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Länderbericht

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Illegal migration as a political weapon

About the situation on the Belarusian-Lithuanian border

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The Belarusian ruler Alexander Lukashenko has repeatedly threatened the EU to allow refugees from war zones to enter the EU in response to the sanctions imposed on his country. The main target is Lithuania, which has an almost 680 kilometer long and mostly unprotected border with Belarus. The increase in illegal migrant flows from Iraq and African countries is actively promoted by the Belarusian regime. According to Ylva Johansson, the EU Commissioner for Home Affairs, this is not just a migration crisis, but an act of aggression aimed at destabilization.

Data on illegal migration to Lithuania from third countries via Belarus

The number of illegal migrants who have entered Lithuania via Belarus since the beginning of 2021 is 4,110. This number is 44 times higher than the total number from 2020. 2,500 people in one month - that would be almost 70,000 people in proportion to Germany¹. These numbers are reminiscent of the situation with refugees in Germany from 2015-2016. Lithuanian border guards suggest that in around 90 percent of cases they succeed in detecting illegal border crossings and in registering migrants. Most of the others head straight for Western Europe, as Lithuania is only a stopover for them.

A deportation of the migrants to Belarus is not possible because the Belarusian Foreign Ministry had already announced the initiation of the procedure to suspend the readmission agreement on May 28, 2021 - as a reaction to the fourth sanction package of the EU. Two days earlier, Lukashenko had declared that it would no longer stop illegal migrants and drug trafficking at the EU border.

The Lithuanian Foreign Minister recently held direct talks with Ankara and Baghdad about taking back illegal migrants and limiting flights to Minsk. However, without success - from August the flights to

Belarus will even double and take place from a total of four Iraqi cities.

Border security is currently given priority. Barbed wire is to be built along the entire border. The establishment of a permanent border location is also under discussion. The technical means for border surveillance alone would cost 400 million euros. The EU has so far pledged 12 million euros. So far, the Lithuanian government has budgeted 100 million euros for overcoming the crisis.

(Re) actions by Lithuania and the EU

On July 2nd the Lithuanian government declared a state of emergency² due to the migration crisis and called the European border protection agency FRONTEX for support on July 9th. FRONTEX announced on July 12th a Rapid Border Intervention Mission to the Lithuanian-Belarusian border. Furthermore, they plan to provide additional support with personnel and special equipment. 100 Frontex officials are already in Lithuania.

Germany has sent 30 border guards bilaterally, Latvia and Estonia is also providing support in this area.

Greece and Spain pledged assistance with exchange of experience and Poland and Croatia pledged humanitarian assistance.

At the EU level, the problem was discussed on March 12th, 2021 at the joint hearing of the EP committees for internal and foreign affairs and at the meeting of the EU Council of Foreign Ministers. 'It seems that the Belarusian authorities are now facilitating irregular migration, possibly in retaliation for EU restrictive measures and in response to Lithuanian support to civil society in Belarus,' said EU Commissioner for Home Affairs Ylva Johansson.

The Lithuanians also see the development as a deliberately induced hybrid aggression, which is primarily directed against their country, but also against the EU as a whole. So far Poland has only

¹ FAZ, Lukaschenkos Rache, 27 Juli 2021.

² <http://www.infolex.lt/ta/702551>

reported a few dozen illegal border crossings and the Latvians even fewer.

The Lithuanian Foreign Minister Landsbergis spoke out in favor of a European readmission strategy at the Council of Ministers meeting, 'because one country alone - be it Lithuania, be it Greece or Spain - faces a rather difficult path when it comes to sending back people who have entered illegally. Secondly, we have to be very strict with the regimes that use this type of weapon.'

The German Chancellor Angela Merkel called the actions of the Belarusian authorities 'unacceptable' on July 22nd and spoke out in favor of the creation of a common European asylum policy. Earlier, during his visit to Lithuania on May 5th, the President of the European Council, Charles Michel pledged solidarity and support for Lithuania on behalf of the EU states. On July 9th a call was published by the foreign committees of the parliaments of the USA, the UK, and ten EU countries urging new sanctions against Lukashenka's regime because of the targeted fomenting of a migration crisis.

On July 31st-August 1st, the EU Commissioner Ylva Johansson visited Lithuania and spoke out in favor of a physical barrier at the border. However, she also said that she has no budget for it. During her visit to Lithuania, the Commissioner was open to further discussing the special situation for Lithuania.

Domestic policy steps to deal with illegal migration

On July 13th, the Seimas passed a resolution 'On Coping with Hybrid Aggression', which states that countries hostile to Lithuania are engaging in hybrid aggression against Lithuania.

Thereby creating a threatening situation on the Lithuanian state boarder, which is also an external boarder of the EU and NATO.

The resolution passed calls on the government to take the following measures:

- The use of the armed forces to protect the border;
- Immediate establishment of a physical obstacle at the border;
- Identification and penalisation of the organizers of the migration flows including natural and legal persons in Belarus;

- The classification of illegal migrants - with the exception of women with children, pregnant women, minors and the disabled - as 'accomplices' in the organization of illegal migration and a relevant residence regime;
- The implementation of a clear information campaign about the real situation of illegal migrants in the countries of origin.

Should the hybrid aggression persist and worsen, the government will be asked, after assessing the risk, to open consultations with NATO member states, to call on the member states of the European Union, the European Commission and other institutions to show solidarity in combating hybrid aggression³.

In addition, a tightening of the law was initiated which, among other factors, is intended to deprive illegal migrants of the right to appeal after a first instance decision on their status. It was decided to shorten the asylum procedure to ten days and to restrict the free movement of migrants who have illegally crossed the border. The Seimas has approved the proposal that detaining an illegal migrant can take up to six months.

Further amendments to the legal acts stipulate that the presence in the country of foreigners who have applied for asylum shortly after crossing the border at border control posts or transit zones does not count as entry into the territory of Lithuania until a decision has been made to accept an asylum seeker.

It was also decided that the rights of asylum seekers may be temporarily restricted in the event of a war or an emergency situation with a mass influx of illegal migrants if they cannot be guaranteed for objective reasons, with the exception of the right to material reception and medical assistance.

It remains to be seen whether the authorities, who are already overwhelmed, can cope with the accelerated procedure. Nevertheless, in the opinion of the legal experts, it is not the change in the law on immigrants that accelerates the asylum procedure, but the practical success in returning rejected asylum seekers to their countries of origin that will be decisive for coping with the migration crisis⁴.

³ Resolution „Über die Bewältigung einer hybriden Aggression“ (Projekt Nr. XIVP-723 (2)): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/51e08400e39611eb866fe2e083228059>

⁴<https://www.15min.lt/naujiena/aktualu/lietuva/dainius-zalimas-darkart-apie-krizes-valstybe-negali-buti-kvailiu-ikaite-56-1541244?copied>

Criticism of changes in the law

The Lithuanian Red Cross and several human rights organizations criticise the changes made to the law on the legal situation of migrants. They state the changes would violate Lithuania's international obligations and violate the rights of refugees. Some legal experts point to the possible unconstitutionality of the changes in the law because of the unsecured legal remedies after a refusal of asylum decision. The head of the migration authority Evelina Gudzinskaitė rejects this criticism. According to the EU directive and EU practice, one court is sufficient for asylum examination procedures, as the diverse practice of other countries proves⁵.

In light of the long-standing disagreements between the president and the government, President Gitanas Nausėda hesitated to sign the package of amendments. He particularly criticized the violation of human rights and called on parliament to rectify the deficiencies in the law⁶. The parliamentary speaker Viktorija Čmilytė-Nielsen promised to review the law in the course of the autumn sittings.

Prime Minister Ingrida Šimonytė also defended the changes in the law by stating that neither Lithuania nor the illegally entered migrants were interested in an excessive procedure.

However, it does not exclude adapting the decisions regarding migrants to the changing situation if concrete amendment proposals with formulations are introduced. She rejected the criticism of a possible violation of human rights, arguing that the onslaught of migrants was triggered precisely because Lithuania had actively defended the Belarusians' right to free elections vis-à-vis the regime.

Reaction of the opposition

The chairman of the opposition 'Peasant Party' Ramūnas Karbauskis opposes the government's crisis management and is convinced that attempts to scare off migrants through information campaigns do not make sense. According to Karbauskis, Lithuania

should influence Belarus through diplomatic channels, also with the help of mediators. The right-wing populist forces that had gathered under the banner of the 'family march' also accused the government saying that the migrant crisis was caused by Lithuania's tough stance against the Minsk regime and suggested a dialogue with Lukashenko.

President Nausėda has criticized such proposals, indicating that a change of course in foreign policy and a dialogue with the dictator would be completely unacceptable. The sanctions against Belarus were not imposed by Lithuania, but by the EU⁷.

Furthermore, the leader of the Social Democrats, Vilija Blinkevičiūtė explicitly formulated that the current foreign policy course of Lithuania should not be changed but stated that the consequences could be better assessed.

In addition, the representatives of the opposition decided to turn to the President of the European Commission, Ursula von der Leyen, with a request to review the Lithuanian government's plan to build a physical barrier on the border with Belarus. The 'Peasant Party' pointed out that there was already a precedent at European level with Hungary, which had lost the case relating to border construction before the European Court of Justice⁸.

Opposition leader Skvernelis criticized the EU, which so far has only provided humanitarian aid, but has made no contribution to solving the problem⁹.

Domestic Effects of the Migrant Crisis

The migration crisis may lead to a strengthening of populist and subversive forces. So far, no radical party in Lithuania has won more than two percent of the vote, but society's distrust of political parties is growing. The reception centers for the migrants close to their places of residence are more than controversial among the local population and are causing increasing social tensions. Prime Minister Ingrida Šimonytė warned against turning the hybrid

⁵ <https://www.lrt.lt/naujienos/lietuvoje/2/1454247/migracijos-departamento-vadove-laukia-nausedos-paraso-po-istatymu-del-migrantu-teisiu>

⁶ BNS, Jul 14, Lithuanian president: we must respect migrants' rights, not to become walk-through yard.

⁷ <https://www.delfi.lt/news/daily/lithuania/nauseda-su-diktatoriumi-nesikalbesime-taip-kaip-jis-galbut-tikisi.d?id=87800879>

⁸ <https://www.delfi.lt/news/daily/lithuania/karbauskis-musu-uzsienio-politika-migrantu-klausimu-yra-apgailietina.d?id=87763529>

⁹ <https://www.delfi.lt/news/daily/lithuania/skvernelis-negaili-kritikos-valdziai-jie-sugeba-kartoti-2009-uju-klaidas-ir-sukelti-visiska-chaosa.d?id=87796401>

attack into a hate crisis when hatred of the ‘strangers’ gets incited.¹⁰

The protests against the accommodation of migrants are particularly strong in the opposition-ruled district of Šalčininkai. During protests in the Dieveniškės and Rūdninkai communities, subversive slogans were heard among other things. The situation at the military training area in Rūdninkai escalated when around 150 protesters blocked the entrance to the military compound and lit fires there. The police had to use tear gas to evict the protesters and two police officers were injured. The police have launched a pre-trial investigation into the organization of the recent riots near the Rūdninkai military training area.¹¹

Prime Minister Ingrida Šimonytė stated that residents in the Šalčininkai district were deliberately incited to protest against the accommodation of migrants and that a dialogue with the local population was prevented by the position of MEP Valdemaras Tomaševskis from the Party of Lithuanian Poles.¹² She further argues that the communities led by the ruling coalition or related parties are willing to engage in constructive dialogue resulting in less protest in those areas.

The Lithuanian secret service sees no anti-state forces involved in the protests. At the same time, it has pointed out that the radicalization of sentiments in Lithuanian society and an escalation of the situation could be in the interests of hostile states.¹³

In response to the worsening situation in Rūdninkai, the Conservative Interior Minister Agnė Bilotaitė suggested that consideration should be given to declaring a state of emergency in the border areas. In such a case, border control would be taken over by the armed forces and access to the territory of Lithuania would be blocked.

Defense Minister Arvydas Anušauskas is against the imposition of a state of emergency. There is still no threat to the constitutional order. According to the defense minister, the imposition of a state of emergency would worsen the situation in light of the upcoming Russian-Belarusian military exercise ‘Zapad’, among other factors. In order to allay the

fears of society, the minister assured that the armed forces would be deployed to protect the population if necessary, in order to relieve the border guards of this function.¹⁴ The Head of State Nausėda is in agreement with the Defense Minister and considers the state of emergency as a last resort.

The opposition is divided over the introduction of the state of emergency. The chairman of the ‘Farmers’ Party’ Karbauskis speaks out against it because he fears that this could stop the protests directed against the migrants. Opposition leader Skvernelis, on the other hand, believes the introduction of a state of emergency in the border areas is necessary in order to prevent greater damage, but also to prevent potential provocations.

Schemes of illegal migration

Research by journalists from the Lithuanian broadcaster LRT, the Russian publication Mediazona and the ‘Scanner Project’ as well as investigations by the Lithuanian Ministry of Defense show that the regime in Belarus is directly involved in the organization of illegal migration.

The latest video recordings from ‘Frontex’ show that Belarusian official bodies are involved in the event.¹⁵

According to statements made by migrants, Facebook groups in various languages of the Middle East have been appearing since March, promoting Lithuania as the ‘best entry point into the EU and Western Europe’.

For four years now there have been four regular Iraqi Airlines flights a week from Baghdad to Minsk. But the issuing of visas to Belarus for tourist purposes was only resumed this spring. Since May 10th Minsk is served by another Iraqi airline, Fly Baghdad. There are scheduled flights from Turkey to Minsk every day.

According to the sources mentioned above, criminals offer potential ‘refugees’ Belarusian visas as well as flight tickets and travel vouchers to Minsk and guarantee them the border crossing to Lithuania. The legal part of the trip to Belarus is handled by a network of Iraqi and Belarusian travel agencies. On the Belarusian side, the state travel company ‘Central Spa’ is to receive tourists from Iraq and

¹⁰ <https://www.15min.lt/naujiena/aktualu/lietuva/i-simonyte-ruosemes-atremti-40-tukst-migrantu-antpludi-o-dabar-esame-pasimete-56-1534396?copied>

¹¹ <https://www.delfi.lt/news/daily/lithuania/bilotaite-del-ivykiu-rudninkuose-tai-buvo-pikta-tycine-provokacija.d?id=87802247>

¹² <https://www.15min.lt/naujiena/aktualu/lietuva/i-simonyte-itampa-salcininku-kraste-kursto-v-tomasevskis-56-1541072>

¹³ Lithuania’s SSD sees no anti-state groups being active among anti-migrant protesters, VILNIUS, Jul 27, BNS.

¹⁴ <https://www.lrt.lt/naujienos/lietuvoje/2/1458692/ministras-kariuomene-prisides-prie-migrantu-apgyvendinimo-vietu-apsaugos?fbclid=IwAR0784UXZ5zLUCu1uljTcz0S26yIteixVyTGXshEjd-Uus6HW1K5Zov0aY>

¹⁵ <https://www.lrt.lt/naujienos/lietuvoje/2/1461903/ministerij-a-turi-galimu-irodymu-kad-baltarusijos-pareigunai-dalyvauja-neteisetos-migracijos-organizavime>

accommodate them in hotels in Minsk for one to four days before they are chauffeured to the Lithuanian border by smugglers.

According to press reports, the border is usually crossed on foot at night with appropriate briefing by the 'smugglers'. The 'tour' to Lithuania would cost the potential refugee around 6,000 dollars. Should they want to be transported further - to Germany, for example - the price would rise to up to 15,000 dollars. Some make the way from Minsk across the border without 'helpers' on their own, following instructions from their 'predecessors' who have already reached Lithuania. Apparently, the regime in Minsk also derives considerable financial benefits from the scheme: each Iraqi has to leave 3,000 dollars as a deposit when issuing visas. This amount will be collected in favor of the Belarusian state if the 'tourist' does not return from the 'trip' to Belarus. If this calculation is correct, the regime in Minsk could have collected more than 2 million euros from the more than 1,000 Iraqis who have already been arrested in Lithuania.

The latest developments

In response to the increasing number of incoming illegal migrants, the Ministry of the Interior decided on August 2, 2021 to prevent illegal migrants from crossing the border, if necessary with force. Migrants should be referred to border control posts or embassies to apply for asylum there.

Foreign Minister Gabrielius Landsbergis in an interview said that the Belarusian regime has started talks with West and North African countries in order to start further trips to Belarus.¹⁶ However, the ambassador of the European Union (EU) to Iraq, Martin Huth, has received information that flights from Iraq to Minsk are to be suspended for the next ten days. Allegedly 'Iraq Airways' informed all travel companies in the country about the suspended flights.¹⁷

In addition, the Belarusian side is increasingly using verbal attacks as a means of propaganda against Lithuania. Lukashenko has ordered an investigation into the alleged death of an Iraqi on the Lithuanian-Belarusian border. Thereupon the Lithuanian Prime Minister Šimonytė stated that the Lithuanian border

guards were not aware of any incident at the border and that Belarus was responsible for what happened on the Belarusian side. At the same time, several Lithuanian media portals received threatening letters in which a terrorist attack on several larger shopping centers, office buildings and authorities was announced as an act of revenge for the 'Muslim brothers'.¹⁸

A week earlier, Lukashenko had insulted Lithuanians as 'Nazis' because they allegedly tortured the migrants in Lithuania and deported them to Belarus, increasing the possibility of radical and armed Muslims entering the country for retaliation.

An extraordinary session of the Lithuanian Parliament will take place on August 10, 2021, which is expected to decide on the imposition of a state of emergency and the construction of the border wall.

Domestic outlook

Despite the tense situation, there is a general consensus that Lithuania must protect the EU's external border. Prime Minister Šimonytė assured that Lithuania will not become a transit route for migrants to other EU countries such as Germany or Sweden. However, voices calling for a review of the EU migration policy at the European level are getting louder.

It is expected that the number of migrants arriving illegally in Lithuania will continue to increase. At least 10,000 more illegal migrants are expected by the end of the year.

The Lithuanian border guards are currently planning to purchase 400 residential containers to accommodate the illegal migrants, mainly women and children, who have arrived in Lithuania. This measure alone could cost Lithuania around 200 million euros.

As a consequence, further tensions in the population are expected. The situation could develop in such a way that the state can no longer accept any more migrants. The former chairman of the constitutional court has pointed out that the social order of the country could be endangered by the situation.

¹⁶<https://www.lrt.lt/naujienos/pasaulyje/6/1462515/landsbergio-interviu-politico-lukasenka-derasi-su-afrikos-salimis-del-nauju-kelioniu-krypciu>

¹⁷ <https://www.delfi.lt/news/daily/world/es-ambasadorius-panasu-kad-skrydziai-is-irako-i-minska-kuriam-laikui-atsaukiami.d?id=87874645>

¹⁸ <https://www.delfi.lt/news/daily/lithuania/policija-pradejotyrima-del-grasinimo-ivykdyti-terroristini-nusikaltima-tarpgalimu-taikiniu-akropolis-ozas-delfi.d?id=87875153>

In addition, the former President Dalia Grybauskaitė warned of a possible provocation of armed conflict on the border since the Lithuanian military is involved in the border security there.

Conclusion

Since those arriving are evidently primarily economic refugees who are able to afford the expensive journey by plane, the Lithuanians' strategy of working together with the countries of origin to establish identity and possibly limiting travel capacities and to rely on information campaigns seems correct in order to counter the fake news spread there.

Should this group of people decrease in number, Chechnya in particular would stand out as a possible further region of origin, since the residents there can freely enter Belarus as citizens of Russia. Other larger groups, such as people from Afghanistan, could only reach Belarus if the Central Asian states and Russia allow them to roam freely through their territory or actively organize their onward journey, which is currently rather unlikely.

On the other hand, it is important to protect the EU's external border and to build sufficient capacities to provide for the (still) arriving migrants properly and in accordance with (human) rights and statutes. It goes without saying that people who are actually entitled to asylum must be helped and this is not questioned by the Lithuanian government. However, the faster the test procedures are completed and the clearer it can be communicated to the outside world that Lithuania does not grant free entry and onward travel

for economic migrants the faster Lukashenka's calculations can be thwarted. Until then, however, Poland in particular will have to adjust to secondary migration flows.

Viewed from the wider angle of Europe, the situation on the Belarus-Lithuania border is only a 'subchapter' on the subject of flight and migration. Both the Lithuanians and Brussels aptly pointed out that this is a challenge for the EU as a whole. Common answers must therefore be found, for example in relation to asylum legislation, external border protection and the question of how to counter the transparent strategy of smugglers to combine illegal border crossings with the submission of (foreseeably unsuccessful) asylum applications. The fact that the problem of illegal border crossings is now affecting a country and a region in Lithuania for which the great refugee crisis of 2015 seemed far away could at best lead to a growing European-wide awareness of the common concern making it easier to find joint solutions. The fact that southern European countries were among the first to assure Lithuania of their solidarity is a good and important sign.

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