern.de/med/aktuell/archiv/2016/16012ministerrat/, Access date July 26, 2018.

[36] Federal Government (Die Bundesregierung) (2019), Asylum Applications [Asyl-Entscheidung im Bundestag] https://www.bundesregierung.de/breg-de/aktuelles/weitere-staaten-sollen-als-sicher-gelten-1515802. Access date 26 July 2019.

The question whether Ukraine represents a SCO remains controversial, with most EU MS considering the entire country as safe. The UK recognised Ukraine as a SCO in 2014, Austria in 2018, Italy in 2019 and the Netherlands in 2016 (excluding the "eastern territories of Ukraine" in 2017). As of January 2020, Georgia is recognized as a SCO across 15 EU MS. Meanwhile, Azerbaijan, Belarus and the five CA countries do not feature among the SCO of any EU MS. This may be also linked to the fact that their nationals submit only a small number of asylum applications inside the EU.

## TABLE 1: SCO LIST ENTRIES IN EUROPEAN COUNTRIES (AS OF JANUARY 2019)

| EU MS | Armenia | Georgia | Moldova | Ukraine |
|---|---|---|---|---|
| Austria[37] | | x | | |
| Belgium[38] | | x | | |
| Bulgaria[39] | x | x | | x |
| Czech Republic[40] | | x | x | |
| Denmark[41] | | x | x | |
| France[42] | x | x | x | Excluded in 2014 |
| Germany[43] | | x | | |
| Italy[44] | | | | X |
| Iceland[45] | | x | | x |
| Luxembourg[46] | | x | | |
| Netherlands[47] | | x | | x |
| Norway[48] | x | x | x | |
| Switzerland[49] | | x | x (without Transnistria) | |
| UK[50] | | | x | x |

*Source: Author's analysis*

## THE IMPACT OF TERRITORIAL CONFLICTS ON THE SCO CLASSIFICATION

European lawmakers devote differing levels of attention to the SCO criteria and security assessment of the EaP and CA states. Ongoing conflicts (e.g. Donbas region), frozen conflicts (e.g. Transnistria, Abkhazia, South Ossetia, Nagorny Karabakh) and potential conflicts would deserve special attention in this regard - especially the densely populated CA countries, due to their multinational communities, economic development and

[37] Verordnung der Bundesregierung, mit der Staaten als sichere Herkunftsstaaten festgelegt werden (Herkunftsstaaten-Verordnung – HStV) StF: BGBl. II Nr. 177/2009 https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20006306 Access 9 September 2020

[38] Royal Decree of 15 December 2019 for implementation of article 57/6/1, § 3, fourth section, of the Act of 15 December 1980 regarding access to the territory, residence, settlement and the removal of foreign nationals, establishing the list of safe countries of origin. Access date 15 Dezember 2019, http://www.ejustice.just.fgov.be/eli/arrete/2019/12/15/2020010017/justel

[39] Art. 98 of the Law on Asylum and Refugees of Bulgaria, https://www.refworld.org/pdfid/47f1faca2.pdf Access 15 October 2019

[40] Section 1 (k) of Asylum Act of Czech Republic. Available at https://www.mvcr.cz/mvcren/article/asylum-migration-integration-asylum.aspx?q=Y2hudW09NA%3D%3D Access 9 September 2020

[41] Danish Immigration Service (2018) https://www.nyidanmark.dk/da/Nyheder/2018/11/Georgien-er-foejet-til-AGH-landelisten.  Access 9 September  2020

[42] Décision du 16 décembre 2013 modifiant la liste des pays d'origine sûrs, JORF № 0301 от 28 декабря 2013 г.], http://bit.ly/1Ll8R1H, 26152. Access 10 July 2019.

[43] Bundestag (2019): Bundestag stuft vier Länder als sichere Herkunftsstaaten ein. https://www.bundestag.de/dokumente/textarchiv/2019/kw03-de-sichere-herkunftsstaaten-587338 Access 18 December 2019.

[44] Individuazione dei Paesi di origine sicuri, ai sensi dell'articolo 2-bis del decreto legislativo 28 gennaio 2008, n. 25. (19A06239) (GU Serie Generale n.235 del 07-10-2019) https://www.gazzettaufficiale.it/eli/id/2019/10/07/19A06239//sg Access 20 October 2019

[45] The Directorate of immigration of Iseland (2019): List of safe countries. https://utl.is/index.php/en/list-of-safe-countries. Access 18 December 2019

[46] Art 21 of the Law on the Right to Asylum and Complementary Forms of Protection of 5 May 2006 and .Grand-ducal Regulation of 21 December 2007. http://legilux.public.lu/eli/etat/leg/loi/2006/05/05/n1/jo Access 9 October 2019.

[47] Government of the Netherlands] (2019): Dutch list of safe countries of origin https://www.government.nl/topics/asylum-policy/question-and-answer/list-safe-countries-of-origin. Access 8 December 2019

[48] Norway does not have a list of safe countries of origin, but the concept of a safe third country is in use. The mentioned FSU states can be considered as safe for an applicant based on individual merits of the case. See NOAS (2019): Norway's Asylum Freeze. https://www.noas.no/wp-content/uploads/2019/02/Storskog-rapport-februar-2019.pdf Access 9 September 2020

[49] Swiss Federal Council (2019): List of safe countries of origin www.admin.ch/opc/de/classified-compilation/19994776/index.html#app2 Access 18 December 2019

[50] Section 94 of the Nationality, Immigration and Asylum Act ]. https://www.legislation.gov.uk/ukpga/2002/41/section/94 Access 18 December 2019

political agendas. The armed conflict in Tajikistan, as well as ethnic clashes in Kyrgyzstan, Uzbekistan and Kazakhstan illustrate the fragility of the current stability and tranquility in the region[51]. As Thomas de Waal and Nikolaus von Twickel noted correctly, "all [post-Soviet] conflicts, as well as peace processes around them often look frozen … [however] the situations themselves are anything but frozen and are constantly changing"[52].

It is therefore necessary to develop comprehensive criteria for a SCO assessment of countries featuring territorial or ethnic conflicts or a high likelihood of their occurrence. The following factors are key in this regard:

a) Probability and duration of actions involving the armed forces or police of several warring states on the territory of a presumed SCO;

b) Probability of international recognition of self-proclaimed quasi-state entities (e.g. Transnistrian Moldavian Republic, Republic of South Ossetia, Republic of Abkhazia, Lugansk and Donetsk People's Republics) on the territory of a presumed SCO;

c) Different scenarios for a frozen conflict to evolve, including peace, isolation, reunification, annexation, or return to war in a presumed SCO (e.g. Moldova, Ukraine, Georgia);

d) Possible human right violations as well as political, economic or cultural isolation of the population of the conflict-riden territories within a presumed SCO.

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[51] MIn 2006, the Kazakh-Uyghur conflict took place in the Almaty Region of Kazakhstan; in 2010, during the Osh clashes in Kyrgyzstan, clashes took place between the Kyrgyz and Uzbeks.
[52] de Waal T., von Twickel, N. (2020): Beyond Frozen Conflict. Scenarios for the Separatist Disputes of Eastern Europe. CEPS. Brussels, P. 14.

# 4. CONCLUSIONS AND RECOMMENDATIONS

To better understand the developments across the CA and EaP states, EU Member States need to strengthen their research and analytical work in the region. There is evidence that the examined countries may face significant turbulences over the coming years. These may be caused by changes in the demographic situation in the two regions and an increased conflict potential in the Central Asian countries in particular.

In order to improve their migration management, policy makers and practitioners across the EU MS should reconsider whether to include the examined countries into their lists of safe countries of origin. The European Parliament and EU MS need to develop clear common criteria for including third countries in their SCO lists, especially in the event of ongoing or frozen territorial conflicts. The positive impacts that visa liberalisation may have in the context of territorial conflicts and its potential leverage on them should be properly taken into account.

In order to reduce the inflows of asylum seekers from the Central Asian states to the EU, as well as to support their socio-economic development, the competent authorities and other relevant stakeholders across the EU should strengthen the exchange and cooperation with these partner countries and consider the introduction of advanced training and organized recruitment programs for their nationals within bilateral and multilateral agreements.

Finally, to prevent the misuse of the EU asylum system, the EU MS in cooperation with the EaP and CA countries, need to strengthen awareness raising by regularly conducting information campaigns and events that explain the ways and means of legal migration from the EaP and CA countries to the EU.

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