

# ICPS newsletter®

## Illegal migration in Ukraine

***Ukraine is becoming a catch-all for illegal migrants who are heading for the European Union. Although the trail of illegal migration that winds through Ukraine is not the greatest migration threat to the EU, the fact that such a route does go through Ukrainian territory puts pressure on public health, housing and employment, not to mention the State Budget because of the need to identify, detain and return illegal migrants. Migration specialists say the solution to problems with illegal migration lies in establishing a common readmission policy among countries of origin and destination countries***

After the collapse of the Soviet Union, Ukraine became open to the uncontrolled movement of migrants, weapons and other contraband across its border. In addition, two thirds of the country's borders were not demarcated at the interstate level and were not effectively guarded. Ukraine became a catch-all for a variety of migrants, including illegals. One feature of illegal migration is the high level of transnational organization and financial and technical support from international rings. In addition, illegal migrants tend to accumulate in cities: their numbers in urban areas are twice as high as in rural areas. This creates more problems: growing pressure on municipal social services, housing and employment, and the inevitable social tensions that accompany such pressures.

### The global migrants' highway

Specialists at the EU Center for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) have identified the main routes of global illegal migration that lead to the EU:

**The Baltic route:** Used by migrants from Russia, CIS countries and Southeast Asia, it goes through Russia and Baltic countries to Scandinavia.

**The Balkan route:** Used by migrants from the Middle East, Turkey and Balkan countries that are not within the Schengen zone. This route goes through Turkey and the Balkans to both Greece and Austria. According to expert estimates, it poses one of the greatest threats and is one of the most popular routes for illegal migrants.

**The North African route:** Used by migrants from the Middle East and Africa to get through the Suez Canal and the Mediterranean Sea to ports in southern Italy, France and Spain. This is another of the largest routes in terms of numbers.

**The South American route:** Used by migrants from Central and South America, mainly to fly into the airports of Western Europe.

**The Central European route.** Used by migrants from the Far and Middle East, Southeast Asia, and the CIS. It goes through Russia, Ukraine, Poland and Slovakia to Western Europe. According to the estimates of European experts, this is currently not one of the more threatening routes.

Although the illegal migration route that goes through Ukraine is not currently the most threatening for Europe, the existence of such a route has serious negative consequences for Ukraine. Specifically, the country's migration situation could get out of control and become unmanageable as the country accumulates a substratum of illegal migrants. This, in turn, threatens growing social tensions and a potential disease hazard. At the same time, there is the additional burden on the State Budget as public money is spent on identifying, detaining and returning illegals. According to expert estimates, instituting large-scale nationwide measures to neutralize illegal migration could cost as much as US \$28mn a year.

### Channels of flow to Ukraine

According to Ukrainian experts, the general flow of migrants to Ukraine can be divided into several routes based on the nationality of the migrants:

**The Vietnamese channel.** Vietnamese nationals who landed in the FSU republics originally as contract workers overstayed their welcome, effectively becoming illegal migrants. Currently, there is a trend towards growing numbers of such individuals to attempt to cross the Ukrainian border using fake documents, such as service passports or

work permit-based passports for Vietnamese nationals made in Moscow.

**The Pakistani-Indian channel.** Indian and Pakistani nationals get Ukrainian and Russian tourist visas in Delhi. Afterwards, groups of these "visitors" move through Ukrainian territory to Europe, becoming illegals.

**The Sri Lankan-Bangladeshi channel.** There were attempts to establish a stable channel for moving Sri Lankans and Bangladeshis across the border in western Ukraine with the help of guides who are Ukrainian, Polish, Hungarian, Romanian and other nationals.

**The Afghani channel.** These are refugees from Afghanistan who have been granted asylum in Ukraine, Russia or Central Asian countries. Their fellow nationals who are legal residents of Kyiv, Moscow and other major CIS cities make a business of collecting and arranging fake documents and dispatching groups of migrants.

**The Chinese channel.** Groups of Chinese nationals are formed by recruiters, mostly Malaysian and Vietnamese nationals, and enter Moscow legally on tourist visas. They are then moved illegally through Ukrainian territory to Western Europe. According to police information, a special center located in Prague coordinates the movement and activity of these groups of Chinese migrants.

**The Kurdish channel.** Since 1995, after the beginning of hostilities in Kurdistan, the number of Iranian, Iraqi and Turkish nationals of Kurdish origin who arrive in Ukraine with invalid documents or with the help of international criminal rings has grown.

**The Uzbek and Tajik channel.** As a result of ethnic conflicts and religious persecutions, the flow of migrants from Uzbekistan and Tajikistan who emigrated to Russia and are trying to get to Western Europe through Ukrainian territory has grown significantly.

**The Chechen channel.** This channel opened up in late 2002 and many Russian citizens of Chechen origin are using it to reach Eastern European countries such as Poland, Slovakia and the Czech Republic, where they hope to be granted refugee status.

Illegal migration is gradually becoming more organized under the control of international rings and is turning into a highly profitable business. Analysis of the routes used for illegal migration shows that the most attractive places for illegal entry into the West are the Ukrainian–Slovak and the Ukrainian–Hungarian portions of the state border, where more than 70% of illegal migrants are detained. While the mechanisms and tactics of those organizing the movement of illegal migrants change from time to time, the basic approaches remain unaltered. As a rule, the majority of illegal migrants say that they arrived in Moscow, where they came directly from their country of residence or the place where the primary flows of illegal migrants are formed. In Moscow, their foreign national “friends” form groups that are then illegally transported through Russian territory across Ukraine’s eastern border, or through Belarusian territory across Ukraine’s northern border.

Uncontrolled illegal migration is at the root of problems related to the concentration of migrants in certain regions, changes in the inter-ethnic situation, a tangible imbalance between the national and cultural interests of migrants and those of the local population, and the spread of permanent ethnically-based criminal groups within the country. Lately, illegal migration and related processes have been more and more noticeably affecting the socio-political and criminal situation in Ukraine.

## Readmission commitments

One of the most effective instruments to counter illegal migration is readmission (deportation) treaties that cover destination countries, countries of origin and transit countries for illegal migration. It makes sense to establish a common readmission policy that would slow down the uncontrolled movement of large groups of people in the region and in the world as a whole.

One of the main objectives of the Readmission Treaty between Ukraine and the European Union is to establish a procedure for the rapid, efficient identification and safe, organized return of individuals who do not meet the requirements for entering and staying on the territory of Ukraine or EU Member States. A Readmission Treaty with the EU applies to nationals of countries who are parties to the Treaty, nationals of third countries, and stateless individuals.

The two sides commit themselves to re-admitting their own nationals at the

request of any Treaty signatory whose territory those nationals have entered or on whose territory they are staying illegally. The country that is the recipient of a readmission request should, without delay, provide the necessary travel documents for individuals subject to readmission or to extend the validity of a travel document if it is impossible to complete readmission within the designated term.

These commitments apply to nationals of third countries and to stateless individuals if it is proved that they entered the territory of the requesting country directly from the territory of another signatory or had a valid registration or a visa on the territory of the second country. The Treaty sets forth the procedure for readmission in those cases when several countries provided visas or valid registrations, or when there are *de facto* no documents at all. The Treaty provides a mechanism for bringing individuals back within 90 days in cases of mistaken readmission.

## Readmission procedures

The Treaty also establishes the procedure for readmission, that is, for the submission of an application for readmission: any movement of an individual shall be based on an application for readmission submitted to authorized agencies, except for cases where an individual has a valid travel document and a visa or registration from another signatory to the Treaty in the case of stateless individuals and nationals of third countries. If an illegal migrant is detained within 48 hours after illegally crossing the state border, accelerated readmission procedures set forth in the Treaty are applied.

The Treaty establishes time-limits for submitting an application for readmission: 18 months after illegally crossing the border for nationals of third countries and stateless individuals, and 12 months after it is determined that the conditions under which such individuals are staying in a country do not meet current requirements for staying on the territory of a party to the Treaty. Any denial of readmission must be justified.

When a positive decision is reached, readmission is carried out according to the Treaty. Authorized agencies of the various signatories agree in advance the date and place of transfer, the options for providing an escort, and other necessary details, in writing. Countries are encouraged to use any available form of transport. All transport costs to the border of the

destination country are borne by the country that requested the readmission.

## The joint readmission committee

The Treaty establishes that the signatories commit themselves to providing mutual assistance in implementing and interpreting the Treaty. For this purpose, a joint readmission committee is set up to fulfill key objectives and exercise certain powers, according to provisions of the Treaty: to monitor the implementation of the Treaty and to regularly exchange information, to prepare proposals for changes and amendments to the Treaty, and to resolve other procedural issues. The decisions of this committee are binding for all parties. Members of this committee are representatives of Ukraine and the EU, in the person of the European Commission with the support of EU experts.

After signing a Readmission Treaty with the EU, Ukraine will work on establishing a common readmission policy based on bilateral treaties: Ukraine–EU, Russia–EU, Belarus–EU, Russia–Belarus, Ukraine–Russia, and Ukraine–Belarus. To date, Ukraine has signed bilateral readmission treaties with Georgia, Hungary, Moldova, Poland, Slovakia, Switzerland, Turkey, and Turkmenistan. However, an important objective remains to sign similar treaties with Russia and Belarus.

Russia and the EU have already signed a Readmission Treaty that has not yet come into force. However, negotiations on signing such a treaty between Ukraine and Russia have been complicated. Russia refuses to accept nationals of third countries, who make up the bulk of illegal migrants who transit through Ukraine to the EU. This must become the top objective for Ukrainian diplomats and this is where EU Member States must give Ukraine support. ■

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