

Meijers Committee

To Secretariat General European Commission

Date 13 October 2022

Subject Comments of the Meijers Committee on the proposal for a Decision on the non-recognition of Russian travel documents issued in occupied foreign regions

Dear Martine Deprez,

On 6 September 2022 the Commission forwarded a proposal for a decision by the EP and the Council on the non-recognition of Russian travel documents issued in occupied foreign regions (COM(2022)662). On 12 October 2022 the EU Council of Ministers agreed on its mandate for the negotiations with the European Parliament on this proposal (Council document 13192/22). The Meijers Committee welcomes the political aim of the instrument, that is, to establish a uniform practice across all EU Member States and a clear signal to Russia and to the inhabitants of the occupied regions that the EU and EEA Member States do not accept such passports either for the issue of Schengen visa or for the crossing of the external borders of the Schengen area. At the same time, we would like to address certain elements of the proposal that in our view need further consideration and attention.

Firstly, the Meijers Committee is of the opinion that the right to asylum is not sufficiently safeguarded in the proposal. We welcome the fact that Member States retain the possibility to grant visa to people who have a Russian travel document issued in an occupied region. However, safeguards regarding the right to asylum are not included in the operative part of the proposal. The Meijers Committee recommends adding the following sentence in Article 1 of the decision: "This decision does not affect the Union asylum acquis and in particular the right to apply for international protection". In the proposal this sentence is 'hidden' in recital 12, creating the risk that it will be overlooked in practice in consular offices and at the external borders.

Secondly, the Meijers Committee raises concerns regarding the consequences of this decision for the position of orphan children, children without parental care and legally incapable persons. Recital 5 of the proposal refers to a so-called 'simplified naturalisation procedure' for orphan children from the so-called Donetsk People's Republic and the so-called Luhansk People's Republic, as well as Ukraine. This procedure could in practice lead to forced acquisition of Russian nationality since these orphans currently fall under Russian authority. In order to avoid that the persons concerned should experience negative consequences of the decision, the Meijers Committee recommends that Article 2 of the decision explicitly stipulates that the decision *does not apply* to those persons who obtained Russian citizenship through the simplified naturalisation procedure mentioned in recital 5 and the decree of May 2022.

Thirdly, the Meijers Committee asks why the decision does not apply to Russian passports issued in Transnistria, the eastern part of Moldova de facto occupied by Russia.

Lastly, we would like to bring to your attention that the final version of the decision should be amended to reflect Russia's recent annexation of parts of Ukraine.

As always, we remain at your disposal for further information and to answer your questions.

Yours faithfully,



Prof. dr. A.B. Terlouw,
Chairwoman

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Standing committee of experts on international immigration, refugee and criminal law

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