



## COUNTRY REPORT

# Migration Management Issues and Georgian Prospects for Visa liberalization with the EU

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The Country report describes issues of migration situation and management in Ukraine and analyzes the recent changes in migration matters in Ukraine since annexation of Crimea and hostilities in Donbass. It explores the situation on migration in the country using official statistics, figures of the international organizations, media reports as well as expert voices in migration and information received from government authorities. It covers the period 2013 – 2015 years.

Migration situation in Ukraine has undergone significant changes over the past 3 years. In 2013 migration flows were relatively stable. A peculiar characteristic of Ukrainian migrants is that they are widespread all over the world. Very high numbers are indeed found in the EU (around 1 million – among which Poland 227,446, Italy 201,380 and Germany 153,393), North American countries (411,253 - the US 351,793 and Canada 59,460), as well as in Israel (258,79)<sup>1</sup>.

By 2014, Ukrainians ranked fifth amongst top non-EU residents in the European Union (608,193). In 2013, the most recent data available, Ukrainians were the top recipients of first-time residence permits with 237,000, a huge increase from the 150,000 granted in 2012. Currently, Ukrainians are the second most common recipients of Schengen visas of all kinds in the region, after Russians. However, the number of applications for visitor C visas by Ukrainian citizens decreased from 2013 to 2014 and the number of issued visas decreased from 1.54 million in 2013 to 1.35 million in 2014 (see Figure1). This reflects a decrease in tourism as households have less spending power as well as a decreased demand for foreign labor as a result of the economic downturn in several EU Member States.

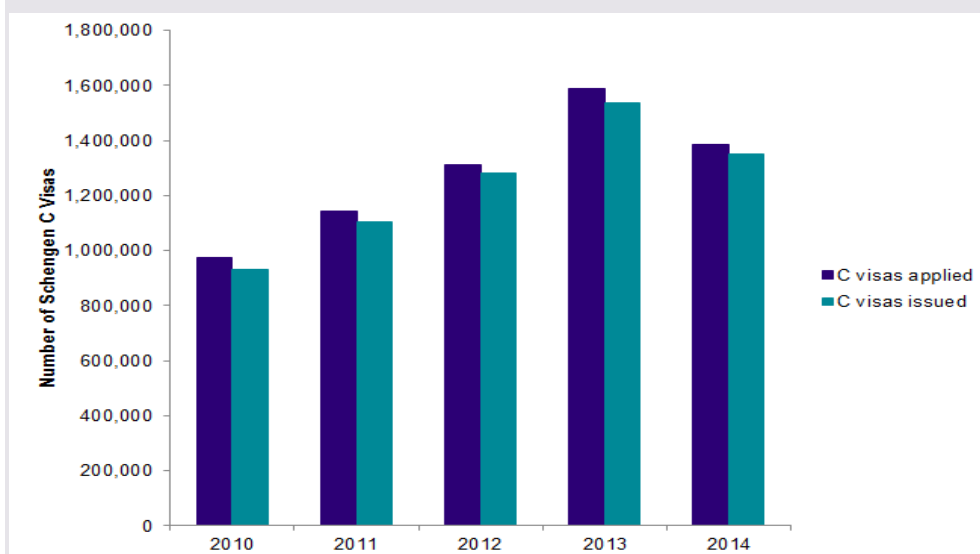
EuroMaidan, the war in the East of Ukraine, annexation of Crimea, and the economic crisis had affected all Ukrainian migration flows. The new phenomenon of a forced migration of internally displaced persons (IDPs) appeared in Ukrainian migration.

Nearly two millions people are estimated to have been displaced, internally and internationally, according to the United Nations High Commissioner for Refugees (UNHCR). This is 3.5 percent of the total population of Ukraine, and about 26 percent of the population of Donetsk and Lugansk.

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<sup>1</sup> Migration policy Center//Migration Profile – Ukraine, -2013 // [http://www.migrationpolicycentre.eu/docs/migration\\_profiles/Ukraine.pdf](http://www.migrationpolicycentre.eu/docs/migration_profiles/Ukraine.pdf)

**Figure 1 . Schengen Short-Stay Visa Applications by Ukrainians, 2010-14**



### **Internally Displaced Persons**

The Russian annexation of Crimea and subsequent suppression of ethnic Ukrainians and the Tatar Muslim minority resulted in significant displacement. An estimated 20,000 Crimeans had fled to the mainland, while a further 17,000 were displaced within the Crimean peninsula, according to UNHCR estimates as of October 2014.

Ukrainian government authorities faced new exceptional challenge that is not regulated in any legal act, so they should react quickly and effectively to prevent chaos in the country. The Law on the Legal Regime on the Temporarily Occupied Territory of Ukraine was adopted in April 2014, though the entry and exit procedures on demarcation line are far from well established. Also, the Regulation On Provisions of terminal stay for families resettled from the Autonomous Republic of Crimea and Sevastopol (so-called Regulation 213) was adopted in June 2014, allowing 25 mln. UAH for settlement of IDPs from Crimea in health camps. Another positive, yet not fully accomplished, step was amendment of the Internal Revenue Code in September (this allowed changes as to medical assistance, or recovery of destroyed and damaged buildings)<sup>2</sup>.

In total, more than 1.3 million people, the vast majority from Donetsk and Lugansk, were considered internally displaced as of late June, according to UNHCR and the Ministry of Social Policy. Many are dispersed within the contested regions, from front-line neighborhoods and villages to cities. IDPs have been displaced to every region. Patterns, however, have emerged based on their origins within the country: Crimean IDPs have mainly fled to western provinces, while those from eastern Ukraine are mainly displaced within the same region. More than half of all IDPs are registered in the east; state support is limited and most have found private accommodation while 30,000 to 40,000 were living in collective centers as of 2014.

Paradoxically, the conflict in the east of Ukraine has had little impact on the migration and refugee situation in the European Union. Given the huge scale of internal displacement, the number of Ukrainians who have applied for refugee status in the EU countries (around 10,000 people in 2014, mainly in Poland, Germany and Sweden) is quite modest.

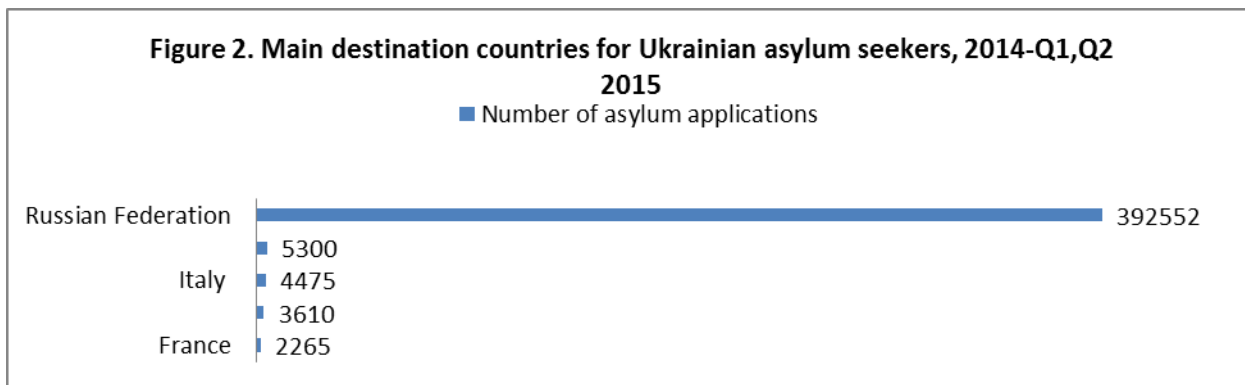
<sup>2</sup> For more details on Ukraine's IDPs legislation, please visit "Legal framework" database at <http://unhcr.org.ua/uk/resursi/pravovi-dokumenti-m/zakonodavstvo-ukr#IDPs>, date of access November 20, 2014.

Moreover since ceasefire on demarcation line of the conflict zone in October 2015 it was recorded mass return of IDPs to their places of residence in Donetsk and Lugansk regions.

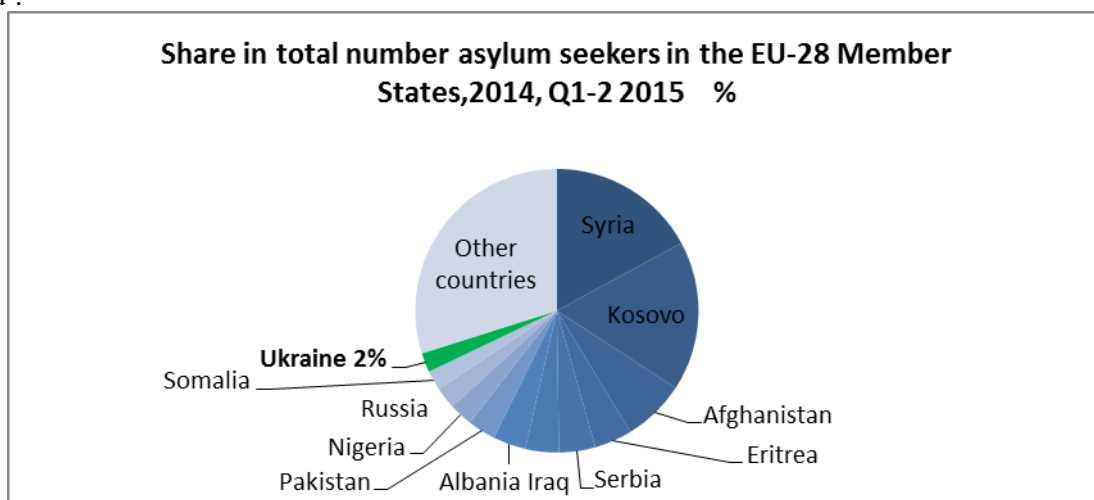
### Refugees/Asylum seekers from Ukraine

In addition to internally displacement, many Ukrainians have reportedly sought refugee outside of the country. According to government figures, as of April 30, 2015 the number of Ukrainians who have sought asylum, residence permits, and other forms of legal stay in foreign countries is reported to be 822,700 with the majority going to the Russian Federation (678,200) and to Belarus (81,070).

Moreover, from the beginning of 2014 till the half of 2015 there were 5,300 applications for international protection in Germany, 4,475 in Italy, 3,610 in Poland, 2,265 in France, 2,110 in Sweden, and smaller numbers in Czech Republic, Belgium, Austria (see Figure 2)<sup>3</sup>.



In 2014, it was spike of activity in the EU from the Ukrainian asylum seekers, because number of applications increased by 13 times. However, 14050 Ukrainian asylum applicants accounted only for 2,2% of the total from all non-member countries (see Figure 3). This trend continues in the first half of 2015 when there were 11440 Ukrainian applications in the EU-28. But the low speed of processing applications and the vast majority of rejected applications (74%) let assume that most Ukrainian applicants are not priority and also are not eligible for refugee status. For example, in first half of 2015 in Poland there were only 5 positive decisions on Ukrainian applications, when other 925 applications were rejected<sup>4</sup>.



<sup>3</sup> UNHCR Ukraine Operational Update, 11–30 April 2015, UNHCR Kyiv// <http://reliefweb.int/report/ukraine/unhcr-ukraine-operational-update-11-30-april-2015>

<sup>4</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics)

## Labour migrants

In Ukraine's current post-revolution situation, the following factors will be crucial for further migration dynamics: the situation of Ukrainian migrants in EU countries and the country's further economic and social development.

The main destination countries of labour migrants are Russia, Poland, Italy, Spain and Czech Republic. Current number of labour migrants from Ukraine probably is higher than 1.2 million people because of socio-economic causes. One of the possible ways to track the actual number of Ukrainian labour migrants in the EU is to explore residence permit statistics. However, it is necessary to consider that not all labour migrants are working with work permits. In 2014 number of this kind of permits for Ukrainians in the EU-28 increased by 4%. However there is no available information from 6 countries. In particular, more Ukrainians left for work in Poland for a short-term period (from 3 to 5 months) and in Germany, Slovakia, Lithuania and France for more than 12 months (see Figure 4).



According to the Ministry of Labour and Social Policy of Poland, in 2014 (until October) Ukrainians has received 331,000 simplified certificates allowing them to work in Poland legally (an increase of 50% compared to the previous year), as well as 26,000 work permits. It should be remembered that the actual number of Ukrainian citizens working in Poland is lower, because the certificates give their bearers the right to work for up to six months. Long-term migrants are those who have the residence permits in Poland; as of February this year, Ukrainians hold 48,000 valid residence permits. Interest in studying in Poland has also increased (both because of the scholarship programmes, and as an option for avoiding military service)<sup>5</sup>. Many citizens of Ukraine have however delayed their final decision to leave their home country; they decide to formally legalise their stay in Poland, while in fact they have not yet left Ukraine.

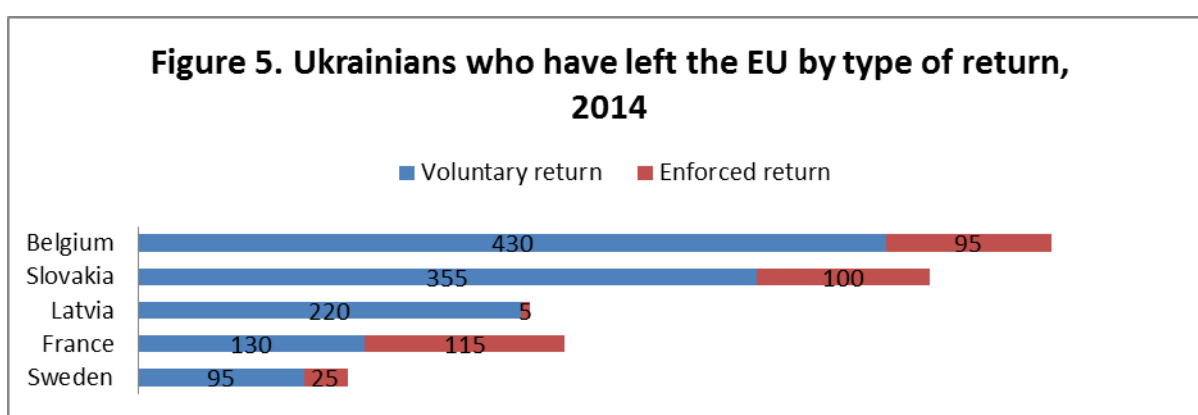
Coupled with the trend to legalize the stay is a slow downward trend which may be seen with regard to the dynamics of Ukrainian emigration. Firstly, the deceleration of emigration may be attributed to Ukraine's demographic potential being exhausted, including above all the diminishing number of the population in general, which is linked to high migration rates, a low birth rate and a high mortality rate. Ukrainian society is still relatively young but within the next ten years the aging of the population will result in the number of people of working age diminishing (Forecast from the Institute for Demography and Social Studies at the National Academy of Sciences of Ukraine) and it is this group who usually tend to migrate.. Secondly, fewer Ukrainians are deciding to leave the country due to limited job opportunities in a crisis-stricken EU. The economic crisis in the EU hit in areas of employment such as construction and households (childcare and care, household chores) particularly hard and it is in these areas that Ukrainian migrant workers traditionally found jobs.

<sup>5</sup> Ukraine: chances for a visa-free regime with the EU?- Analysis, M.Jaroshevich // <http://www.osw.waw.pl/en/publikacje/analyses/2015-02-04/ukraine-chances-a-visa-free-regime-eu>

## Irregular migrants

Irregular migration (as measured by illegal border crossings) on the EU's borders with Ukraine has risen, but is still relatively low (a few thousand persons annually), and is not comparable with the situation in southern Europe (last year 230,000 people tried to enter the EU illegally via the Mediterranean Sea). Despite of recent annexation of Crimea and armed conflict in the Eastern Ukraine there is no marked changes in irregular migration movements towards the EU. For example, in the first quarter of 2015 there were detected 32 % fewer Ukrainians who illegally stayed in the EU compared to the previous quarter. Frontex experts reported that in 2014 detections for illegal border-crossing and document fraud remains insignificant along all green border section with Ukraine. The number of refusals of entry for Ukrainians in 2014 remained comparable to previous years (16380 in 2013, 16809 in 2014)<sup>6</sup>.

Comparing to previous years in 2014 more Ukrainians were detected staying illegal in EU countries and then were effectively returned. Frontex experts believe that Ukrainian illegal stayers had entered the EU legally and overstayed or entered the EU through the abuse of legal means, such as fraudulently obtained work or business visas. According to Eurostat information on 13 EU Member States, Ukrainians mostly have voluntary returned to Ukraine (see Figure 5).



## Developments in Visa liberalization process. Migration management

The European Union launched a visa liberalization dialogue with Ukraine in 2010. On 22 November 2010, the European Commission presented the Ukrainian Government with an action plan on visa liberalization (VLAP). This set out the benchmarks that Ukraine has to meet before Ukrainian nationals holding biometric passports can enter the Schengen zone for short stays without the need for a visa.

A significant step was taken as of 12 January 2015 with the issuance of biometric passports for traveling abroad that comply with requirements of the International Civil Aviation Organization.

The interaction and cooperation between the State Migration Service, State Border Guards and labour agencies functions well. In accordance with the Regulation of the Cabinet of Ministers of Ukraine of 5 April 2014, the staff of the State Migration Service was reduced. As a consequence of the reorganization, a unit for combating irregular migration was established.

Ukraine has signed readmission agreements with the Russian Federation, Georgia, Uzbekistan, Turkmenistan, Republic of Moldova, and other countries. In total, 17 readmission agreements had been concluded as of September 2014.

Ukraine has begun a complex reform of the Ministry of Interior, which has restructured the work of agencies responsible for preventing and fighting organized crime. In February 2015, parliament adopted a law on the reform of the interior bodies. Accordingly, GUBOZ, the main department for combating organized crime, has been abolished. In the reform process, along with the Ministry of

<sup>6</sup> [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/EB\\_Q1\\_2015.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/EB_Q1_2015.pdf)

Information, the Security Service retained the operational and pre-trial investigative powers to fight organized crime. The reform provides for the establishment of an additional body in the fight against organized crime — the State Bureau of Investigation.

The progress made so far on anti-corruption policies was notably at legislative level and on some preparatory steps for a new institutional setting. In October 2014, an anti-corruption package, including a national strategy for 2014-17, was adopted, setting the foundations for a new institutional framework for prevention policies. Certain shortcomings in the law on the National Anti-Corruption Bureau were addressed in February 2015, including safeguards for staff salaries and a framework for a specialized anti-corruption prosecution office. The recruitment of the Bureau's leadership, following an open competition managed by an independent commission, was finalized on 16 April 2015, when the President appointed the Bureau's director. The central register of companies is being completed with data on beneficial ownership. Progress was made in reducing exemptions in public procurement.

On 14 October 2014, the Ukrainian Parliament adopted the law on prevention and counteraction to legalization (money laundering) of the proceeds from crime or terrorism financing, as well as financing of the proliferation of weapons of mass destruction, which came into effect on 7 February 2015. The law brings Ukraine a major step closer to compliance with the new 2012 money laundering recommendations of the Financial Action Task Force, and even with the fourth EU directive on money laundering. However, there is little prioritization and coherence in the implementation, leading to a fragmentary approach for what is already an overwhelming process. The anticorruption package is still far from the declared goals and need to be implemented.

Given the exceptional circumstances and the internal and external challenges it faces, the progress achieved by Ukraine under the VLAP has been noteworthy. The significant efforts made by the Ukrainian authorities in making implementation of the VLAP a national priority led to a commendable legislative framework and a commitment to institutional settings. However, a comprehensive push, directed from the highest level, needs to continue to ensure that the priorities are acknowledged at all levels for an effective implementation of reforms.

## **Conclusions**

Ukraine now is facing exceptional challenges when the part of its territory is annexed and on the other part is an armed conflict with a stronger adversary. Analyzing the factors affecting migration such as Ukraine's economic conditions, labour market and social development, no easy predictions can be made. For the economy, specifically in trade, Ukraine is planning to launch a free trade zone in 1<sup>st</sup> of January 2016. Ukraine needs more resources to succeed, so, regardless of the military conflict, more efforts should be made to strengthen the democratic process, enforce the rule of law and carry out far-reaching reforms. The migrant integration legal framework should be developed supporting by the creation of the separate entity which will be in charge of IDPs, asylum seekers and other categories of migrants in Ukraine.

At present there are visible signs of interregional tensions which could encourage the population from eastern or southern Ukraine to immigrate to the EU countries. The poor economic situation, the armed conflict and annexation of Crimea are all factors that make increased migration by Ukrainians into the EU more likely. However, this phenomenon has so far mainly been observed in EU countries bordering with Western Ukraine, in particular in Poland, and applies more to residents of western Ukraine. This is a result of two factors. Firstly, the forced migrants from the East of Ukraine and Crimea do not have developed migration networks within the EU and in the majority opt for Russia as the final destination of their emigration. Secondly, they still hold out the hope that the conflict is temporary, and that they will be able to return to their places of residence.

Due to the conflict at East of Ukraine the EU also fears the export of security threats, including terrorism, extremism and the uncontrolled proliferation of arms along the section of Ukraine's border with Russia controlled by pro-Russian separatists (about 400 km). One solution that could appease EU concerns would be for Ukraine to create a well-controlled zone isolating the territory occupied by the separatists; another would be the creation of databases and a system of passes preventing members of organised crime groups and terrorist organisations from entering Ukrainian territory and obtaining Ukrainian biometric passports.

Continuing negotiations within Minsk format and progress in ceasefire agreements in the Eastern Ukraine will facilitate IDPs return to their homeland and reduce risk of migration to EU.

Regarding the reforms in migration management including asylum, readmission and integration policies, they should continue in a progressive manner. The related regulatory, procedural, organizational and financial components should be optimized and aligned with the European best practices, The Concept of migration policy should be developed and adopted.

The issue of the vital importance remains proper and timely implementation of legislation on IDPs.

Migration policy is one of those policy areas where the potential for policy reception by partner countries is relatively high. The need for collective, harmonized, coordinated action at the regional level is here rationally justified and understandable. All involved countries, including Eastern Partnership countries, favorably perceive movement towards deeper regional cooperation.