

COUNTRY REPORT
UKRAINE



Undocumented Migration

Counting the Uncountable. Data and Trends
across Europe

Yaroslav Pylynskyi

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CLANDESTINO

Part I: Setting the frame

I.1 The regular migration framework

I.1.1. Introduction

According to data published by the World Bank in *Migration and Remittances*, Ukraine ranks second highest on the list of countries with average levels of migration flows. Last year, A.Haidutsky mentioned that about 4,5 million Ukrainian citizens resided abroad¹. Somewhat more realistic, in our opinion that corresponds with estimations of numerous Ukrainian experts expressed at the last conference on Demography and Migration held in Kyiv on November 2008 , are the data cited by E.Libanova who states that “according to different estimates, in average from 2,5 to 3 million Ukrainians work abroad during six months².” Whatever the true numbers are, the study of Ukrainian migration to Europe, where our fellow countrymen most often undertake employment, is a relevant, and even urgent, pursuit. Today Ukraine seems to be keeping with the tradition of the Soviet Union, whose leaders always believed that the country’s population was an inexhaustible and self-reproducing resource that did not require any special attention, and as a result, hastened the loss of both this resource and the state.

The few researchers who are aware of the problem consider that significant part of Ukrainian labor potential is already outside the country. According to a survey conducted in 2004 by the scholars of Lviv National University, the majority of the respondents (over 55%) stated that among their family members, acquaintances, and friends there are people who emigrated abroad for permanent residence or temporary employment. There is a significant difference in the external directions for labor migration and permanent residence: people go to America for good and to Europe (mostly Italy and Portugal) to undertake employment³.

Under the current situation of demographic crisis and mass migration of the most active labor force there is a question to be answered in the near future: will Ukraine be able to modernize its economy and become attractive to its own citizens not only as the country of their birth, but also as a state with high standards of living? It is already evident that in many cities, except for Kyiv, there is a growing and considerable tendency of population reduction. With depopulation on the rise, many cities and regions will hardly be able to successfully compete for the labor force with foreign countries and neighboring regions. Unlike Russia, Ukraine has a territory that can be crossed within a day, so the problem of transportation cannot be a hindrance. Moreover, the distance from Lviv to Rome is almost the same as from Lviv to Luhansk. Depopulation will inevitably lead to a surplus of residential property, i.e., apartments and buildings will be vacant not only in villages and small towns, but also in big cities. This trend can already be observed in some smaller cities in Donetsk and Dnipropetrovsk oblasts. To prevent these cities from disappearing, local authorities need to take urgent measures to attract citizens from other regions in all possible ways: with free or subsidized housing, compensation of moving costs, attractive job offers, free training, and the general improvement of public services and urban security, as well as increases in pay. Only in this case Ukraine will be able not only to recall the “temporarily loaned” labor potential from abroad, but also increase it by virtue of transnational migration. If this ever happens, the country that is successfully developing will inevitably attract immigrants from abroad and Ukrainians will have to master the skills of co-existing with representatives of other cultures and traditions. Therefore, Ukraine needs to start getting ready for this in advance and elaborate an appropriate model of immigration policy.

That is general background for regular and irregular migration in Ukraine. With work forces that exceed its needs (after the collapse of military industry) Ukraine can't guarantee its own population employment in industry and construction, so irregular migrants mainly find themselves working in the markets or in the food industry, especially in ethnic cafés and restaurants⁴.

During the last ten years one can observe the growth of regular and irregular migration in Ukraine. Unfortunately there is no accurate data available because during that time all State bodies responsible for migration (both regular and irregular) such as Ministry of Interior, Border Guards, State Committee on Nationalities and Migration, Ministry of Education are not only in competition with one another over for state funds and international grants but are also straining to control migration itself. At the same time, the situation is made worse by regular (almost every year) replacement of specialists and top managers in all mentioned State bodies responsible for migration. In such situation it was really impossible to arrange effective means in the discussed sphere of action.

At the same time I want to add that the Kennan Kyiv Project has recently conducted several pilot focus groups representing citizens of Ukraine ages 18-25 and 26-40. The objective was to explore their attitude to migrants and to elaborate methodology for further surveys among Ukrainian citizens on tolerance and tolerant attitude to migrants.

Small as it was, this study provided grounds for some tentative generalizations. The majority of respondents believe that an immigrant is a person who came to Ukraine from abroad with the purpose of employment, *in search of better life*. The first associations triggered by the words *immigrant* and *immigration* were: *wanting a better life, alien, not ours, a newcomer from abroad, a person who has escaped form his/her life, and a person looking for a better life*.

Most respondents think that now the problem of immigration is relevant for Ukraine in general and that the state immigration policy is generally rather lenient. It is important to note that the number of immigrants in Kyiv was clearly overestimated by the participants—they agreed that in average foreigners make up one third of Kyiv's population. Evidently, the reason behind this estimate is the fact that Kyiv's population has sharply increased, almost doubling in the past five years.

According to respondents, most immigrants in Kyiv originate from China, Vietnam, and Arab countries. Representatives of the former Soviet republics

(Georgia, Armenia, Azerbaijan, Moldova, and Belarus) also maintain a marked presence. Respondents shared the view that the number of immigrants of African origin has greatly reduced in comparison with Soviet times. Kyivites believe that immigrants come to Ukraine for education and employment and divide the latter into two groups:

- Cheap labor force, comprising people without higher or special education, unskilled workers who arrive in search of any job and agree to work under the conditions which are not always advantageous for Ukrainians (respondents maintain that most of these migrants originate from Moldova, Belarus, and Tajikistan).

- Educated and highly-qualified personnel invited by Ukrainian companies to work for them. These immigrants have much higher income and compete with skilled Ukrainian workers, especially university graduates. In addition, there are some immigrants who move to Ukraine in order to launch their own businesses here.

Respondents believe that most immigrants in Kyiv are staying in the country illegally. They think that only students, entrepreneurs, and contracted highly-qualified specialists are legal migrants in Ukraine, while the majority of low-qualified foreign workers who make up the cheap labor force group are illegal migrants.

Contrary to the reality, most Kyivites who participated in the survey are convinced that in the past five to ten years the number of immigrants in Ukraine's capital has increased dramatically, and that this tendency will persist. They explain such prognoses by the fairly lenient policy of our country toward foreigners who enter and stay in Ukraine, the favorable economic and political situation, and the absence of military and serious ethnic conflicts in the country.

In general, the personal attitudes of most respondents toward immigrants are neutral and best illustrated with a comment from one of the participants that fully coincides with our prior findings: *"The main thing is that they stay away from me."*

If they want to study, let them study. If they want to work, let them work. They have their life and I have mine.”

It is also worth mentioning that middle-aged respondents were less tolerant toward immigrants than young people and often demonstrated negative attitudes in discussing the immigration situation. This may be attributed to the fact that they compete with immigrants on the labor market more often than younger respondents do, since the majority of students simply do not have this kind of experience yet. On the other hand, young people have many acquaintances among immigrants who study with them in Ukrainian universities. According to our young respondents, in most cases foreign students have positive attitudes towards Ukrainians since they are grateful for the opportunity to receive education in Ukraine.

In the course of the discussion, the participants often referred to mass media, primarily television: *“I saw in one program...,” “They showed on TV not so long ago...,”* etc. This means that mass media, and especially television, play a crucial role in shaping our citizens’ views on migration-related problems. This topic calls for a more detailed future study and analysis.

The overwhelming majority of the surveyed people believe that Kyivites have fair and tolerant attitudes and treat newcomers without aggression, guided by the principle: *they don’t bother us and we have nothing to do with them.*

Speaking about ethnic groups, immigrants from China, Turkey, and Arab countries more often received positive comments from the respondents. However, most of the women surveyed emphasized that representatives of Arab countries, Georgia, and Armenia possess the typical Oriental mentality and temperament and often manifest this in conduct that is not always pleasant for Ukrainian women.

Kyivites most often encounter immigrants in Oriental-cuisine restaurants and cafes and at flea markets: Chinese immigrants may be found at merchandise markets, Georgian, Armenian, and Arab immigrants at food markets, and Africans at the Shuliavka market. Only few respondents communicate with immigrants at work as colleagues, hired workers, or sometimes competitors. Against the background of generally positive or neutral attitude to immigrants from most countries, there is a

tendency of negative attitude to representatives of the African continent. To explain their reaction, respondents referred to riots in Paris and other European cities, which were widely circulated in mass media and repeatedly broadcasted on television. Several participants commented negatively on Pastor Sunday Adelaja and his church, which, as they think, deals in drugs. This is likely to be also a result of the impact of mass media and propaganda by competing churches. Some of the respondents noted, referring to their own experience, that salesmen at the Shuliavka market are aggressive, do not treat them properly, “*make advances to girls, sell secondhand items, and at the same time drive Mercedeses.*” We may say that at present immigrants from the African continent are the only group whose presence in the city received explicitly negative assessment from the respondents. At the same time, Africans surveyed in Kyiv, Kharkiv, and Odesa pointed to numerous cases of unfriendly attitude on the part of local population and even cases of aggression and beating. We interpret this as an alarming symptom of the general increase in aggression and intolerance in the city which requires immediate analysis and prevention.

The respondents are worried about the concentration of immigrants in certain districts of Kyiv and are afraid that in the future this may lead to the emergence of ethnic districts in the city. These fears do not stem from their personal experience; rather, they are evoked by mass media and movies, a fact that again underscores the crucial role of mass media and their impact on the population.

The majority of respondents believe that mixed marriages between Ukrainians and immigrants residing in Ukraine are a fairly common phenomenon. They further noted that most often one of the spouses in such families is an immigrant from an Arab country, Georgia, Armenia, or Africa and much less frequently an immigrant from of China, Vietnam, or Korea.

Such marriages are perceived as exotic and as being more beneficial to immigrants themselves, permitting them to legalize their presence in Ukraine, settle in Kyiv, obtain Ukrainian citizenship, and officially register their own

businesses. Although mixed marriages are common in contemporary Kyiv and the respondents do not condemn and do accept this practice in theory, most of them are not personally prepared to accept immigrants as members of their family or even have them as neighbors in their building. At the same time, many respondents agree to have immigrants among their friends or colleagues.

The main problem, in the opinion of the respondents, which immigrants face in Kyiv, is excessive attention from law enforcement bodies and the nature of relations between law enforcement and immigrants: most respondents noted that policemen view immigrants as a kind of “money source” and a “feeder” (through bribes) and thus pay very close attention to them.

The survey participants assume that only immigrants with an average or high income who are staying in Ukraine legally can feel safe here, whereas illegal immigrants feel utterly unprotected and “*fear stepping out in the street without a need.*” Both legal and illegal immigrants are afraid of aggressive youth groups (mainly skinheads) that treat them especially negatively.

Younger participants turned out to be more knowledgeable about organizations, which promote violence and aggression to foreigners, although some middle-aged respondents were also aware of them.

Skinheads are perceived as young people who try to be different in their milieu. As individuals they may be normal, but when they get together in groups, they try to show their superiority over someone. Immigrants are the least protected group, especially Africans, whose residence in the country, in the opinion of skinheads, is often illegal. Therefore, the problem has, above all, a social dimension. In our opinion, skinheads are not so much conscious promoters of any systemic racist beliefs, but are youth attempting to assert themselves both in their own eyes and in the eyes of the others by humiliating those weaker than them. Of course, under no circumstances does this preclude the law-enforcement aspect, but there is no country in the world where police alone have been able to resolve the issue of youth violence. Therefore, we believe that this problem demands comprehensive attention on the part of Ukrainian society as a whole. As a

commentary we may add that with populations of half a million, Troieshchyna or Obolon do not have any public swimming pools or other sports facilities, but instead have countless pubs, casinos, and slot-machines. Given these conditions, it is no wonder that this environment produces asocial and aggressive youth groups.

During the last couple of years Ukrainian media (first of all Ukrainian Internet) is devoting more and more time and place to migration policy of EU. The last news about “New EU policy reported in Strasbourg by EU commissioner Jack Barou on migration” were widely discussed in Ukrainian electronic media⁵ At the same time that issue does not belong to the most important news discussed by Media and population.

Currently irregular migration attracts attention mostly from the media, and marginalized politicians. Potentially, however, it could be used by political parties for negative mobilisation in future elections. The EU policy on migration adjustment is sometimes used by Ukrainian politicians as an excuse for anti immigrant campaigns and rhetoric.

As a majority of immigrants in Ukraine (except Moldavians and Byelorussians) are transit migrants that did succeed on their way to EU countries, most of them work irregularly waiting for another chance to cross the border. They do not seem very interested in getting legal status in Ukraine.

Speaking about legal factors, the main obstacle for legalization and further legal employment of immigrants in Ukraine is a rather impaired legislative basis that obstructs the development of small and medium businesses and creates sometimes insurmountable barriers for registration of enterprises not only for immigrants, but also for citizens of Ukraine.

Oligarchic clans that actually control the power in Ukraine are not committed to creating clear and transparent legal system, while the existing legislation keeps many businesses in shadow and complicates labor legalization of foreigners. Please, see relevant laws on the web site of Verkhovna Rada.

Corruption in Ukraine is first of all legal but also a philological and cultural problem. Because the Ukrainian economy is very corrupt, or perhaps it is better to

say that the Ukrainian economy is based on a legal system that does not adhere to Western concepts of rule of law, one can infer that migration policy is not the most transparent part of Ukrainian internal and external policy.

The problem is that in Ukraine like in most post-soviet countries strictness of laws is compensated by their permissive application. Neither in the state, nor in the society the western concept of inevitability of penalty became the basis of everyday consciousness or legal culture. However during the last years there were made several attempts to regulate migration policy in Ukraine.

I. 2 Irregular migration discourses and policies

Fundamental issues of migration policy in Ukraine with regard to the regulation of illegal and irregular as migration were defined by the Presidential Decree: “On arrangements with regard to intensify the struggle with irregular migration” – January 18, 2001, № 22. The Decree defined the main issues in migration policy in Ukraine to be improvement in prevention and restraint of irregular migration of foreigners and persons without citizenship in Ukraine and through Ukraine.

In January 2001 another Presidential Decree was adopted, called “The program of struggle with irregular migration in 2001 – 2004”. New Laws such as: “On Immigration”, “On changes in some legal acts on struggle with irregular migration”, “On citizens’ collaboration in defense of public order and state border defense” were also adopted. At the same time a new edition of “The Refugee Law” was created. That new addition makes the procedure of Refugee Status recognition much more difficult and long for refugees and asylum seekers. On September 1 2001 a new Criminal Code of Ukraine was adopted. That Legal Act introduced legal consequences for transportation of illegal migrants across the state border of

Ukraine, as well as the Territory of Ukraine (Article 75-1), also including trafficking (Article 124-1).

According information from Ukrainian lawyers, the whole concept of illegal migration is not completely defined in Ukrainian law. There are still discussions among Ukrainian lawyers concerning the adequate definition of these terms and their unambiguous usage. “The Ukrainian Code on Administrative Transgressions” does not give a definition of an illegal migrant in the Article devoted to violations of the Ukrainian state border.

The new editions of the Law of Ukraine “On Legal Status of Foreigners and Stateless Persons” that describe the procedure of deportation from Ukraine also do not present the definition of illegal migrant. That term is hiding under definition of foreigner or stateless person that stays in Ukraine braking visa regulations.

These examples show that it is still unclear who may be considered an illegal migrant by Ukrainian law enforcement institutions. The broadest definition that could be used as a criteria is that “illegal migrant” is a foreigner (stateless person) that has no documents to confirm his legal stay in Ukraine.

The main problem is that Ukrainian legislative basis on labor does not have any articles on employment of illegal immigrants, and so far there was no attempt to fill in this gap. It is also worth to stress that undeclared labor relations take place in the society that was always very tolerant to undeclared/ untaxed work, so toleration and even support to unregistered employment was part of psychological resistance to communist regime.

Today, the main legislative acts of Ukraine on migration are as follows: the Constitution of Ukraine⁶, Laws of Ukraine “On Legal Status of Foreigners and Persons with no Citizenship”⁷, “On Refugees”⁸, “On Immigration”⁹, “ On Freedom of Movement and Free Choice of Place of Residence in Ukraine”¹⁰; Rules of Entry of Foreigners and Persons with no Citizenship into Ukraine, their Departure from Ukraine and Transit through its Territory¹¹; as well as international acts – UN

Convention relating to the Status of Refugees¹² of July 28, 1951, Protocol relating to the Status of Refugees¹³ of December 16, 1966, and the European Convention on the Legal Status of Migrant Workers¹⁴ of November 24, 1977.

The European Agreement on Regulations Governing the Movement of Persons between Member States of the Council of Europe,¹⁵ concluded on December 13, 1957, is of great importance to freedom of movement in Ukraine. This agreement was ratified by the corresponding Law of Ukraine¹⁶ of October 5, 2005. For immigrant workers' issues, the key documents are acts of the International Labor Organization, in particular the Migration of Employment Convention¹⁷ of June 8, 1949; Convention concerning Discrimination in respect of Employment and Occupation¹⁸ of June 25, 1958 that stipulates in Art. 2 that every member of ILO to whom the force of this Convention extends is required to implement appropriate national policy and introduce legislation aiming to eliminate any discrimination in labor and occupations.

Ukraine's cooperation with the International Organization for Migration, carried out on the terms outlined in the Law of Ukraine "On Ratification of Agreement between the Cabinet of Ministers of Ukraine and the International Organization for Migration regarding the Status of the International Organization for Migration and Cooperation on Migration"¹⁹ of July 2000 is important because it gives this international organisation right to support different NGO programs in Ukraine that spread ideas of tolerance in Ukrainian society.

Also, Ukraine's international agreements have facilitated the return of the Crimean Tatars – repatriates to the Crimean peninsula. In order to resolve a range of problems that deported persons and ethnic communities face, an international agreement was signed within the framework of the Commonwealth of Independent States (CIS), to reinstate the rights of the deportees of national minorities and peoples of the member states of CIS²⁰ (October 9, 1992, Bishkek). In this agreement the member states of the CIS condemned the unlawful totalitarian practice of forced deportation of peoples, national minorities and individual citizens that was commonplace in the USSR, describing it as a violation of general

humanitarian principles. The signatories also recognized as illegal and invalid those normative and legislative acts on the basis of which the forced deportations were carried out and affirmed the deportees' right to return to their previous places of residency.

This agreement provides for the creation of the necessary conditions for the uninhibited departure of such persons from their places of forced resettlements as well as conditions for comprehensive social adaptation in their historical homelands. It also stipulates that member-states are required to take on commitments of protecting the legal interests of the deportees, national minorities and peoples and to provide for their voluntary return to their places of residency prior to deportation. According to Part 2, Art. 10 of this Agreement the interested parties, if necessary, can create working groups to solve problems connected with execution of the corresponding clauses. However, insufficient funding of the related programs, especially concerning the adaptation and integration of repatriates stands in a way of the realization of this agreement.

The agreement played its role in the creation of an international legal case for deported national communities and persons. Due to its signing, hundreds of thousands of people were able to return to their homeland. On the basis of this agreement on February 20, 1993 the Agreement between the Government of Ukraine and the Government of the Republic of Uzbekistan on Cooperation in Voluntary and Organized Return of the Deportees, National Minorities and Peoples into Ukraine²¹ was concluded. The force of the agreement extends to persons who were falsely indicted in unlawful decisions by Soviet authorities during years of repression and consequently were forcibly resettled from the territory of the Ukrainian SSR and the Crimean ASSR, and who now expressed a desire to return to Ukraine to their prior places of residence. The signatories, considering the legal right of a deportee to voluntary return to Ukraine, regard the decision about such return as a question of one's free choice.

Over 200,000 Crimean Tatars used the opportunity created by the above-mentioned agreements and returned to their historical homeland, the Crimea.

Documented in Art. 33 of the Constitution of Ukraine, the freedom to remain and reside in Ukraine, as a general rule, is considered to guarantee freedom of movement within the territory of Ukraine. Since freedom of movement can in principle be exercised as a negative right as well, one may conclude that the Constitution and Laws of Ukraine protect citizens from forced settlements and thereby guarantee the right to a homeland²².

The status of foreigners and persons with no citizenship in Ukraine is unique because on the one hand, they are provided legal preconditions for the realization of their rights and freedoms, and on the other hand, certain limitations are set for them in full conformity with the norms of international law²³. According to “The Law on Legal Status of Foreigners and Stateless Persons”, if they legally stay in Ukraine, these people celebrate all rights of local people except participation in elections, and pools as well as a duty to serve in army.

In regulating the legal status of foreigners, Ukraine acts on the principle of reciprocity used in its relations with other countries. The legal status of persons who enjoy diplomatic privileges is determined, in addition to the legislation of Ukraine, by the international rules and international agreements of Ukraine²⁴. The problematic issue is the expulsion of persons with no citizenship, for these persons are not legally considered to be citizens of any country²⁵. Foreigners in Ukraine can be granted refugee status, be given an asylum and begin the process of naturalization. Foreigners cannot exercise their rights to the detriment of the national interests of Ukraine²⁶.

An important document for regulating labor migration within the borders of the CIS is the Agreement on Cooperation in Labor Migration and Social Protection of Migrant Workers of April 15, 1994²⁷. In particular, the agreement employs the notion of a “borderland worker”, i.e. a migrant worker who works in the borderland area of an adjacent country and retains his/her permanent residency in the borderland territory of another country to which he/she returns daily, or at least one a week”. Borderland workers can be found in the Western Ukraine as well. For instance, the Slovak construction workers who work at construction sites in

Uzhhorod are in fact borderland workers. However, Ukraine and Slovakia have not yet determined their legal status. Hence from the legal viewpoint these workers are illegal migrants that work in Ukraine illegally.

The procedure of readmission of illegal migrants to the neighboring country from where they arrived is a common international practice. This, in fact, is practiced by our western neighbors – Hungary, Slovakia, Poland and Romania. Ukraine has corresponding agreements with all of these countries. In fact illegal migrants very often cannot be expelled from Ukraine due to a lack of state funds. Indeed, even some richer countries do not have the power to resolve this problem immediately. It is even more complicated to deport person that claim him/herself as a refugee back to the country of their origin, since such action would contradict the norms of international human rights law which Ukraine adheres to as well.

The legal status of immigrants in Ukraine is defined by the Law of Ukraine on Immigration. According to Art. 1, immigration is arrival in Ukraine or departure from Ukraine of foreigners or persons without citizenship for permanent residency according to a procedure prescribed by law. An immigrant is a foreigner or a person without citizenship who received a permit for immigration and arrived in Ukraine for permanent residency; or, while staying in Ukraine on legal grounds, he/she received a permit for immigration and stayed in Ukraine for permanent residency. Permits for immigration are issued within a corresponding quota. This quota is set by the Cabinet of Ministers of Ukraine according to predetermined procedures for each category of immigrants. In accordance with Art. 5 of the Law of Ukraine “On Immigration”, the Cabinet of Ministers of Ukraine set the quotas for 2007 for each category of immigrants by regional distribution in its Directive of February 7, 2007, № 37-p “On Establishment of Immigration Quota for the Year of 2007”²⁸.

The constitution guarantees freedom of departure from Ukraine by way of crossing its borders to all who legally stay on its territory. At the same time, the human right to free exit from Ukraine’s territory can be limited by law.²⁹ Presently, Ukraine face an urgent need to develop a strategy of fair distribution of

responsibility among the countries that in the coming years will remain the border-states for the EU and the Schengen zone. The introduction of visa regimes with the Czech Republic, Hungary, Poland and Slovakia has already brought about changes in migration policy, while the EU's enlargement eastward presents Ukraine and its western neighbors with the difficult challenge of stricter patrol of the border. Overall, Ukraine is faced with a complicated task; it must defend its image as an outpost in battling illegal migration on points of entry into EU member states, but must also to build migration policy with the new EU members that take into account Ukraine's proper interests.

H. Grotius, one of the founders of international law, was among the first to emphasize the importance of tolerance. Raising tolerance in international relations is a powerful antidote to any expressions of xenophobia, racism, intolerance and discrimination on national or religious grounds. Public organizations of national minorities have to reinforce their interaction with the Prosecutor's office services and court institutions in order to secure an uncompromised enforcement of the law³⁰.

Tolerance in Ukraine has not yet received proper legal attention. In Ukraine, tolerance is often linked to the principle of putting a ban on and preventing discrimination. Thus, according to Art. 24 of the Constitution of Ukraine, citizens have equal constitutional rights and freedoms and are equal before the law. No privileges or restrictions are allowed based on racial, skin color distinctions, political, religious or other convictions, gender, ethnic or social background, material well-being, place of residence and linguistic or other characteristics. And according to Art.1 of the Declaration of the Rights of Nationalities of Ukraine³¹, discrimination based on nationality is forbidden and punishable by law.

Likewise, a whole range of international documents are dedicated to the problem of tolerance, in particular the International Covenant on Civil and Political Rights³², International Covenant on Economic, Social and Cultural Rights³³, the International Convention on the Elimination of all Forms of Racial Discrimination³⁴, the Convention on the Prevention and Punishment of the Crime of Genocide³⁵, the Convention against Discrimination in Education³⁶, the Declaration on the

Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief³⁷ and the Declaration of Principles on Tolerance³⁸.

The major problems that exist in the field of Ukrainian legislation on migration and tolerance are the lack of coherent public policy on migration; the absence of public policy on labor migrants – citizens of Ukraine; the insufficient number of relevant bilateral agreements on labor migration and a low distribution of consular services of Ukraine abroad, especially in African and Asian countries. Other major challenges include the lack of a normative base for teaching the basics of tolerance as a component of academic curricula in public schools.

The main goals for the development of legislation on migration is, in particular, the development and adoption of a coherent state migration policy in Ukraine; the formation of public policy on labor migrants – citizens of Ukraine; signing corresponding bilateral agreements on labor migration; expansion of the network of Ukrainian consular services abroad, especially in African and Asian countries; and adopting normative acts to introduce teaching a course on the basics of tolerance as a component of a discipline or as a separate academic discipline in public schools.

The national minorities are an integral part of the Ukrainian people, even though majority of them come from a migrant background. Present-day Ukraine is characterized by peace and harmony between nationalities, which is a sign of stability between these groups and of tolerant co-existence of diverse national communities. The present peace and harmony also constitute an important factor that contributes to the successful Euro-integration of Ukraine.

We hope that the further development of the Ukrainian body of law on migration will conform to international standards and will contribute to the establishment of democratic society in Ukraine as well as work towards the prevention of racial violence.

Part II

Irregular Migration: Discourses and Policies.
Assessing, Data and Defining the Total Number and Composition of
Unregulated Migrants. Immigration into Ukraine: the Modern Dynamics

The study of migration in Ukraine has a history of over 15 years. One can find articles and books devoted to these issues. The most recent publications that touch upon the issue of irregular migration were published by National Institute on International Defense Issues in spring 2008 like “International Migration and Ukraine in the European Integrative Context”, “International Migration Law” (University Course) by Rumarenko Yurii - 2007 “International Migration” Purygina Olga/Sardak Sergii – 2007.

Unfortunately there are no studies with the main aim of estimating the extent of irregular migration and performing a quantitative and qualitative analysis of the topic. The Kennan Kyiv Project has been engaged in the study of transnational migration in Ukraine for the past decade. In particular, the Kennan Institute has supported in-depth studies of migrant communities in Kyiv. In 2001-2002, the George F. Kennan Fund of the Woodrow Wilson Center supported surveys in Kyiv with the assistance of the U.S.-Ukraine Foundation and the Office of the United Nations High Commissioner for Refugees (UNHCR). These surveys of: 1) transnational migrant families; 2) indigenous Kyiv residents; and 3) Ukrainian specialists and officials working with migrants sought to establish a baseline portrait of transnational migrant communities in the Ukrainian capital. The surveys were supervised by a research team made up of the members from Ukraine and the United States. The team's findings were published in a number of publications including *Netradytsiini Mihranty u Kyievi* (Kennan Kyiv Project, 2002), *Nontraditional Immigrants in Kyiv* (Woodrow Wilson Center, 2003), *Creating Diversity Capital: Transnational Migrants in Montreal, Washington, and Kyiv* (Woodrow Wilson Center Press/Johns Hopkins University Press, 2005), *Kapital Rozmaiitosty: Transnatsionalni Migranty u Monreali, Vashingtoni ta Kyievi* (Krytyka Press, 2007), and the journals *Problemy mihratsii*, *Post-Soviet Geography*

and Economics, Urban Anthropology, and Nationalities Papers. The Kennan Kyiv Project has initiated follow-up studies in Kyiv in 2006 under the direction of bi-national research team members: Blair A. Ruble, Kennan Institute; Yaroslav Pylynskiy, Kennan Kyiv Project; Olena Malynovska, National Institute for International Security (Kyiv) - team leader; Olena Braichevska, International Slavic University (Kyiv). This study is expanding to other Ukrainian cities through the sponsorship of the International Organization for Migration and the International Renaissance Fund.

The most recent source that offers broad and detailed information about demographic situation in Ukraine is the book by Poznjak O.V. "Migration Processes in Ukraine: Current Situation and Prospects" Kyiv 2007. At the same time it could be used only as background information for the further detailed study of irregular migration in Ukraine.

When Ukraine has gained its independence, it found itself on the intersection of migration routes and fully experienced not only advantages but also challenges of freedom of movement. At the same time, Ukraine is a country of origin, transit and destination for migrants.

According to the latest World Bank report, which was actively discussed in Ukrainian media, and with references to the UN data³⁹, there are 6.9 million migrants in Ukraine. Hence, based on this index, only the US, Germany, and Russia have a higher rating to compare with Ukraine that is ranked fourth globally. Besides, it is estimated that 1.6 million migrants among those residing in Ukraine are irregular migrants. This number is the largest in Europe.

All such calculations and figures are typical example of misunderstanding of the history of demographic development of Ukraine inside (or as a part) of the USSR. People that come to Ukraine before 1991 all were citizens of the same state. After the decay of the USSR people that were born outside of the territory of former Ukrainian Soviet Republic were enter into account of migrants. But as all these people grow up at the same "cultural" and "legal" territory they couldn't be identify as immigrants in Ukraine.

In that case we deal with interstate/ interregional migration supported mainly by state policy, employment and housing program. So, all mentioned estimations are the result of wrong understanding by international bodies' officers the demographic situation in Ukraine.

That misunderstanding is a result of mechanically used statement that a migrant is a person who resides not in the same country where he/she was born in.

First, let us remind that the former USSR migration policy was designed to mix various ethnic groups through organized redistributing, and also by populating some sparsely populated areas and providing national new building projects with labor force. That is why the number of Ukrainians who were born in other republics of the USSR was always substantial. For example, according to the latest Soviet population census in 1989, 44% of ethnical Russians that resided in the republic were born outside Ukraine. Shortly before the collapse of the USSR, more than 15% of ethnic Ukrainians resided outside Ukraine that was the citizens of the USSR.

The collapse of the USSR, stimulate people to return to their regions (territories) of birth that at once became independent states. People wanted to return to 'their' republics, to their families, to be admitted to citizenship in their homelands, and to settle property issues. The additional "stimulating" factors of that process included armed conflicts and interethnic tension in most newly independent states.

In the early 1990s, the number of migrants in Ukraine has been distinctly increasing due to large-scale repatriation from the post-Soviet states. It also included the persons displaced during the Soviet epoch repressions. The positive balance of migration in 1991-1993 exceeded over half a million people. Due to that, and in spite of the negative birth rate, the population of Ukraine kept increasing and reached a record high of 52 million persons.

Repatriation influenced significantly not only the quantitative composition of the population, but also its ethnic structure. Very largely due to repatriation the percentage of ethnic Ukrainians increased from 72.4% during the last Soviet

population census in 1989 to 78.5% according to data obtained during the first All-Ukrainian census in 2001. The number of Crimean Tatars who returned back to from Central Asia after deportation in 1944 increased to 200 thousand persons.

No wonder that authors of World Bank Report under such conditions has calculate almost 5.3 million out of 48.2 million Ukrainians reported by the population census in 2001 and born outside Ukraine as migrants. In other words, the census showed that over 10% of the population of Ukraine was de facto migrants. But at the same time officers preparing report forget to mention that all this people as mentioned in the census were Ukrainian citizens and has all the rights and duties as mentioned. Among them 3.6 million persons (70%) were born in the Russian Federation. Another 242 thousand people were born in Uzbekistan (among them 146 thousand Crimean Tatars). Around quarter million of arrived citizens was born in Kazakhstan and as well in Belarus.

At the same time, the number of persons born in countries outside the USSR is insignificant. The only exception is Poland where 145.1 thousand today's citizens of Ukraine were born, as in 1946, Ukrainian people were deported from Poland (and correspondingly, Polish people were deported from Ukraine). 64 thousand that came to Ukraine after the decay of the SU was born in Germany. They are the children that were born in Germany during fifty years of the Soviet Army garrison's stay in that country.

Besides, it should be noted that 78% of migrants (4.1 million) arrived in Ukraine prior to the declaration of Ukraine's independence. Considering the fact that most of them were born in the USSR, at that time they were internal migrants that were moving within the same unitary state.

At the same time, the 2001 census showed the increase of the percentage of native persons, i.e. people who were born in Ukraine (from 86.2% in 1989 to 88.9% in 2001). Since internal migration, i.e. inter-republican migration, in the USSR changed into inter-state migration, it became less intensive. Yet, in the early 1990s, the number of people moving between the newly independent states was twice lower to compare with the similar annual average for the last Soviet decade.

And in 2007, migration turnover (the sum total of arriving and departing people) between Ukraine and post-Soviet states was only 42.3 thousand, i.e. 16.5 times less compared to the same index during the first years of Ukraine's independence.

With regard to migration between Ukraine and other countries, during the last decade it is associated with the population loss. The largest westward emigration took place in 1990, when over 90 thousand citizens mostly Ukrainian Jews received their emigration permits. After the declaration of Ukraine's independence, democratization processes in civic society liquidated political, ethnic and religious motives for leaving the country, hence, the number of people leaving the country gradually decreased. In 2007, only 9.2 thousand persons, i.e. ten times less compared to 1990, emigrated to countries other than former Soviet republics.

II. 2 Assessing, Data and Defining the Total Number and Composition of Unregulated Migrants

A reverse immigration flow into Ukraine from the countries outside the former USSR is not large and equals to about 5-9 thousand persons per year. The period of 1991-1993 was an exception when 100 thousand immigrants returned to Ukraine as a result of the withdrawal of Soviet troops from Central Europe. Partially immigration is formed with people who previously left the country and then came back. Other immigrants are foreign businessmen, students or people that have their jobs in Ukraine. In 2006-2007, the balance of migration with the countries outside the former USSR became somewhat positive (1.3 thousand in 2006, and 2 thousand in 2007, and almost 17 thousand in 2008)⁴⁰.

During last couple of year's refugees and asylum seekers has officially applied to Ukrainian government for status. Please see below an official reliable data from the web-site of Soderkoping Process based on official Ukrainian authority data.

Refugees and asylums seekers⁴¹

TOTAL during the reported year	Number of applications received					
	2003	2004	2005	2006	2007	2003-2007
	1367	1364	1765	2101	2272	8869
Including by Countries of Origin						
India	100	103	451	473	453	1580
Pakistan	36	146	224	359	535	1300
Afghanistan	283	320	187	129	233	1152
Bangladesh	114	120	195	194	181	804
Iraq	190	69	54	102	206	621
Russia	101	126	165	85	84	561
Somalia	72	34	42	66	126	340
Palestine	21	72	83	128	34	338
Georgia	25	22	39	46	49	181
Iran	69	36	33	19	18	175
Uzbekistan	1	4	23	84	48	160
Armenia	54	36	29	18	14	151
Nigeria	37	31	20	35	17	140
Syria	33	38	25	18	16	130
Sri Lanka	56	15	8	19	19	117
Azerbaijan	3	21	45	15	20	104
Viet Nam	13		1	26	56	96
China	54	12		12	3	81
Ethiopia	18	27	12	13		70
Sudan	7	17	13	20	10	67
Congo DR	2	18	10	14	15	59
Lebanon	19	7	6	13	7	52
Moldova		1	6	23	10	40
Liberia	9	9	3	17		38
Congo	4	6	1	23		34
Ghana		6	1	23	3	33
Kyrgyzstan	4	2	2	17	6	31
Belarus		1	6	12	12	31
Angola	8	12	6	3		29
Kazakhstan	1		18	10		29
Tajikistan	2	9	5	8	4	28
Cameroon	4	1	2	11	3	21
Algeria	2	4	5	2	6	19
Uganda	3	3	2	6	5	19
Jordan		5	5	3	4	17
Côte d'Ivoire	2		1	12		15
Cuba		3	6	5		14
Turkey	6	1	3	1	3	14
Turkmenistan		1	1	7	4	13
Egypt	1	1			9	11
Nepal			4		7	11
Stateless	1	2	9	3		15

Other states	12	23	14	27	52	128
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Since 1991, there is surplus of deaths over births in Ukraine. Since 1993, the country started experiencing population reduction. In general, in 1989-2008 (after the latest census of the population of the former USSR) the population of Ukraine decreased by 10.5%. Kyiv is the only city where the population increase by 4.1% was reported. In other regions of Ukraine the population decreased by 0.4-21.1%.

According to Ukraine's current statistics on arrivals and departures, the country had a negative balance of migration in 1991-2008: 230 thousand more persons departed from Ukraine to compare with the number of those who arrived into the country. However, the estimates provided by the State Statistics Committee of Ukraine based on the 2001 population census showed that the population decrease that resulted from 1991-2001 migration was 4 times more than it was shown by current records. According to the average (the most probable) alternative forecast of Ukraine's population growth that was developed by the Institute for Demography and Social Studies of the NAS of Ukraine, the population of Ukraine will decrease to 36.3 million persons or nearly by 22% by the middle of 2050 to compare with the beginning of 2007 [1]. With that population decrease in Ukraine the decrease rates will not be the same throughout the country. The number of citizens in Kyiv, and Odesa as well as main resort regions like South Coast of Crimea will not change substantially under any conditions. Hence, with that 1.5 population decrease in Ukraine in general, in some regions the population will decrease in 2 or 3 times. It is worth emphasizing that a critical low number of people for Ukraine would be at the level of 25-30 million persons.

The potential of demographic increase in Ukraine is exhausted, hence, the further population decrease, specifically the working-age population, is inevitable. Under such conditions, active migration policy is the only chance to increase the population of Ukraine. Migration flow itself can compensate for the natural population decrease and balance gender and age composition of the population. In

that situation irregular migration has more space for increase, than in a case of overpopulation.

International organisations pay well enough attention to migration issues. In particular, the GCIM (the UN Global Commission on International Migration) report “Migration in an Interconnected World: New Directions for Action” states that migration is an important factor of social and demographic development. The *substitutive migration* concept that was developed by the UN Population Division became an important outcome of global social and economic science. It also explains the trends of depopulation that penetrated to most European countries. According to this concept, it is possible to maintain the stable population and acceptable level of proportion between the numbers of people in various age groups in economically developed countries due to the migration flow from developing countries. As is well known, there are different viewpoints towards this issue in scientific circles.⁴² In both Ukrainian and global economic science standpoints exist about positive role of migration, and at the same doubts are expressed towards the positive role of migration.

According to international experience migration processes change proportions between the age groups where most people are the payers to social security funds and correspondingly the funds recipients. That is clear to Ukrainian scholars who work with migration issues. So they try to explain the policy makers that surplus of arrivals over departures usually means that young and middle-aged people settle themselves in the country where they quickly get employed and contribute money to the social security system. And vice versa, surplus of emigrants leads to the decrease in number of payers to the funds while the number of people using the resources of the security funds increases or remains the same. Ukrainian scholar began to raise these issues in their recent publications.⁴³

Hence, the key leverages of influence on the demographic development are in the area of migration. Forecast estimates for the demographic development in Ukraine showed that in order to keep the population of Ukraine over the forecast period at the level of the beginning of 2006, it is necessary to annually involve

extra (i.e. without forecast estimates) 370-390 thousand migrants (see Figure 1) starting 2006⁴⁴. In 2013-2015, when the population will start becoming “younger” due to more extensive migration flow, the stabilization of the population will take place even with fewer migrants involved: 348 thousand in 2013, 324 thousand in 2014, and 292 thousand in 2015. Under such conditions, total number of additionally involved migrants will be 3.6 million persons in 2016 or 7.6% of the total population of Ukraine. That means that in Ukraine there will be rather numerous group of the population of foreign origin who would need to get integrated into Ukrainian society for such short period of time.

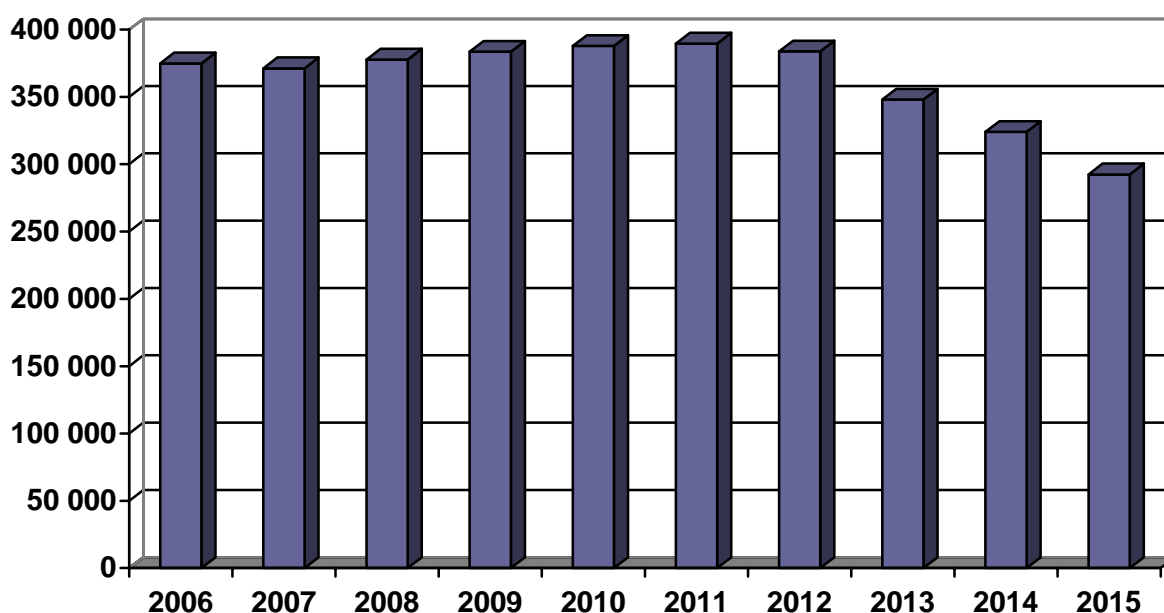


Figure 1. The number of migrants to be involved in 2006-2015 to keep the population of Ukraine at the level of the beginning of 2006

Hence, it should be calculated what is minimum necessary number (by year) of migrants to be involved from developing countries under various scenarios of the demographic development of Ukraine. Also, measures should be developed to stimulate immigration to Ukraine. In particular, it is important to conduct information campaigns in the countries that potential migrants could come from, to launch integration programs for various categories of immigrants, to develop

mechanisms of legalization for some immigrants from Afro-Asian countries based on humanitarian grounds, to form tolerance towards migrants within the society.

Unfortunately, these ideas do not yet widely discussed by Ukrainian society, media and think tanks. . They are discussed by only few scholars who understand the demographic processes occurring in Ukraine. These are the fellows of the Institute of Demography, National Academy of Sciences of Ukraine, leading sociologists in Kharkiv, Lviv, and Kyiv. However, they have no influence on the power, and the power is likely not to be aware of the urgency of this problem. At the same time, some influential newspapers and journals begin to cover this theme in their publications.

Individual natives of developing countries started appearing in Ukraine earlier, during Soviet times. Once Ukraine gained its independence, their number increased markedly. The first All-Ukrainian population census showed that as of December 5, 2001, the representatives from developing countries totaled over 40 thousand persons. The most numerous were Koreans (12,711 persons), Turks (8,844), the Arabian people (6,575), and Vietnamese people (3,850). Less numerous in Ukraine, though quite significant are Chinese, Afghan, Persian, Cuban people, as well as people from India and Pakistan. It also should be taken into account that Turks and Koreans in Ukraine consist not only of natives of developing countries. Among those people who call themselves Turks some are Meskhetin Turks. Koreans has been living in Ukraine for a long time after deportation from Fare East of Russia Federation and, thus, Korean population in Ukraine consists both of those who lives in Ukraine for 50 years and of those who arrived in Ukraine due to modern migration processes.

According to official statistics, the number of migrants arriving in Ukraine from developing countries decreased gradually at the beginning of the XXI century, and in 2004 it reached a record low of 2,900 persons. In 2005, this number slightly increased (up to 3,054 persons), and in 2006 it more than doubled (up to 6,977). The percentage of immigrants from developing countries was 15.8% out of

total number of immigrants or 70.1% of immigrants from the rest of the world (in 2002-2005, 7.7-10.0% and 51.7-64.6% correspondingly)

**Distribution of Foreigners that Work in Ukraine,
Based on Work Duration, 2007**

Entry #	Countries	Total at the end of reporting period (sum of columns 5-9)	Including				
			Up to 6 months	From 6 months to 1 year	From 1 year to 2 years	From 2 years to 3 years	From 3 years and above
1	2	4	5	6	7	8	9
01	The number of foreigners temporarily employed in Ukraine	11,167	5,222	2,617	1,790	752	786
02	Including From CIS countries (sum of entries 03-13)	2,920	1,121	631	604	291	273

2007 Report on the Number of Foreigners that Work in Ukraine. State Statistics Committee of Ukraine

The largest number of arrivals are people from China (2,576 persons in 2006), Turkey (906), Syria (783), Vietnam (593), Iran (468), India, Lebanon, Jordan, Tunisia, Afghanistan, and Morocco. The increase of migration flow in 2006 was mainly due to the increase (compared to previous years) of arrivals from Turkey, Lebanon, Tunisia, and, specifically, from China and Syria. However, the number of arrivals from Malaysia decreased sharply (almost 18 times less compared to 2005 and over 29 times less compared to 2002). By 2005, migration flow from this country belonged to the largest flows from developing countries.

The main reason for this is that Malaysians that came to Ukraine used its territory for transit to the countries of Western Europe. When Ukraine's western neighbors Poland, Slovakia, Hungary and Romania joined to the Shengen zone, Ukraine became a dead end and lost its attractiveness as a transit country.

Most migrants from developing countries choose as a point of destination the cities located in such industrially developed oblasts as Kharkiv, Odesa, Donetsk, Zaporizhzhia, the AR of Crimea, and the city of Kyiv. The oblasts where agricultural industry predominates – Zakarpattia, Rivne, and Volyn' – are less attractive to migrants. Based on the index of arrivals from developing countries (per 100 thousand persons), the city of Kyiv was rated number one during the first five years of the XXI century, high indexes were also reported by the AR of Crimea as well as Kharkiv, Donetsk, Dnipropetrovsk, Zaporizhzhia, Kyiv, Odesa, and Poltava oblasts. In 2006, the increase of immigrants from developing countries to Ukraine was due only to the sharp increase of arrivals flow to Odesa oblast (to the city of Odesa mainly). Hence, the Odesa oblast left the city of Kyiv behind as to relative indexes.

The Institute for Demography and Social Studies of the NAS of Ukraine, the Department of Migration Studies as well as the Kennan Institute, surveyed the students of Kyiv institutes of higher education as to their attitude towards the arrivals from developing countries⁴⁵. The survey showed that the attitude of Ukrainians towards foreigners depends upon how often Ukrainians communicate with them. The more often they communicate, the more tolerant their relations are.⁴⁶

Answering the survey key question “Do you agree that Ukraine should involve migrants from developing countries to improve the demographic situation in the country?” 35.4% of respondents positively said ‘No, Ukraine has to be the country for Ukrainians’; 19.3% of respondents believe that the state should stimulate immigration only for those ethnic groups that are traditional for Ukraine. At the same time, 24.6% of respondents agree that it is necessary to involve immigrants from developing countries, though the number of those immigrants should not be large, but quite enough to eliminate the evidences of a demographic crisis. The latest number is large enough, which proves that the implementation of immigration policy, which is aimed at the involvement of migrants from developing countries, could be a success.

Hence, Ukraine did not become a country of immigration so far, but instead it experiences losses of the population that leaves for foreign countries. But, may be, despite the decrease of total number of migrants, natives are replaced by new arrivals?⁴⁷

In fact, the comparison of data obtained at two censuses in 1989 and 2001 proves that during the period between those two censuses some ethnic groups became more numerous. Hence, the number of Azerbaijanians increased by 20% and totaled 45.2 thousand in 2001, the number of Georgians increased almost 1.5 times (34.2 thousand), Armenians – 1.8 times (99.9 thousand). The census also showed that the number of Koreans increased by 50% (they totaled 12.7 thousand in 2001), Turks – 30 times (8.8 thousand), the number of Kurds increased ninefold (2 thousand), Vietnamese people and the representatives of India and Pakistan – eightfold (3.9 thousand and 1.5 thousand correspondingly), Arabs – fivefold (3.2 thousand).

It is clear, that the formation of the listed ethnic groups is a result of migration. The communities of the people of the former USSR started being formed at Soviet times yet. However, people, who are unusual for the post-Soviet states, appeared in Ukraine mainly after Ukraine declared its independence. That was a result of the involvement of Ukraine into global active migration processes. Today, the numbers of those people is not large, but as Ukraine became more economically successful, and hence attractive the situation may clearly change in the future.

According to the 2001 census, there were only 192.6 thousand foreigners and 84 thousand stateless people that totaled 0.57% of the population in Ukraine at the time the census was carried out. The absolute majority of foreigners (85.5%) were the citizens of CIS and the Baltic states, with the citizens of Russia prevailing (103.7 thousand).

The census showed that there were only 27.9 thousand citizens of the countries outside the former USSR. That number included 5 thousand citizens of

Vietnam, 3 thousand citizens of China, 2.3 – of India, 1.7 thousand citizens of Jordan, and 1.5 – of Syria.

According to the Ministry of Internal Affairs of Ukraine that is in charge for the registration of foreigners and stateless people⁴⁸ that reside in Ukraine for over 3 months, there were 279 thousand foreigners in Ukraine in 2007. That included 165 thousand permanent residents of the country and 114 thousand temporary residents. The areas where the majority of foreigners resided included Donetsk oblasts (23 thousand, mostly the citizens of the neighboring country), Odesa oblast (13 thousand), Kharkiv oblast (12 thousand), and the AR of Crimea (11.7 thousand) where Russia Black Sea Fleet is based.

The Ukrainian cities with the largest number of temporarily residing foreigners are the city of Kyiv (25.8 thousand), Kharkiv and Odesa (18 and 12 thousand persons correspondingly).

What are the sources to increase the population of Ukraine with foreign arrivals? Let us consider the main ones.

First of all, this is immigration with the purpose of permanent residence, which is realized based on obtaining residential permits. However, it should be noted that the law interprets immigration as entry or stay in Ukraine, i.e. a person not necessarily should arrive in the country.⁴⁹ In many cases an immigration permit may be issued for a foreigner or stateless person who has already stayed in Ukraine. During recent years, the internal affairs bodies issued nearly 25 thousand immigration permits to Ukraine. That included above 20 thousand ‘beyond quota’ permits⁵⁰ and up to 5 thousand ‘within quota’ permits that means incomplete uses of quota permits that was established at the level of 7-9 thousand.

The Ministry of Internal Affairs of Ukraine keeps the record of immigrants. In 2006, they registered 140 thousand immigrants that included 187 thousand citizens of Russia, 7 thousand citizens of Moldova, 6.3 thousand citizens of Uzbekistan, 6 thousand citizens of Armenia, 5.5 thousand citizens of Georgia, 3.4 thousand citizens of Belarus, about 1 thousand citizens of Lithuania, and about 1 thousand citizens of Turkmenistan. Some more 500 immigrants arrived in Ukraine from

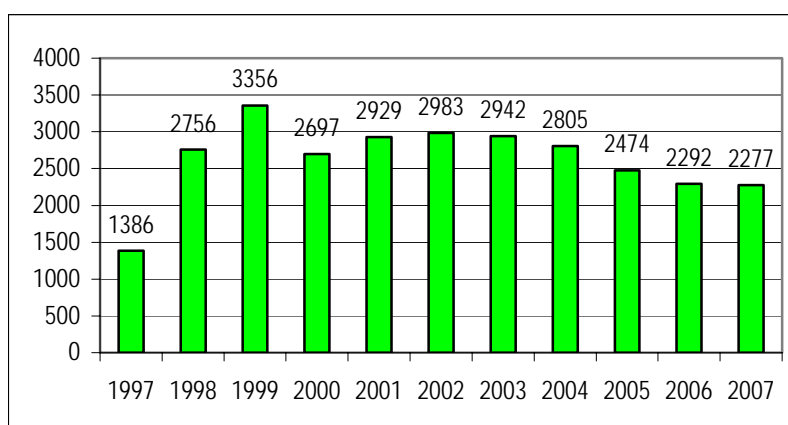
Poland, Syria, Afghanistan, Bulgaria, and China (the countries outside the former USSR).

Many migrations, specifically in the first half of the 1990s, were forced migrations. Refugees from Nagorno Karabakh, Abkhazia, Chechnya, Tajikistan came to Ukraine that resulted into extensive increase of Azerbaijanians, Armenians, Georgians in the country and arriving the majority of Turks (Meskhetin Turks showed themselves in Ukraine in 1990-1991 after massacre in Uzbekistan) and Kurds (from Nagorno Karabakh mainly).

Mainly, forced migrations that are caused by danger to life and people freedom, are related to Asian and African arrivals to Ukraine. Some Afghans, Pakistanis, Arabs and others arrived in Ukraine as asylum seekers, some other people (these are mainly former students of Soviet institutes) turned into so-called “in-country refugees”, i.e. the foreigners for whom it is dangerous to return home because of crises or critical incidents that took place in their motherlands.

The procedure of granting the refugee status in Ukraine, registration of refugees and keeping refugees records started in 1996 according to the Law on Refugees, which was passed in 1993 (Article 1, 2)⁵¹. The largest number of refugees was registered in 1998 (3,303 persons). As of January 1, 2007, there were only 2,275 refugees registered.

Number of Recognized Refugees in Ukraine, 1996-2007, Persons



Source: State Committee on Nationalities and Religions of Ukraine

www.scnm.gov.ua

National composition of refugees is quite diverse. They are natives of about 50 countries of Asia, Africa, and Europe. Nearly one third of them are the citizens of the CIS countries, in particular Azerbaijan, Russia (Chechnya), Armenia, Georgia, Tajikistan. The largest percentage used to be that one of Afghan people, however, this percentage decreased gradually. In 2007, that was 52% compared to 86% in 1996. The number of citizens of African countries, who are granted refugee status, is rather small: 81 persons from Congo, 65 from Sudan, and 30 from Angola.

Annually, nearly 2 thousand foreigners submit their application as asylum seekers (2,155 thousand in 2007). During the first years of this procedure implementation, when it was necessary to regulate the status of foreigners that have already stayed in Ukraine, the number of that status awards was quite large. Compared to that today the numbers decreased. Hence, in 2007 the status of asylum seeker was awarded to 33 persons only, which is slightly more than 1% of applicants. Among those awarded with that status there were 17 Afghans, 6 Kazakhs, 5 Iranians, 4 citizens of Russia, and 4 citizens of Uzbekistan.

What is a fate of 99% that apply is unknown. As people that not obtained the refugee status that people should leave Ukrainian territory. In fact, according to our personal study, a big deal of these people stay in Ukraine illegally in fact became irregular migrants.

Refugees are mainly the people of active working age (73%). The percentage of children up to six years old is constant and equals about 25% during the entire record period. The percentage of elderly is relatively low, i.e. slightly more than 3%.

Age and gender composition of refugees is different depending upon the country of origin. Hence, children total 27% of refugees from Afghanistan and 8% of refugees from African countries. Women total almost 30% of Afghans and only 14% of Africans. However, among the refugees from the former Soviet republics the number of men and women is practically the same, there is more old people in that group.

Refugees are well-educated people. According to the survey conducted by the Institute of Sociology of the NAS of Ukraine, 52.1% of refugees obtained their higher education. Usually, refugees know Russian and Ukrainian in addition to their mother tongue. 54.9% of respondents said that they are fluent in Russian; another 30% said that they can communicate in Russian.⁵²

2.2.2 Possible passes to irregularity

Another channel of foreign arrivals is educational migration. According to Ukrainian legislation foreigners that want to study in Ukraine should apply for student visa (Type – O). To get this visa they should submit to the consulate an Invitation of an established type issued by the Ministry of Education of Ukraine.

Only recently it gained the level that was in Soviet times. In 2007/2008 academic year, there were 39.7 thousand foreign students, the citizens of 129 countries. Compared to the previous academic year that number increased by 11%. However, it was only 1.3% of total number of students in Ukraine, whereas in Great Britain 13% of students are foreigners, in Germany – 12%, in France – 11%, and in the US – 4%.

The majority of foreign students came from China (17.24%) and the Russian Federation (12.1%). Many are natives of Jordan (7.1%), Syria (6.9%), India (6.5%), and Iran (6.2%). More than one third of students – the highest number – study medicine (pharmaceutics).

In absolute figures it means that in 2006/2007 academic year in Ukrainian high schools get education 6293 representatives of China, 4607 – from Russia,

2579 – from Jordanian, 2508 – from Syria, 2271 – from Iran, 2037 – from India, 1635 – from Malaysia, slightly above 1000 from Moldova, Turkmenistan and Turkey; below 1000 – from Morocco, Vietnam, Tunis, Bulgaria and Lebanon.

There are around 500 students from Azerbaijan and Palestine as well as slightly above 400 – from Iraq, Poland and Nigeria.⁵³ Most of the students are concentrated in Kyiv – 8526, Kharkiv – 8340, Odesa – 3910, Donetsk – 2277, Lugansk – 2230, and Sebastopol – 2202. Around 1000 – study in universities of Dnepropetrovsk, Zaporizzia, Lviv, and Poltava each. The rest of 4772 – study in smaller numbers in other cities of Ukraine. This data are completely reliable. But they are only part of the story.

It is worth to know that in Ukraine operate around 100 private, municipal and departmental high schools. The problem is that there is not only reliable but any official statistic data on the number of foreign students in these establishments. Hence we can only operate using indirect data based on own field work. According to our private conversations with young foreigners at the markets of Kyiv, Kharkiv and Odessa as well as with few of rectors of the private high schools we can assume that the figure officially presented by the Ministry of Education should be increased for more than one half.

According to unofficial information most of the students from private high schools as well as a significant number of students from state schools unofficially work at Ukrainian markets and in grey light industry around biggest markets of Ukraine in Kyiv, Kharkiv and Odesa. As the information about number of visa issued by the Ministry of Foreign Affairs is closed to public it is impossible to realize how much student visas was issued in current year. In other case it will be easy to compare data from Ministry of Education and Foreign Affairs to calculate the total number of foreign students in Ukraine.

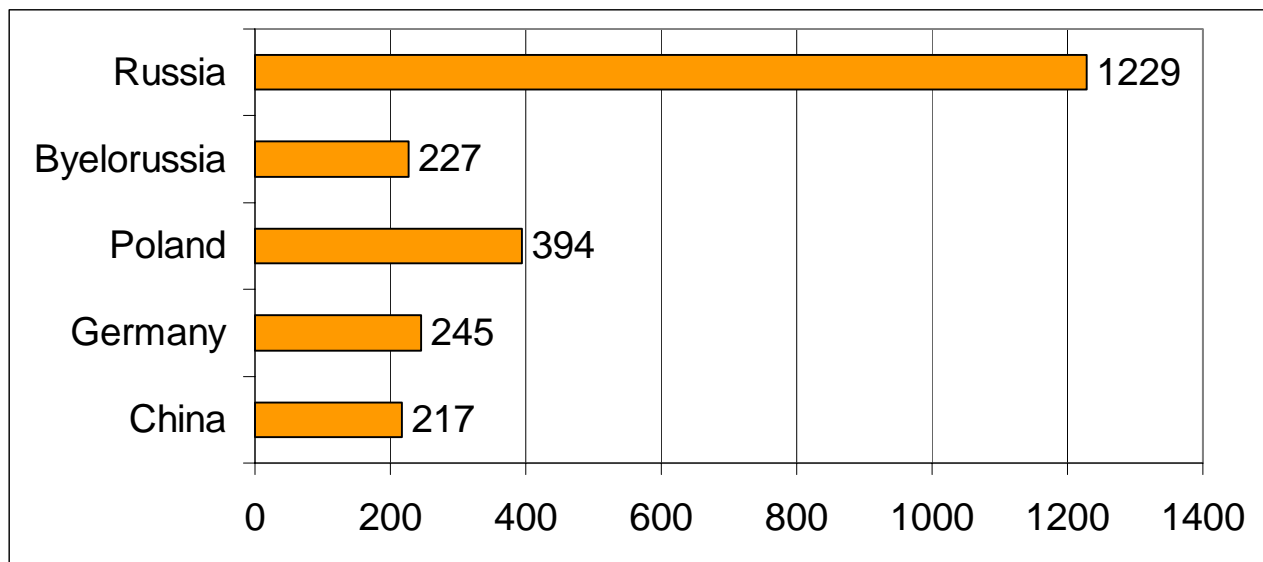
Distribution of Foreign Students in Ukraine in 2005/2006 and 2006/2007 Academic Years Based on Nationalities, Thousand Persons



Source: Ministry of Education and Science of Ukraine

Another immigration channel is employment-based arrivals. The number of employment-based immigrants in Ukraine is not significant, however, it increases from year to year. In 2000, 3.1 thousand foreigners were employed in Ukraine officially, i.e. they were granted their employment-based permits. In 2007 that number equals 7.4 thousand foreigners.

**Distribution of Foreign Employees Granted Employment-Based Permits in
Ukraine, 2006, Based on Nationalities, Persons**



Source: Ministry of Labor and Social Policy of Ukraine

In fact, the majority of foreign immigrants arrive in Ukraine because of economic reasons. Considering difficulties with obtaining employment-based permits, they get registered as businessmen, which is less complicated taking into consideration legal norms. Some immigrants work illegally in street trading, foodservice industry, repair services, and in agriculture. Being employed in black labor-market is the only chance for the people possessing no regulated legal status in Ukraine to make money.

Such category of foreigners as irregular (illegal) migrants emerged in Ukraine in the early 1990s. Mainly these are the persons who are willing to reach Western Europe having no appropriate permits and documents. They use the territory of the country for transit purposes. Only few migrants want to stay and reside in Ukraine. However, some migrants are to stay in Ukraine by force of circumstances, they can neither leave for the West, nor return home as they have no required documents, money etc.

After the USSR's collapse and due to inefficient protection of its external frontier as well as 'transparent' borders between the former Soviet republics, irregular migration became quite a serious problem for Ukraine. At that time Ukraine had neither effective system of visa issuing, nor reliable border control

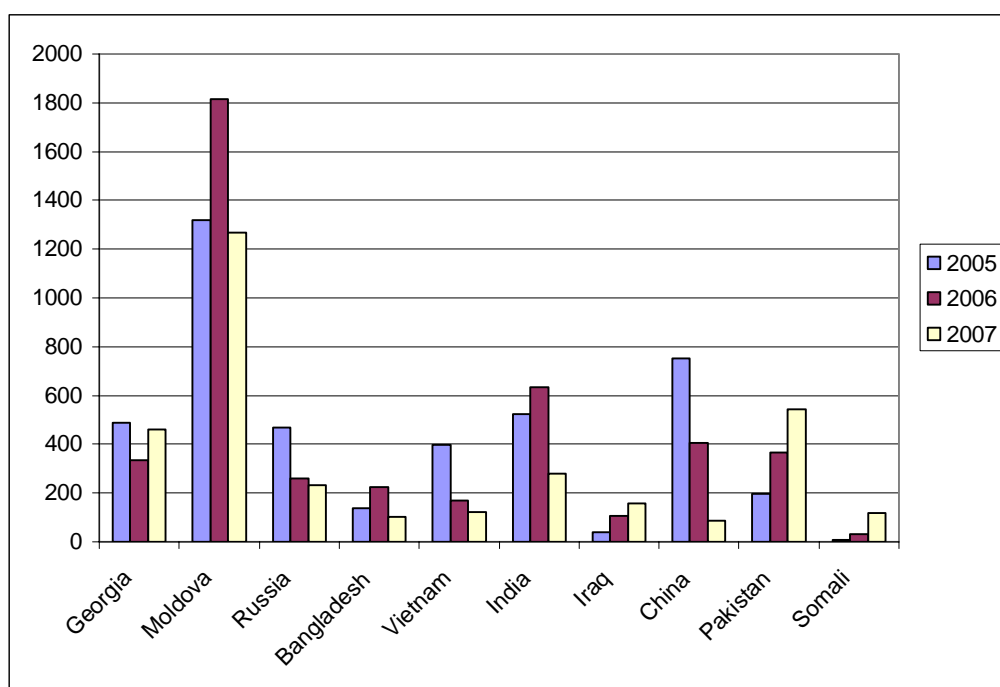
and immigration control. While in 1991, 148 irregular migrants were detained; in 1999 the number of detained persons increased almost hundredfold and equalled 11.348 thousand. According to the last data of the State Department of Citizenship, Immigration and Registration of the Natural Persons of the Ministry of Interior almost all of them were expelled from the country.

Data on illegal migrants detected in 2007/ 2008

		In October		
		2007	2008	+/-
1.	Illegal migrants detected	10479	11348	+8,3%
2.	Including illegally crossed the state border of Ukraine	1337	730	-1,8 раз
3.	Groups of illegal migrants detected	101	83	-17,8%
4.	Arrested people that belong to groups	820	594	-27,5%
5.	Arrests of managers and accomplice of illegal trafficking	17/34	33/41	+ 1,9 рази / +24%
6.	Expel from the country	9336	10723	+ 14,8%

Detained irregular migrants that were detected by Ukrainian police as illegal on the territory of Ukraine are natives of about 100 countries. During recent years over 50% of irregular migrants are the citizens of the CIS countries. Hence, in 2007 irregular migrants included 33.6% of citizens of Moldova, 12.2% of citizens of Georgia, 6% of citizens of Russia. There were many citizens of India (7.5%) and Pakistan (14%).

**Nationalities of the Largest Groups of Irregular Migrants
Detained at the Frontier of Ukraine in 2005-2007**

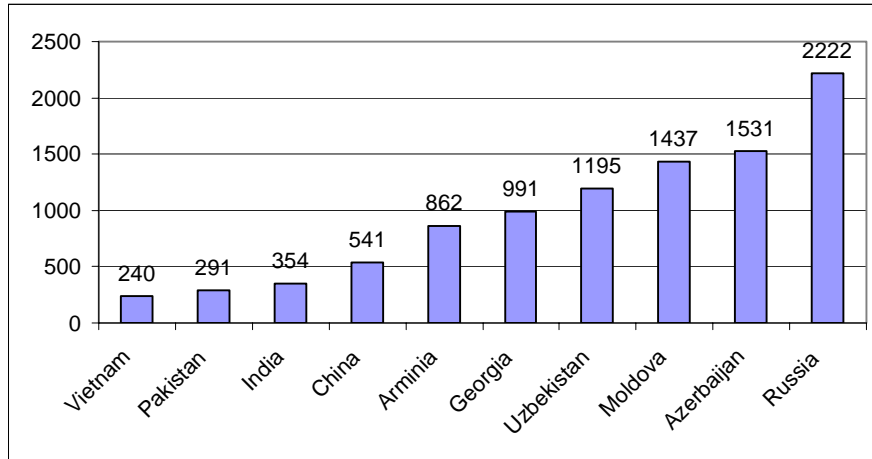


Source: State Border Guard Service of Ukraine

Besides the attempts to illegally cross the border of Ukraine, some foreigners enter the country legally, but later on they lose their legal grounds to stay in Ukraine. For example, the study of foreigners in Ukrainian higher education institutes is sometimes used as a channel for irregular immigration. Some students regularly miss their classes, as their true aim is to find the ways to leave for the West. Others, being granted their official status of students, work either as employed persons or run their own businesses instead. Some other foreigners arrive in Ukraine by their private or business invitations, however, in fact their real purpose is to enter the West illegally.

At the same time, the enhancement of the migration control system allows to successfully prevent the violation of the requirements towards foreigners' stay in Ukraine. The number of irregular migrants that were detected in Ukraine by law-enforcement bodies decreases. Several years ago that number was over 20 thousand persons a year. In 2007, the number of irregular migrants was 11.3 thousand persons. The majority of the detained persons were the citizens of the CIS countries and slightly more than 10% of the detained persons were the citizens of other countries.

Nationalities of the Largest Groups of Irregular Migrants Detected in Ukraine in 2007



Source: Ministry of Internal Affairs of Ukraine

Certainly, not all of the irregular migrants are detected by law-enforcement bodies. However, the official data provide no indications that the actual number of irregular migrants could influence on the population and ethnic composition of Ukraine. No doubt that the problem of irregular migration does exist in Ukraine. But this problem is not caused by the fact that millions of people go to Europe via Ukraine. The thing is that with highly scarce resources it is very difficult to provide the identification of irregular migrants, as they need to be settled somewhere, which is rather expensive. Still more complicated is to arrange very costly deportation of violators to their native lands. However, while in 2001 only 7% of detected irregular migrants were coercively deported by law-enforcement bodies, in 2005 this percentage was 12.5%, and in 2006 – 17.3%.

Only these illegal migrants that meet the police eye became candidates for deportation. That is the main enforcement provision used in Ukraine.

Another migration issue concerns both irregular migration and asylum seekers. For example, in 2007, 83% of persons who submitted their applications regarding granting them the asylum status in Ukraine were irregular arrivals. Many

arrivals that are detained while attempting to illegally cross the frontier make their efforts in order to get released and obtain the documents providing them with the right to temporarily stay in Ukraine. To gain that the detained arrivals submit their claims for asylum status. In the judgment of one of the border guard officers some of them use this opportunity in order to make further attempts in crossing the border.

At the same time, only some individuals manage to get granted asylum status. In 2007, 2,155 claims were submitted for asylum status and 1,273 out of those were immediately dismissed as having no grounds. At the second stage, even after court decisions were appealed, the percentage of the allowed claims was as high as 1-2% during recent years. Hence, if an asylum seeker's appeal was not satisfied and this person does not leave the country, his or her status became illegal. If claim is entertained by executive or legislative body the asylum seeker obtain a certificate that give him/her the right to stay in Ukraine legally until his case is under examination in appropriate legal and executive bodies.

Among all the reasons of such situation, two main reasons are worth mentioning. First, in Ukraine only so-called conventional asylum can be granted according to the 1951 United Nations Convention Relating to the Status of Refugees. It has many limitations. For example, in the EU countries only 2-4% of asylum seekers are granted this status. At the same time, in other European countries so-called subsidiary forms of protection are widely used according to the European Convention on Human Rights and Fundamental Freedoms. Between 20 and 40% of asylum seekers use these forms of protection. At the same time, it is not envisaged by Ukrainian legislation to provide asylum seekers with humanitarian protection. That significantly constrains the effect of the institution of asylum in Ukraine and leads to the situation when the foreigners, for who to come back to their native lands is either impossible or dangerous, remain with irregular status. As they wait for deportation in special institutions like Pavshino in Tranthcarpatia region most of them in practice just disappear from that place and stay in Ukraine illegally or try to cross the border once more. If they succeed they

have a chance to find better accommodation in one of the Western countries, if not, they return to the Pawshino center and wait for deportation/ readmission, or try again.

Another problem of the accumulation of such persons in the country is institutional uncertainty. It means that the government body in charge for the implementation of migration policy has not been created yet. Under such conditions different agencies are involved in regulating various aspects of migration processes and the efforts of these agencies are not well-coordinated often. As a result, there is no uniform, clear and transparent procedure to define the legal status of foreigners in the country. Hence, some foreigners use this legal and institutional inconsistency on purpose, and some fall into lacunas between the norms of different laws and competencies of various government agencies in Ukraine against their will, and reside in Ukraine having no well-defined legal grounds for that. First of all it applies to those who came into Ukraine to study but spent most of time not in a lecture-hall but at the market place. Until they pay for their imaginary education they have legal status and can stay legally but work illegally. That can occur not only because of lack of relationship between educational and executive system, but because of financial interests of all main actors.

Such migrants should be divided into two groups. The first group consists of the citizens of the CIS countries that have their right to entry the country without obtaining visa. They arrive in the country on the legal grounds and mainly with the purpose to get job. They can stay in the country for 90 days with no permits required. The regions that attract foreign workers include Kyiv, the capital of Ukraine, and also the oblasts in South Ukraine, and the AR Crimea. They work in construction, service industry, and agriculture, as here they are required no special job placement permits.

The second group of irregular foreign migrants consists of the citizens of the countries that are required to obtain visas to enter Ukraine. Mainly they stay in Ukraine because they failed to get to the West, partially because they failed

receiving asylum in Ukraine, and the least important reason is their desire to work or run business in our country.

Hence, at the beginning of the new millennium, the migration processes that were rather intense after the collapse of the USSR became positively less active and the migration flows reduced markedly. The population exchange between Ukraine and other countries is insignificant and, on the whole, *pari passu*. Though Ukraine became a field for various migrations, it remains very little attractive for foreign immigrants so far. The small number of immigrants that stay in Ukraine in comparison with the huge territory and medium-size population density is the best illustration of low living standards (legal, security, ecological etc.) in that country.

Part III: Discussion and policy implications

The status of irregular migrants in Ukraine is complicated with the fact that the state is neither ready to admit them on its territory, nor to adequately estimate their numbers. There are only few unbiased specialists and experts in this field, while governmental institutions often provide confusing and doubtful information. This becomes evident when analyzing publications devoted to migration issues that sometimes appear in Ukrainian professional and periodical editions.⁵⁴

For instance, within a single article and even on the same page of an article by a governmental official working in the sphere of migration one can read: “Migrants from Southeastern Asia, Middle East and Africa, as well as former Soviet Union, get accumulated in Ukraine using its territory for further transit to the EU. Their number makes from 100 to 150 thousand persons” (with no reference to the source of information). The author follows that “according to unofficial data, over 100 thousand migrants from Asia and Africa only illegally stay in Ukraine.” And the author further states that “according to unofficial information, up to 500 thousand illegal migrants annually pass through the territory of Ukraine.”⁵⁵ These lines provoke a number of questions. First, if experts – high rank governmental officials of the authorized service operate with figures with accuracy within 50-300

thousand, then who in Ukraine might have more or less reliable data? Second, why do these experts refer to unofficial data? Third, where do they get these unofficial data? And last, if these data are unofficial and unreliable, how can one build the state policy and make official prognoses and statements relying on unproven information? Official data are different: as we have already mentioned in this report, during 2007 the state border guard service prevented illegal crossing of the border of 25 thousand migrants from different countries.

The same light-minded tone pertains to discussions in mass media. A typical example is a series of publications in the journal *Ukrainskyi tyzhden* (Ukrainian week) #26(35), 27.06-03.07.2008 that depicts the route of an illegal migrant through the territory of Ukraine and further to the West through Ukrainian-Slovak, Polish and Hungarian border. Except for interesting data on the rates existing in Ukraine for transporting illegal migrants to the West, these publications offer a rather simplified vision of the situation, making only border guard and national security services responsible for it. The journalists state (without any official justification) that from 62,5 (!) to 125 thousand illegal migrants move to the EU countries through the territory of Ukraine and cross its western border. They do not explain either why they give such figures (and not twice higher as previous expert, for instance), or why the difference between their figures is double. This brings the level of seemingly objective publication to the level of gossip.

Rather biased is Inna Vedernikova in her spacious publication “Is Kyiv a paradise for illegal migrants?” in the influential weekly *Dzerkalo Tyzhnia* (Mirror of the week) #21(700) 7-13.06.2008. She begins her article with the paragraph: “It looks like if a single governmental body on migrants does not start working in Ukraine soon and the law on migration service is not adopted, the representatives of the power Olympus will need to shift the center of their permanent language discussion from Slavonic to Turkic, Semitic or other group of languages. They will finally need to think why foreigners sometimes make shooting at Kyiv Troeschyna and clean markets at Shuliavka with fire.”⁵⁶

Putting it mildly, every line here is not true. Ukraine has an institution, though not really efficient, that is working in the field of migration – this is the State Committee on Nationalities and Migration, and it has legislation, though imperfect, in this sphere. Moreover, frightening the educated public (that is the major reader of the weekly) with Ukraine’s transfer to Turkic or Semitic languages because of migrants is incorrect and even uncultured especially given generally high level of the weekly’s publications. Speaking about shooting at Troeschyna or arsons at Shuliavka markets, nobody has ever proven that they have been committed by foreigners rather than local gangsters aiming to redistribute the market and eliminate competitors. The author also stresses the growing dynamics of crimes committed by foreigners, the number of which last year (2007) made 9867 that is farcical taking into account 400 thousand crimes committed by the citizens of Ukraine. Given that the majority of these crimes are administrative infractions that primarily lie in residing in a different place than registered, this figure looks like a deliberate falsification of notions and fanning of the flame. The statements like “Most of these crimes are committed by migrants from Eastern Asian countries (in the original!!!) – **Azerbaijan, Georgia, and China**” - means that author even do not know that Azerbaijan, Georgia are Caucasian countries and located in Western Asia near Europe. That is an example that journalists who wrote on immigration issues are ignorant in geography of the former Soviet Union not to say about other issues.

The fact that this article is a part of the fight between the Militia and the State Committee for Nationalities and Migration is known to only few initiate, while most readers of this article will be persuaded that “illegal migrants are attacking the capital” and that the whole migration sphere should be assigned to a single institution. Therefore, the fight between different subdivisions of the state machine leads to pouring on citizens another portion of crooked and biased information on legal and illegal migration in Ukraine.

In cases where the media allow professionals operating with real figures speak out, the situation looks truer to life. As stress Serhiy Rudyk the deputy head of the Kyiv

City State Administration, in his article in the parliamentary newspaper *Holos Ukrainy*: “During 2007 foreign citizens received nearly 5 thousand labor permits. There are grounds to consider that the number of foreign citizens willing to work in the capital is going to increase. Besides, according to Serhiy Rudyk, during this year the subdivisions of the Department of Internal Affairs in Kyiv detained 1174 illegal migrants and 13 groups of illegal migrants together amounting to 102 persons. Entrance to Ukraine was forbidden to 1148 foreigners for violations of migration laws, the term of residence reduced for 2801 foreigners, 5465 persons were brought to administrative responsibility” (*Holos Ukrainy* (Voice of Ukraine), 20.03.2008). These data shed light on the real situation with both legal and illegal migration in Kyiv. At the same time it is completely unclear who are these people who ask for work permit. Among them could be representatives of main European, Russian and American banks and corporation. If they are such representatives, it became unclear, why deputy head declare this information in the same line with information about illegal migrants. So, in fact such information given by media demonstrates how unreliable and sporadic information comes to public from the official sources of information and couldn't be extrapolated to the whole state.

However, many of those who refer to the problem of migration use it for drawing their own apocalyptical prognoses and expressing their irritation with “inactivity” of power. Another typical example of such an approach is the article “Uncontrolled migration is a threat to the national security of Ukraine” (NOVINAR, May 2008): “One of the most acute problems of our century is the great migration of peoples caused by the general warming of climate on the planet, reduction of the area of fertile lands and shortage of food products. Together with the increase of the level of life in Ukraine, though slow, the number of legal and illegal migrants in the country also increases. There is nothing extraordinary about this: with the population density like in Germany, 136 million people could permanently live in Ukraine. Our fertile black soils are able to feed up to 300 million. The new nomads understand this very well. According to some prognoses, in 2050 30% of Ukraine's population will be constituted by migrants and their

descendants, while around Lviv, Donetsk, Odesa, Simferopol, in border and seaside zones there will be multimillion settlements like those that currently surround Mexico or Rio-de-Janeiro. 7,5 million people will reside in such settlements. These are not “frights” for the adult, but the challenges of the future that should be addressed today.”

Apart from press publications there are radio and television transmissions devoted to the problems of migration. They may be characterized as warning and enlightening and may be divided into two separate groups.

First are materials prepared by journalists. Here one can find reportages from the scenes of the events connected with attacks on foreigners, vandalism, etc., as well as overviews of international events related to migration problems. During the last years especially resonant in Ukraine were reportages from Paris, Brussels and some German cities affected with youth disorders. Following their western colleagues, Ukrainian mass media presented them as disorders of foreigners, migrants and those who are not white. Certainly, the scenes of flaming cars on the streets of West-European cities with commentaries that they were fired by migrants do not foster advancement of tolerance towards migrants in the Ukrainian society.

Development of migrant-phobia is also contributed with inadequately commented media reports that, for instance, Italy introduced criminal responsibility for illegal migration of 2-4 years imprisonment. When such information is accompanied with a copy of the poster by “Liga Nord” depicting an American Indian and saying “They admitted immigrants and got into reservation”, it is hard to explain to Ukrainian citizens what “European values” in the field of migration they should take as an example.

The second group comprises interviews with law enforcement officers. Such materials mostly have informational and enlightening character: they inform about the number of detained illegal migrants, crimes committed by foreigners and against foreigners. In the latter case, the law enforcement officials are reluctant to acknowledge crimes against foreigners as manifestations of racism. Moreover,

existing legislation does not provide instruments that would allow qualifying beating of a foreigner as manifestation of racism rather than ordinary hooliganism. And usually police prefer to provide investigation on the bases of that definition.

Besides, the law enforcement bodies from time to time report sporadically on how they prepare for implementation of the agreement between Ukraine and the EU on readmission to come into force in 2010 and how they build the EU-sponsored camps for temporary custody of illegal migrants in Chernihiv and Volyn regions, and plan to build the new ones in Donetsk, Odesa, and Dnipropetrovsk regions. One can find that information first of all in the Internet.⁵⁷ Unfortunately representatives of State police office do not like to discuss that issue on public. So Ukrainians only now about such plan but nothing defined.

III. 2 Conclusion remark

In conclusion we may state that in comparison with its population, Ukraine admitted a relatively small number of international migrants, both legal and illegal. International organizations like the IOM or Soderkoping Process operate mostly with the same figures acquired from official sources in Ukraine. Thus, the website of the latter publicizes the dynamics of detection of illegal migrants from 2003 through 2006. Here one can see that the number of the detained illegal migrants is decreasing from 17 thousand in 2003 to 8 thousand in 2006 (I-IX). There are no other figures to refer to.⁵⁸

According to the latest data from the Ministry of Statistics, 12 thousand foreigners legally work in Ukraine – 11 thousand men and 1 thousand women. On the background of 22 million people working in Ukraine, this figure certifies a rather low attractiveness of Ukraine for labor migrants.

Indirectly we know from experts that the number of illegal migrants in Ukraine is hardly twice higher than this figure. To confirm this opinion an anonymous expert from Kharkiv, for instance, informed that executives of enterprises apply to employment service, migration service, and even to militia requesting the

possibility to legalize and employ anybody willing irrespective of the country of origin and qualification, and get rejected not because the state institutions are reluctant to help, but because there are no people, they not exist in the state.

Therefore, irrespective of already available demand, the conditions of work and living, the absence of social and legal guarantees leave Ukraine unattractive both for legal and illegal migration.

Feci, quod potui. Faciant meliora potentes!

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² Libanova E. Komu vyhidna desheva robocha syl'a? [Who is to Profit from Cheap Labor Force?], in: *Dzerkalo tyzhnia [Mirror of the Week]*, 645-646, p. 10. See also: Complex Population Forecast for Ukraine for the Period by 2050 (the group of authors) / edited by Prof. Ella Libanova, Corresponding Member of the NAS – Kyiv: Ukrainian Center for Social Reforms, 2006, 138 p.

³ See Kozak, L. V. Prychyny ta naslidky trudovykh mihratsii naselennia u sociolohichnomu vymiri (na prykladi Lvivskoho rehionu) [Reasons and Consequences of Labor Migrations of the Population in Sociological Dimensions (the Case of Lviv Region)], in: *Materialy IV Vseukrainskoi konferentsii "Problemy rozvytku sotsiolohichnoi teorii. Sotsialni protsesy v Ukraini" 21 travnia 2004 [Proceedings of the IV Allukrainian Conference "The Problems of Sociological Theory Development. Social Processes in Ukraine" May 21, 2004]*. Kyiv, Sotsiolohichna asotsiatsiia Ukrainy [Sociological Association of Ukraine]. The results of the survey are widely cited at the author's consent.

⁴ See Krysenko Olexii, Illegal Migration: Outward Factor of Influence on the State Security. In. Migration and Tolerance in Ukraine. Kyiv, Stylos 2007, p. 33-37.

⁵ <http://human-rights.unian.net/ukr/detail/186369>

⁶ Konstytutsiia Ukrainy: Zakon Ukrainy vid 28 chervnia 1996 r. // Vidomosti Verkhovnoi Rady Ukrainy [Constitution of Ukraine: The Law of Ukraine, June 28, 1996 // Bulletin of Verkhovna Rada of Ukraine]. – 1996. – № 30. – p. 141.

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¹⁰ Pro svobodu peresuvannia ta vilnyi vybir mistsia prozhyvannia v Ukraini: Zakon Ukrainy vid 11 grudnia 2003 roku // Vidomosti Verkhovnoi Rady Ukrainy [On the Freedom of Movement and Free Choice of Residence Place in Ukraine: The Law of Ukraine, December 11, 2003 // Bulletin of Verkhovna Rada of Ukraine]. – 2004. – № 15. – p. 232.

¹¹ Pravyla vyizdu inozemtsiv ta osib bez gromadianstva v Ukrainu, ikh vvyizdu z Ukrainy i tranzytnogo proizdu cherez ii terytoriyu: Zatverdzeni postanovoyu Kabinetu Ministriv Ukrainy vid 29 grudnia 1995 r. #1074 // Infodysk: Zakonodavstvo Ukrainy. Versiya 8.0.0. – Gruden 2007 [The Rules for Foreigners and Stateless Persons Entrance to Ukraine, Exit from Ukraine and Transit through its Territory: Approved by the Decree of the Cabinet of Ministers of Ukraine #1074, December 29, 2005 // Info-disc: Legislation of Ukraine. Version 8.0.0. – December 2007]

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¹³ Protokol pro status bizhentsiv vid 16 grudnia 1966 r. // Infodysk: Zakonodavstvo Ukrainy. Versiya 8.0.0. – Gruden 2007 [The Protocol on the Status of Refugees, December 16, 1966 // Info-disc: Legislation of Ukraine. Version 8.0.0. – December 2007]

¹⁴ Evropeiska konventsia pro pravovy status trudiashchykh-migrantiv vid 24 lystopada 1977 r. // Infodysk: Zakonodavstvo Ukrainy. Versiya 8.0.0. – Gruden 2007 [The European Convention on the Legal Status of Migrant Workers, November 24, 1977 // Info-disc: Legislation of Ukraine. Version 8.0.0. – December 2007]

¹⁵ Evropeiska ugoda pro pravyla, shcho reguluiuyut peresuvannia osib mizh derzhavamy – chlenamy Rady Evropy vid 13 grudnia 1957 roku // Infodysk: Zakonodavstvo Ukrainy. Versiya 8.0.0. – Gruden 2007 [The European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe, December 13, 1957 // Info-disc: Legislation of Ukraine. Version 8.0.0. – December 2007]

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- ⁴² Castles, Stephen and Mark J. Miller. 1998. The Age of Migration: International Population Movements in the Modern World. Second edition. New York: The Guilford Press. // Massey, Douglas S. 1988. “Economic Development and International Migration in Comparative Perspective.” Population and Development Review 14: 383-413.
- ⁴³ See more at: Migratsiyni protsesy v Ukraini: suchasnyi stan ta perspektyvy. / Za red. O.V.Pozniaka. [Migration Processes in Ukraine: Contemporary Situation and Prospects / Edited by O.V.Pozniak] – Uman, 2007. – 276 p.
- ⁴⁴ The mentioned forecast was developed based on the data as of 01/01/2006. For more details see: Pozniak O. Zamisna migratsiya: problemy i priority dlia Ukrainy // Agora. Vyp. 7

[Substitutive Migration: Problems and Priorities for Ukraine // Agora. Issue 7] – Kyiv: Stylos, 2008. – p. 35-42.

⁴⁵ Aktualno: tolerantnist!: Zb. st. / Za red. Yaroslava Pylynskogo. [Urgent: Tolerance! / Edited by Yaroslav Pylynskyi] – Kyiv: Stylos, 2008. – p. 23.

⁴⁶ Ibid. p. 24

⁴⁷ Pozniak O. Zamisna migratsiya: problemy i priority dlia Ukrainy // Agora. Vyp. 7 [Substitutive Migration: Problems and Priorities for Ukraine // Agora. Issue 7] – Kyiv: Stylos, 2008. – p. 35-42.

⁴⁸ The majority of stateless persons in Ukraine are those who are *de-facto* Ukrainian citizens, but are unable to prove this fact *de-jure*, since they have lost their documents. Mostly they are homeless and vagabonds.

⁴⁹ Migration for Employment Recommendation (Revised), R086, Adopted 01.07.1949, International Labor Organization // <http://www.ilo.org/ilolex/english/recdisp1.htm>

⁵⁰ ‘Beyond quota’ immigration permits are awarded to spouses, children and parents of citizens of Ukraine, as well as persons who have the right to be granted citizenship of Ukraine due to their territorial origin.

⁵¹ See details: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3818-12>

⁵² Pozniak O. Zamisna migratsiya: problemy i priority dlia Ukrainy // Agora. Vyp. 7 [Substitutive Migration: Problems and Priorities for Ukraine // Agora. Issue 7] – Kyiv: Stylos, 2008. – p. 35-42.

⁵³ Osvita Ukrainy – 2007: Informatsiyno-analitychni materialy diyalnosti Ministerstva osvity i nauky u 2007 rotsi. [Education of Ukraine – 2007: Informational and Analytical Materials on the Activities of the Ministry of Education and Science in 2007] – Kyiv: Znannia, 2008. – 287 p.

⁵⁴ Please see bibliography at the end of the report.

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⁵⁷ <http://val.ua/politics/ukraine/politics/region/182316.html>

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