

WHY THIS REFUGEE CRISIS IS DIFFERENT

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Russia's invasion of Ukraine has caused one of the fastest exoduses since World War II. In three weeks, over three million people fled in search of refuge. This is not Europe's first refugee crisis, but it is different to previous ones for several reasons: geographical and cultural proximity, recent migration history, the open border policy and because it has once again made asylum a geopolitical issue. This article explains why this refugee crisis is different and why, fundamentally – in terms of access to asylum and rights – it shouldn't be.

In less than three weeks, Russia's invasion of Ukraine has driven over three million people to seek refuge in neighbouring countries – mainly Poland, but also Hungary, Slovakia, Romania and Moldova. Many more have moved within the country. The United Nations High Commissioner for Refugees Filippo Grandi confirms it to be one of the fastest exoduses of the past 40 years. With the men being mobilised to face the invasion, for the time being the vast majority are women and children.

This is not Europe's first refugee crisis, but it is different, as a comparison with 2015 shows. The size and speed of the exodus are one sign, but so is the European Union's perception that this time it's different. Geographical proximity is an obvious distinctive feature: a far-off conflict is not the same as one taking place on the continent itself. Meanwhile, politicians and the media have pointed out the cultural and social proximity of those arriving at EU borders. "These are not the refugees we are used to. These people are Europeans", declared Bulgarian Prime Minister Kiril Petkov. They are Europeans "with blue eyes and blond hair", a BBC interviewee pointed out excitedly. They are "prosperous middle-class people," added a journalist from Al Jazeera. This type of statement – and there have been various – underlines the first difference: this time these refugees are welcome, and the reason is not just their urgent need for international protection, but because they are Europeans, Christians, "civilised" and middle class.

But cultural proximity is not the whole story. There is another fundamental difference. Before becoming refugees, Ukrainians were economic migrants within the EU. They have been and continue to be wanted and sought after, unlike those whom both discourse and the law often deny the right to remain. In this sense, Ukraine is not just Europe's breadbasket but, like other eastern European countries, a growing and increasingly

indispensable pool of essential workers. According to an **ICMPD** report, almost 3.5 million Ukrainians received residence permits in an EU country for the first time between 2014 and 2019. Intriguingly, many of these permits were temporary, of no more than 5 or 11 months in duration. This suggests that while many Ukrainians are on long-term, highly-skilled contracts, the majority fill temporary (even seasonal) and low-skilled positions.

The first two differences determine two others. First, since 2017 Ukrainian citizens can travel visa-free within the EU for 90 days. Compared to “other” refugees, migration policies pose no obstacle to the crossing of borders – a necessary condition for accessing international protection. In other words, they do not have to risk their lives to arrive. Second, as Ukrainians have been moving around the EU for years, they are used to coming and going and already have relatives, friends and acquaintances living in EU countries. As the academic literature has pointed out time and again, kith and kin comprise the best host network. The journalist Agus Morales was **reminded** of this recently and noted that unlike the other exoduses he had covered, where there was rarely a loved one waiting for the fleeing person on the other side, at the Poland–Ukraine border there was.

This time the member states have maintained an open border policy. This is how the international asylum regime should work, with those fleeing war and conflict granted passage and then hosted. But it is not what usually happens and all the less so in the countries now welcoming Ukrainian refugees.

But the exceptional nature of the reception goes beyond friends and family. Multiple press reports describe Polish citizens going out of their way to welcome the refugees: from families with children arriving at the border with everything they think the refugees may need, to reception centres staffed by hundreds of tireless volunteers and citizens offering transport and shelter in their own homes. To be sure, in 2015 squares and stations across half of Europe were also filled with volunteers. And, while it seems difficult to remember now, the people of Lesbos also threw themselves into receiving the refugees. But these shows of solidarity did not occur in this part of Europe, and the reception did not take the same form. For the time being, no refugee camps have been opened in Poland and the majority has mainly been hosted in private homes.

Another fundamental difference is that this time the member states have maintained an open border policy. This is how the international asylum regime should work, with those fleeing war and conflict granted passage and then hosted. But it is not what usually happens and all the less so in the countries now welcoming Ukrainian refugees. The change has been especially notable in the statements of Hungarian Prime Minister Viktor Orbán. In December, referring to migrants and refugees from the Middle East and Africa, he said “we aren’t going to let anyone in”. By March he

had changed his tune – “we’re letting everyone in”, he said, when it came to Ukrainian refugees. The same change is evident in Poland, where the government that declared a state of emergency and suspended the right to asylum at the end of 2021, leaving thousands of refugees trapped on the border with Belarus, has in early 2022 been unstinting in its reception and welcome of Ukrainians.

This about-turn explains why the member states have agreed to implement the Temporary Protection Directive, unused since its approval in 2001. The Directive’s application makes it possible to ensure temporary protection on a collective basis without individual assessment of each asylum request. It means providing immediate access to protection (without the long waits characteristic of asylum procedures) and therefore to a broad set of rights, including the rights to work, education and health. What is more, the Directive allows the territorial distribution of refugees based not only on the reception preferences of each member state but also on the desires of the refugees themselves. This is a fundamental change. In practice, it means that not only can Ukrainian refugees enter the EU freely but, unlike other asylum seekers, they can choose their country of residence. Countries with larger Ukrainian diasporas, such as Poland, Germany, the Czech Republic, Italy and Spain, will undoubtedly be preferred.

The last big difference – and perhaps the least noted until now – is that this crisis makes asylum a geopolitical issue once again. In other words, guaranteeing the right to asylum and providing it specifically to the most worthy recipients in the eyes of European states is not the only issue. The West, and specifically the EU, must show the world once again that it is a guarantor of freedoms and rights against autocratic and illiberal regimes. Just as it was in the second half of the 20th century, asylum thus becomes a means of moral and ideological competition.

This is no minor factor. The problem is that this is exactly where these multiple differences come into contradiction with one another. Because to win this moral and ideological contest, no distinctions can be made between some refugees and others. Discrimination due to origin and nationality in the flight from Ukraine, and the possibility that such distinctions will continue to be drawn when temporary protection is sought within the EU, does a great deal of damage. Internally, this will once again remind European citizens – ultimately far more diverse than the “imagined community” – that we are not always all equal. Externally, as various African leaders have recently pointed out, it confirms the double standards of a Europe that often says one thing and does another. So, yes, this refugee crisis is different from the previous ones, but fundamentally – in terms of access to asylum and rights – it shouldn’t be.