

ICPS newsletter®

Moldova, Romania, Ukraine: Active cooperation could improve migration policy

Migration, both legal and illegal, is one of the key challenges to the security, stability and economic development of the Black Sea region. Although the last round of EU expansion catalyzed the process of institutionalizing regional cooperation in migration policy, the Black Sea countries continue to address such issues in isolation from one another. The Institute for Public Policy (Bucharest), the Viitorul Institute for Development and Social Initiatives (Chisinau) and the International Centre for Policy Studies (ICPS Kyiv) initiated and undertook a 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." A study carried out under this project proposes ways to improve migration policy in these countries

Common migration problems

For all three countries, migration is a relatively new phenomenon, so legislation and migration management policy are still in the process of being formed.

Moreover, for all of these countries, the process of EU integration has affected migration policy strongly. Romania adopted EU legislation and policies in the process of EU accession, while Moldova and Ukraine are participating in the European Neighborhood Policy, in which migration is a priority for cooperation and convergence.

The three neighbors are countries of origin for migrant workers. While Romania is striving to gain full and free access to EU labor markets for its citizens, Ukraine and Moldova are trying to ensure better conditions for legal travel, employment and social rights, both in the EU and Russia, as the main destinations for their migrants. Migrant workers represent an essential challenge for Moldova due to the high share of its active workforce that is involved in the migration process.

Romania and Ukraine are gradually turning into countries of destination. With its new status as a EU member, Romania has become attractive to citizens from many neighboring countries. Romania has become attractive not only to neighboring countries' citizens, but also to citizens from other countries in the East. In fact, the highest number of asylum-seekers in recent years has come

from China. Being fourth in the world as a country being entered by third country nationals and serving mainly as a transit territory to the EU, Ukraine more often becomes a destination point for those who have failed to continue on or who have decided to stay due to family or economic reasons. Both Romania and Ukraine are attractive for migrants from Moldova as a place of destination and transit.

Kyiv and Chisinau are both ignoring migration policy

Over recent years, Romanian migration policies have been developed more within the context and pressure of the EU accession process and of its international legislation and practices. The EU has served both as a model to comply with and as a source of political, technical and financial support for change in migration policy. Today, as an EU member, Romania benefits from the free movement of its citizens within EU territory and, to some extent, from the openness of EU labor markets. It is also preparing to join the Schengen Zone.

Ukraine and Moldova are in a very different policy environment. Both countries are experiencing a number of transformation challenges that are compounded by political instability, economic restructuring and security problems. With such overloaded policy agendas, developing comprehensive and balanced migration policies that will match not only the countries' own security agendas, but also their needs

for economic development and human rights protection is far from a government priority. Even though both countries are facing challenges in migration—Moldova as a country where labor is leaving, Ukraine as a country where labor is both migrating and transiting—the process of institutional and legal changes in migration practice is being either protracted or postponed.

Furthermore, the EU is not playing the same transformational role in case of Moldova and Ukraine as it has with Romania when it comes migration. This is mainly due to the fact that unlike Romania, Ukraine and Moldova do not have a clear prospect of EU accession serving as a powerful "carrot and stick" in the process of Europeanizing reforms outside of the EU. Both Moldova and Ukraine cooperate with the EU within the framework of the European Neighborhood Policy and the Partnership and Cooperation Agreements signed between the European Union and CIS countries back in 1990s.

Although both countries aspire to EU membership and are eager to cooperate with the EU in justice and internal affairs, including migration and border management cooperation, there is a lack of finality in this cooperation and a strict implementation schedule, in contrast to adjacent countries. Moreover, EU migration policies towards these countries are mostly focused on tackling security threats than assisting in institutional change or promoting a law-based approach towards migration.

How to improve migration policy: Recommendations from think-tanks

In the course of this project, a number of issues were distinguished, around which bi- or trilateral cooperation and exchange of practice involving government and NGO players could have a positive impact on managing migration processes in each of these countries.

Exchange of information

- To create a transparent framework for the exchange of information among the three countries concerning migration volumes and trends, it is particularly important to amplify efforts in monitoring illegal migration.
- To develop mechanisms for disseminating Romanian experience adopting EU standards of migration policy and implementing institutional reform and to explore opportunities for drawing EU funds and programs for Moldova and Ukraine for this purpose, such as Twinning.

Illegal migration and human trafficking

- To strengthen efforts in the common battle against illegal migration and human trafficking through the exchange of experience, joint interventions and effective exchange of information is very important.
- To monitor the border with Transdnistria, Ukraine is the actor with the greatest opportunities to do so and to offer reliable information on the movement of people from this region. The consolidation of bilateral cooperation will be good for Moldova's own demographic policies, but will also benefit Ukraine in terms of the country's security and international image.

Circular and return migration

- To further promote circular and seasonal migration is advantageous both for destination countries, and for countries of origin. There is potential for mutual support in concluding bilateral agreements regarding labor migration. The leading role belongs to Romania, which has been promoting this idea.
- As all three governments have declared their interest in return migration policies, there is a need to join efforts to realize common projects in the exchange of experience and best practice in the implementation of policies to return migration and cooperation with third countries.
- To encourage cross-border migration that would prevent the emergence of a new curtain across Europe, concluding agreements between Romania and Ukraine and between Romania and Moldova on small border traffic is extremely important to support legal migration as well as an active cross-border regional development.
- To prevent a brain-drain, adjustment grant programs can be developed for students graduating from the universities abroad, implementing joint research projects with host countries, and so on.

Policies towards migrant workers abroad

- To promote intergovernment cooperation in intensifying efforts to conclude bilateral agreements to recognize diplomas and other professional qualifications in destination countries.
- To consolidate a legal framework that ensures access to health services and social protection for migrants, both in destination countries and on their return to countries of origin.
- To promote greater trust in migrants from three target countries in their countries' diplomatic missions abroad.
- To promote links with immigrant communities and use their potential for public diplomacy effectively.
- To use migrant workers' remittances effectively is an important issue for all three countries and, but in particular in the case of Moldova.

Immigration

- To reflect the consolidation of Romania and Ukraine as destination countries must be reflected in government policies and strategies. Growing demand for labor must be correlated with a policy of issuing residence and work permits, otherwise there is a risk that illegal migration and employment will increase.
- To orient efforts on legal recruitment of workers in both Ukraine and Romania, as destination countries.

Refuge and asylum

- To guarantee asylum-seekers and refugees full respect for their rights and an adequate standard of living, along with full support for integration in their host societies. There has been considerable progress in the provision of asylum in the region in recent years, but adequate, accessible minimum support (starting with translation and basic needs) should be offered.
- To strengthen the development of social programs for refugees and asylum-seekers is an urgent need that should aim at real access to social assistance and healthcare, education, jobs, and so on.

Cooperation in a wider regional context

- To consolidate cooperation and the shaping of common strategies for a regional approach in managing migration can be done in the favorable context offered by the EU through its cross-border initiative called "Black Sea Synergy: A new initiative for regional cooperation." The European Union is contributing funds to consolidate cross-border cooperation. Over 2007-2013, Romania, Moldova and Ukraine will be provided with EUR

126 million to consolidate this trans-frontier cooperation.

- To explore possibilities for trilateral cooperation on enforcement and future participation in a Cooperation Platform on Migration in the Black Sea region was endorsed in the Conclusions on the Global Approach to Migration adopted by the European Council in June 2007.
- To explore other possibilities for increasing Moldova-Romania cooperation and Moldova-Ukraine cooperation in regard the implementation of the Moldova-EU Mobility Partnership signed on June 2008.

Government-NGO cooperation

- To establish mechanisms of sustainable communication and consultation among non-government organizations and governments is urgently needed in all three countries in the area of migration.
- To increase NGO involvement in monitoring and informing the government regarding the implementation of migration policies is key, particularly regarding the implementation of interstate agreements and programs among three countries.

NGO-to-NGO cooperation

- To establish cooperation among third sectors in the three countries in such areas as public information on the risks of illegal migration, human trafficking and other problems that come with labor migration is important; to increase participation in EU-driven programs and access to EU funds for cross-border migration projects is critical.
- To exchange experience and best practice among NGOs dealing with migration issues would help all three countries.
- To channel opportunities for civil society cooperation in the wider Black Sea region is needed. ■

The complete version of this report can be downloaded at: http://www.icps.com.ua/doc/Migration_ENG.pdf.

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