

ICPS newsletter®

Migration policy must become a Government priority

One of the largest routes for world illegal migrants to transit to the EU is through Ukraine. As part of the effort to stem this process, ICPS is implementing the "Managing Migration in the Black Sea Region: Improving the implementation of national policy in Ukraine, Moldova and Rumania through regional cooperation with NGOs" project. During the latest expert roundtable, ICPS Director for Political Analysis and Security Programs Viktor Chumak presented a brief in Ukraine entitled "Migration trends in Ukraine." The main conclusion is that migration policy is not a Government priority

Migration trends in Ukraine

Ukraine as a transit country

One of the largest routes for world illegal migrants to transit to the EU is through Ukraine. The majority of transit migrants come from CIS countries, the rest mostly from Southeast Asia and Africa. The number of illegal migrants registered by state services is growing steadily, from 25,000 in 2004 to 45,000 in 2007.

Ukraine as a country of origin

Ukraine is experiencing population declines owing to both more deaths than births and more emigration than immigration. According to the IOM, 2.1 million, or about 5% of Ukraine's adult population works abroad. Ukraine has significant migrant flows to both Western Europe and Russia. About 37.2% of migrants go to Russia, 18.7% work in Poland, 16.9% choose the Czech Republic, 8.5% Italy, 3.8% Portugal, 2.5% Hungary, 2.2% Greece, and 2% Slovakia.

Most Ukrainian migrant workers are also illegal. On the other hand, according to some estimates, private transfers from migrant workers amount to about US \$400mn a month, or US \$5bn annually.

Ukraine as a destination country

In 2006, for the first time in decades, Ukraine showed a positive figure for net migration. Most immigrants were from CIS countries and, among them, about 25% of all registered legal foreigners came from Russia. Other large groups include migrants from China, who are the second largest diaspora at 9%, Turkish migrants, who are third at 5%, and

migrants from Syria, Jordan, India, Iran, and Vietnam.

Estimates of the total number of immigrants in Ukraine, both legal and illegal, range from 50,000 to 1.6 million, although the most realistic figure is half a million. Most legal immigrants live in Kyiv, Donetsk, Kharkiv and Odesa oblasts. For the most part, such immigrants work in retail trade, construction and farming.

Migration: Not a Government priority

Ukraine's migration policy generally comes down to doing battle with illegal migrants, which are mostly the result of problems with establishing the state boundaries, the lack of a readmission treaty with countries of origin and transit migration, and Ukraine's international commitments regarding the protection of asylum-seekers.

Resolving general issues with managing migration flows, especially engaging immigrants to work to support sustainable demographic and socio-economic development, using the potential of the Ukrainian diaspora abroad, effectively controlling migration in order to prevent the negative consequences of migration and the violation of the rights, freedoms and lawful interests of migrants and citizens of Ukraine alike, is so far beyond the attention of state policy-makers.

Legislation delayed

Ukraine has a legislative base that is fairly evolved and embranched for the purposes of migration policy. This includes the Laws "On immigration" (2001), "On refugees" (2001), "On Ukrainian citizenship" (2001),

Olga Shumylo appointed the new ICPS Director

The International Centre for Policy Studies (ICPS) announces a change of management. Ms. Olga Shumylo has been appointed the new ICPS Director.

Olga Shumylo is a expert in European integration who worked as an advisor to Hryhoriy Nemyria, Ukraine's Deputy Premier for European and International Integration, over the past year. Ms. Shumylo consulted on the EU-Ukraine Free Trade Agreement, the country's participation in EU agencies and programs, cooperation between Ukraine and international financial institutions, and improving country's investment climate.

Over 2003–2007, Ms. Shumylo ran the Department for European Integration at ICPS. She was responsible for Centre's external relations. She also led the expert group for the preparation of policy papers and briefs on various critical EU-related issues. Among her most recent publications are: "An Impact Assessment of the Free Trade Agreement between Ukraine and the EU" and "Ukraine's Participation in EU Agencies and Programs: Prospects and Opportunities". In 2004, Ms. Shumylo also worked as a visiting research fellow at the Center for European Policy Studies in Brussels.

Ms. Shumylo holds a Masters degree from the London School of Economics.

and "On the legal rights of foreigners" (1994, most recent amendments 2005), as well as the ratification of the 1951 UN Convention On the Status of Refugees and its 1967 Protocol (2002), the Laws "On the State Border Service of Ukraine" (2003) and "On amending certain legislative acts in relation to the adoption of the Law 'On the State Border Service of Ukraine'" (2003). The mechanism for enacting these laws is numerous Cabinet Resolutions that regulate specific aspects.

Still, the migration issue still lacks basic laws to establish what are the main goals and means and who shall make decisions and carry them out. Thus, the adoption of all the necessary normative acts regarding migration, such as a new law on refugees that would include additional forms of protection for asylum-seekers, continues to be postponed.

No single migration agency

Starting in 2002, debate began in Ukraine over setting up a Single Migration Service. Today, different aspects of migration policy are handled by seven central executive bodies: the Ministries of Internal Affairs, Foreign Affairs, Labor and Social Policy, Health, the State Committee for Nationalities and Religions, the Ministry of Justice, the State Border Service of Ukraine, and the SBU, the security service.

The lack of a consolidated migration service makes it difficult to carry out the main objectives of migration control, such as coordinating control over the entry, stay and exit of foreigners, interagency exchanges of information about persons who have been given entry visas for Ukraine, those who have crossed the state border, and those who are banned from entering Ukraine.

One thing that does not encourage effective migration control is the division of responsibility for deporting illegal migrants: those who unlawfully crossed the state border are in the redoubt of the State Border Service, and those who legally entered the country but, at the end of their established term of stay, neglected to exit and gained illegal status, are the responsibility of MIA.

Over the last decade, any number of bills have been submitted the legislature in which the basis for migration policy was established, including the setting up of a single body to manage migration. Yet not one of them was passed, because of inter-agency differences among central executive bodies that currently handle migration.

Migration agency hostage to politics

Since 2007, the migration service has become hostage to the fierce political competition between the President and Government. In his Decree of 15 June 2007, the President required

the Government to establish a central executive agency responsible for migration that would be directed and coordinated by the Government through the Interior Ministry.

The Government twice issued resolutions to establish such an agency under the Ministry: 18 June 2008 and 30 July 2008. But the President twice canceled these resolutions as not consistent with his Decree.

Indeed, the Cabinet of Ministers set up, not a central executive body whose activities it would direct and coordinate through the Ministry of Internal Affairs, but a government body within the Ministry itself, whose activities would be directly determined by the country's Interior Minister. As a matter of fact, this—setting up a migration body under the MIA—is the most common configuration in EU countries and it had the support of Ukrainian migration experts.

Establishing such a body under the MIA would make it possible to concentrate the carrying out of six main objectives within a single service:

- reviewing issues of Ukrainian citizenship;
- receiving applications and undertaking procedures regarding foreigners and stateless persons who have been granted refugee status or additional protection in Ukraine;
- placing and holding persons who are in the process of applying for refugee status;
- arresting, filtering and identifying individuals caught crossing the border or remaining on the territory of Ukraine illegally;
- searching for and deporting persons who are on the country's territory illegally or who have lost the right to lawfully remain.

In justifying his decision, the President accused the Cabinet of Ministers of overreaching itself and issuing a resolution that contradicts provisions of the Constitution. According to Mr. Yushchenko, only the Verkhovna Rada has the right to establish the basis for migration processes or to change the functions, powers and general structure of Ukraine's Interior Ministry.

Thus, the issue of setting up a single body whose functions and powers include

developing, coordinating and carrying out migration policy in Ukraine remains unresolved until the Constitutional Court rules on the President's challenge.

Policy: Missing in action

The country's 2006 Strategy on demographic development states that if Ukraine wants to keep its population at 47 million it needs around 300-500,000 immigrants every year. However, the Ukrainian Government does not yet see migrant labor as one of the tools for improving population trends.

Ukraine's top officials are predominantly of the opinion that the negative impact of emigration on Ukraine can be resolved by bringing migrant workers and ethnic Ukrainians back to the country.

In 2008, the Cabinet of Ministers increased immigration quotas to allow 9,194 foreigners or persons without citizenship to enter Ukraine or to remain as permanent residents (the 2007 quota was 7,323). The Government currently mainly gives residence permits to persons who are of Ukrainian origin.

ICPS and its partners, the Institute of Public Policy (Romania) and the Viitorul Institute for Development and Social Initiatives (Moldova) began a new project called "Managing Migration in the Black Sea Region: Improving the implementation of national policies in Ukraine, Moldova and Romania through regional cooperation among NGOs." The project is funded by the East-East: Partnership Without Borders Program of the International Renaissance Foundation and the Black Sea Trust for Regional Cooperation, a project of the German Marshall Fund.

The goal of the project is to foster cooperation among civil society organizations in Moldova, Romania and Ukraine to produce an effective migration policy agenda at the national, regional and European levels, to build more effective migration management policy, and to provide a platform for the exchange of ideas and practices on migration policy within the framework of the European Neighborhood Policy. ■

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