

Migration in Ukraine: A Country Profile 2008



The opinions expressed in the report are those of the authors and do not necessarily reflect the views of the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

Prepared by:

Alin Chindea
Magdalena Majkowska-Tomkin
Heikki Mattila
Isabel Pastor

Edited by:

Sheila Siar

Publisher: International Organization for Migration

17 route des Morillons
1211 Geneva 19
Switzerland
Tel: +41.22.717 91 11
Fax: +41.22.798 61 50
E-mail: hq@iom.int
Internet: <http://www.iom.int>

ISBN 978-92-9068-486-2

ISBN 978-92-9068-517-3 (Migration in the Black Sea Region: Regional Overview, Country Profiles and Policy Recommendations)

© 2008 International Organization for Migration (IOM)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without the prior written permission of the publisher.

Migration in Ukraine:

A Country Profile

October 2008



IOM International Organization for Migration

CONTENTS

List of tables and figures	4
Acronym List.....	5
Foreword.....	7
Executive Summary: General Assessment of Migration Issues.....	11
1. Immigrants	15
1.1. Number of immigrants	15
1.2. Status of immigrants	16
1.3. Main countries of origin of immigrants	18
2. Emigrants	19
2.1. Total number of emigrants	19
2.2. Status of emigrants.....	20
2.3. Main countries of destination	22
3. Remittances	25
3.1. Quantitative aspects of remittances	25
3.2. Qualitative aspects of remittances	26
4. Migrant communities/diasporas.....	29
4.1. Description of the relationship between diasporas and country of origin.....	30
4.2. Migrant communities/diasporas organizations by country of destination.....	31
5. Irregular migration	33
5.1. Figures and information on irregular movements.....	33
5.2. Figures and information on return migration flows.....	35
5.3. Figures and information on Trafficking	36
6. Assessment and analysis of migration issues.....	37
6.1. Ministries responsible for migration policy and contacts with expatriate communities	37
6.2. International legal framework in place	38
6.3. Migration policies in place	41
6.4. Labour market and migration	44
6.5. Policies to address irregular migration	46
6.6. Policies to address trafficking in human beings	50
6.7. Refugees, asylum seekers and displaced populations in the country, and relevant policies in place.....	52
6.8. Other important migration actors within the country	54
7. Annex	61

LIST OF TABLES

Table 1. Immigration flows to Ukraine, 2002-2006.....	16
Table 2. Recognition rate of refugees, relative to the number of asylum applications, 2003-2007.....	17
Table 3. Foreigners in Ukraine, 2004-2006, breakdown by reasons of residence	17
Table 4. Emigration from Ukraine in 2002-2006.....	19
Table 5. Irregular migrants apprehended in Ukraine, 2003-2006.....	33
Table 6. Number of persons forcibly removed from Ukraine.....	33
Table 7. Irregular migration of Ukrainian nationals to the EU and non-EU countries, 2003	34
Table 8. Assisted voluntary returns to Ukraine, 2002-2006.....	35
Table 9. Victims of trafficking directly assisted by IOM Kiev, by country of destination (2002-2008)	36
Table 10. Types of exploitation of victims of trafficking.....	51
Table 11. Victims of Trafficking, by gender	51

LIST OF FIGURES

Figure 1. Sectors of employment of the Ukrainian labour migrants, 2002 (in %)	22
Figure 2. Ukrainians working abroad (2002, in thousands of persons).....	24
Figure 3. Amount of incoming migrant remittances.....	26
Figure 4. Dynamics of victims of trafficking by country of destination, 2002-2006	36

ACRONYM LIST

BSEC	Organization of the Black Sea Economic Cooperation
CIREFI	Center for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration
EU	European Union
FRI	Foundation for Regional Initiatives
FSU	Former Soviet Union
ILO	International Labour Organization
IOM	International Organization for Migration
KRCF	Kharkiv Regional Charitable Foundation
MFA	Ministry of Foreign Affairs
NGO	Non-governmental organization
RCP	Regional Consultative Process
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WGCC	Working Group on Combating Crime
WURC	Western-Ukrainian Resource Centre

FOREWORD

International migration is a prominent feature of globalization and one of the defining issues of this century. Increasingly, migration entails economic, social, demographic, cultural, security and environmental effects on both sending and receiving societies. The task of formulating effective and coherent approaches for the management of international migration poses formidable challenges and frequently has led to regional initiatives such as Regional Consultative Processes (RCPs).¹ These initiatives – which address a wide range of migration issues including migration and development, integration of migrants, smuggling of and trafficking in persons, irregular migration and so on – often reflect the different migration agendas of governments even though the challenges they face may be similar in nature.

Within this context and considering its proactive role in various RCPs, the International Organization for Migration (IOM) signed a Memorandum of Understanding with the Organization of the Black Sea Economic Cooperation (BSEC) in 2006. One of the main aims of this agreement is to enhance cooperation in addressing irregular migration and combating trafficking in persons in the Black Sea region, an area that experiences significant migration challenges as a transit, origin, and destination hub for migrants. Consequently, in 2007, IOM launched the “Black Sea Consultative Process on Migration Management”, a joint project with the BSEC’s Working Group on Combating Crime (WGCC) (Particularly its Organized Forms).

The project aimed to contribute to effective migration management in the Black Sea region as well as combating irregular migration through strengthened regional cooperation and capacity building of relevant authorities in all twelve member states of the BSEC.² Specifically, IOM has drafted national **Migration Profiles** for those countries where such documents did not exist, and has reviewed and updated existing Profiles.³

Why country Migration Profiles? A concept and tool promoted by the European Commission (EC), the Profiles are an evidence-based approach to assess the migration situation in a country. IOM has adopted and further developed this

¹ Regional Consultative Processes bring together representatives of states, international organizations and, in some cases, non-governmental organizations (NGOs) for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern.

² Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, the Russian Federation, Serbia, Turkey and Ukraine.

³ Within the framework of the Slovenian presidency of the EU, IOM prepared Migration Profiles for the Western Balkan Countries including BSEC members Albania, Serbia and Turkey.

concept and has since implemented it in various regions such as the Balkans, Western and Central Africa, and Latin America. The intention is to contribute towards greater coherence of national migration policies and enhanced regional cooperation. This requires appropriate compilation of internationally comparable data among other features such as national coordination and cooperation among involved authorities and pursuit of an active international cooperation at bilateral, regional and global levels. The Profiles, using a common template, allow for comparability despite data limitations⁴ and different national contexts.

Furthermore, to ensure the legitimacy and recognized value of the Profiles, the BSEC member states and the BSEC WGCC provided substantial feedback on the Profiles. Drafted in IOM's office in Budapest and coordinated with IOM's Research Unit at IOM Headquarters in Geneva and the respective IOM office in each of the BSEC countries – to ensure high-quality – the Profiles also offer a set of policy recommendations for effective migration management in the region. These were thoroughly discussed during an expert meeting of the BSEC's WGCC in Istanbul on 10 September 2008. Subsequently, the recommendations were approved by the BSEC's Council of Ministers of Foreign Affairs that convened in Tirana on 23 October 2008.

This set of Profiles is the result of intensive cooperation between many individuals within IOM and among IOM and other stakeholders. The input of the following people is highly appreciated: Christine Aghazarm and Verónica Escudero, Research Unit in IOM Geneva, as authors of the regional overview and for their extensive review of all the Profiles, Frank Laczko, head of the Research and Publications in IOM Geneva, for his supervision throughout the project, IOM staff in IOM offices in all the BSEC countries, and the dedicated finance and administrative colleagues in IOM Budapest. Special thanks to IOM's 1035 Facility who funded this project. Moreover, particular gratitude is warmly given to the Organization of the Black Sea Economic Organization as the associate organization in this project, especially the Permanent International Secretariat who kindly arranged the meetings related to the implementation of the project. Not least, IOM gratefully acknowledges the support of the BSEC Member States in the production of the Profiles, above all for their input to their specific country profile and the endorsement of the regional migration policy recommendations.

Argentina Szabados, Regional Representative
Alin Chindea, Project Coordinator
International Organization for Migration
Mission with Regional Functions for Central and South-Eastern Europe

⁴ For a discussion on the quality and limitations migration data, see the regional overview.



Ukraine – Basic facts	
Population (July 2007)	46,299,862 (estimate)
Total Area	603,700 sq. km
Gross domestic product (GDP) per Capita PPP	USD 7,800
Human Development Index (HDI) Rank	0.788 (76 of 177 countries with data)
Net Migration Rate	-0.13 migrant(s)/1,000 population
Sources: CIA World Factbook; UN Development Programme Human Development Report, 2007.	

EXECUTIVE SUMMARY: GENERAL ASSESSMENT OF MIGRATION ISSUES

While migration was confined within the borders of the former Soviet Union (FSU), it has become a major challenge for Ukraine after gaining its independence in 1991. Nowadays, Ukraine is a country of origin, transit, and destination for migrants. The main bulk of immigrants originate in the FSU countries, whereas migrants from outside the former Soviet area constitute a less significant share of the total number of immigrants. These observations are based on official figures released by the state authorities of Ukraine. It is important to note that according to the state legislation (see Section 6.3), an immigrant is a foreigner or a stateless person who came to Ukraine for the purpose of permanent residence or who was granted permanent residence after his/her arrival in Ukraine.

Concerning emigration from Ukraine, the numbers vary greatly across sources. Nonetheless, Ukraine is among the foremost countries in the world with a large number of international migrants. According to a report of the UN Secretary General on monitoring the world population with a focus on international migration and development, Ukraine is fourth in the world in terms of number of international migrants,¹ i.e. 6.8 million international migrants, which account for 3.6 per cent of the total international migrants around the globe based on 2005 data.²

In addition, the same UN study indicates that the net migration rate in Ukraine is positive, which means that it is gaining population. However, if one contrasts these findings with figures provided by national authorities, it appears Ukraine is experiencing a small negative migration rate. This latter trend is also confirmed by the World Bank report on Migration and Remittances in Eastern Europe and the FSU.³ However, recent research on migration statistics in Ukraine suspects a significant under-registration of exits from Ukraine.⁴ This fact needs to be taken into consideration when looking at net migration figures.

¹ “World population monitoring dedicated to international migration and development,” a report of the UN Secretary General presented at the 39th Session of the Commission on Population and Development, 3-7 April 2006, p. 5. According to UN definition, international migrants are persons who leave their country of origin or of habitual residence, to establish themselves either temporarily or permanently in another country.

² UN Secretary General (2006) *World population monitoring dedicated to international migration and development*, a report of the UN Secretary General presented at the 39th Session of the Commission on Population and Development, p. 5.

³ Mansoor, Ali and Bryce Quillin (2006) *Migration and Remittances. Eastern Europe and the Former Soviet Union*, Washington, D.C.: World Bank, p. 33.

⁴ Perrin, N., and M. Poulain. An assessment of the state systems for data collection, analysis and data sharing on migration and migration statistics in Ukraine, IOM, Kyiv (forthcoming)

Certainly, Ukraine is a country of emigration. An important trend contributing to this is the increase in labour migration, driven mainly by economic reasons such as high wage differentials between Ukraine and destination countries and an underdeveloped labour market in Ukraine. High labour migration as opposed to low birth rates (currently 1.1 children per woman), high mortality rate among working-age males, and an increasing HIV infection rate are contributing to a problematic demographic development in Ukraine.

There are large communities of Ukrainians established in several regions of the world that maintain strong bonds with the home country. The presence of thousands of diasporas' organizations in Canada alone, committed to various activities intended to promote the Ukrainian image abroad, is a fair example in this respect. Research conducted in Poland has identified a less developed associational life of the Ukrainian diasporas. Nevertheless, it did identify existing networks that facilitate newcomers from Ukraine to integrate in Poland⁵. However, there is little research on the nature of the relationship between Ukrainian diasporas and their home country.

Furthermore, remittances constitute another example of a durable relationship between diasporas and the home community. While also pointing to the extent of labour migration, the numbers of these monetary flows for Ukraine differ from source to source as well. Thus, depending on the source, the macroeconomic impact may be more or less significant. On the other hand, remittances contribute substantially to the household welfare, with existing evidence revealing that remittance-receiving households are better-off than non-receiving ones. While the quantification of the remittances impact, be it on the macroeconomic setting, or on local development, is an issue less researched, there are increasing data showing that returned migrants choose to set up businesses that ultimately benefit the economy in general. However, there is no precise measurement on the situation of the returned migrants, while those who entered the voluntary return programmes were mainly irregular migrants or unsuccessful asylum seekers.

The number of irregular migrants apprehended in Ukraine seems to be falling since 2003, which is an encouraging sign for the efforts made to combat irregular migration. Ukraine currently supplies significant labour to the European Union (EU) countries, but only an insignificant part of migrant workers from Ukraine become legal migrants in their destination countries. The majority are working undocumented, making them irregular migrant workers. The re-

⁵ IOM Kiev (2008) *Ukrainian Migrants in the Polish Labour Market*. This guide was developed within the EC/ Aeneas project "Combating Trafficking in Ukraine and Moldova", co-funded by SIDA, under the prevention component: Labour Migration Assessment in WNIS.

cent Schengen expansion brought Ukraine as a direct neighbour of the space (via border with Hungary, Poland, and Slovakia). This area was seen as particularly permeable—especially at the border with Slovakia—and prone to an increase in irregular migration attempts or trafficking in persons.⁶ Significant efforts have been undertaken in Ukraine to combat human trafficking. The Ministry of Interior has established a separate unit for counter-trafficking. There is a referral system in place among law enforcement bodies, non-governmental organizations (NGOs) dealing with counter-trafficking, and IOM Kiev for victims of trafficking. To date, 3,544 victims of trafficking were helped through IOM Kiev, including 350 third country nationals.

⁶ Bilcik, Vladimir (2006) Summary of Conference Proceedings – Assessing the Enlargement and Consequences of the Schengen Area. Organized by the Information Office of the European Parliament in the Slovak Republic and the Representation of the European Commission in the Slovak Republic jointly with the Slovak Foreign Policy Association, 24 November 2006, Kosice, Slovakia, <http://www.sfpa.sk/dokumenty/pozvanky/119>

1. IMMIGRANTS

Generally, due to the population registration system existing in Ukraine, the statistics on the immigration of foreigners are relatively reliable. However it has to be taken into consideration that definitions used for statistical purposes in Ukraine for immigration and emigration are not compliant with international standards. In Ukraine, immigrants and emigrants are counted after six months of their arrival or departure in/from Ukraine. In contrast, international recommendations suggest using a threshold of one year after coming/leaving to/from a country to be counted as immigration or emigration.

1.1. Number of immigrants

.....	6,833,198 (2005) ⁷
As percentage of total population.....	1 4.7 % (2005) ⁸
Gender ratio.....	57.8 % female (2005) ⁹

Stocks of Immigrants in Ukraine

Foreigners in Ukraine.....	213,749 (2006) ¹⁰
----------------------------	------------------------------

(Definition: Foreigners in Ukraine, 2006, refers to the number of foreign nationals living in Ukraine as registered by the Ministry of Interior)

Since the passing of the Law on Immigration in June 2001, there has been a visible upward trend in the number of immigrants and persons seeking permit for immigration to Ukraine. According to this law, one is considered to be an immigrant in Ukraine if he/she has sought and received some form of permanent residence on the territory of the country (thus, the nature of their stay—permanent vs. temporary—distinguishes immigrants from foreigners in Ukraine).

⁷ World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*. <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Ukraine.pdf>. Their source is the UN Population Division statistics that show the estimated stock of international migrants (both sexes) at mid-year. Data refer to estimated number of foreign-born at mid-year. Many of those categorized as foreign born today were born in other states of the former Soviet Union. Therefore, this figure may reflect the country's changed geopolitical status rather than its immigration trends.

⁸ Ibid.

⁹ World Bank, Development Prospects World Bank Group (2005) *Migration and Remittances Factbook*.

¹⁰ Data from the Ministry of Interior of Ukraine.

Flows of Immigrants

Table 1. Immigration flows to Ukraine, 2002-2006

2002	2003	2004	2005	2006	Total
42,473	39,489	38,567	39,580	44,227	204,336
including migration exchange with the CIS countries					
35,929	32,876	32,583	33,444	33,976	168,808
including migration exchange with other countries					
6,544	6,613	5,984	6,136	10,251	35,528

Source: Ministry of Interior of Ukraine in Migration Bulletin 2007, IOM Kiev.

1.2. Status of immigrants

Refugees 2,275 (2006)¹¹
 Asylum seekers..... 1,183 (2006)¹²

Since 2002, Ukraine has recognized 5,411 refugees (estimated remaining in the country is 2,264) and naturalized 927 persons (as of 1 January 2007). The number of asylum seekers is relatively small and dropping. Recent developments in Russia have led to new arrivals but many individuals attempt to solve their problems through other means instead of applying for asylum (as this is largely considered to be an exercise in futility given the lengthy procedures of status determination and subsequent appeals).¹³

The following figures are published by the Soderkoping secretariat on Asylum Applications and Recognition of Refugees.¹⁴

¹¹ Data for refugees and asylum seekers UNCHR (2006) *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*. Figures represent end-of-year statistics. Data are provisional and subject to change. Status as of 15 June 2007. The figure refers to “Persons recognized as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection”. However, one should note that there is no complementary form of protection and no temporary protection at the moment in the Ukrainian legislation, but the Ukrainian government is working on legislation for complementary humanitarian status.

¹² Ibid.

¹³ The Local Integration of Refugees in the Republic of Belarus, the Republic of Moldova, and Ukraine, Secretariat of the Soderkoping/Cross-Border Cooperation Process Kiev 2008, <http://soderkoping.org.ua/page108.html> and Ukraine

¹⁴ See <http://soderkoping.org.ua/page12484.html>. For figures of countries of origin of asylum seekers, see the same website of the Soderkoping office.

Table 2. Recognition rate of refugees, relative to the number of asylum applications, 2003-2007

	Number of asylum applications received						Refugee status given						Recognition rate
	2003	2004	2005	2006	2007	2003-2007	2003	2004	2005	2006	2007	2003-2007	2003-2007
TOTAL during the reported year/period	1,367	1,364	1,765	2,101	2,272	8,869	56	80	49	76	33	294	3%

N.B. According to the Ukrainian legislation, asylum seekers are not considered immigrants *per se*, since they are not to be considered residing permanently in Ukraine, as long as they are not recognized as refugees.

Labour migrants

Information related to foreigners working in Ukraine is considered quite reliable due to the already mentioned population registration system. However, these numbers only cover the officially registered foreign workers.

Table 2 provides a brief overview of the number of officially recorded labour migrants in Ukraine.

Table 3. Foreigners in Ukraine, 2004-2006, breakdown by reasons of residence¹⁵

Foreigners' reason for residence in Ukraine	Total		
	2004	2005	2006
Persons with work permits	2,453	2,649	2,822
Persons working under intergovernmental agreements	322	271	252
Religious workers / clergy	990	840	1,004

Source: Ministry of Interior of Ukraine in Migration Bulletin 2007, IOM Kiev.

¹⁵ The numbers single out labour migrants and are probably underestimated as they do not include certain categories, e.g., undocumented labour migrants or self-employed.

1.3. Main countries of origin of immigrants

Most immigrants to Ukraine come from countries of the FSU. Others come from outside the FSU like China, Jordan, India, Vietnam, and the Islamic Republic of Iran. Repatriation of Crimean Tatars from Central Asia (where they have been deported under the Stalinist administration) also exists.

Figures below are foreigners registered with the Ministry of Interior in 2006¹⁶

FSU countries: Russian Federation (92,171), Belarus (5,401), Kazakhstan (3,990), Uzbekistan (11,125), Moldova (12,015), Azerbaijan (10,032), Georgia (8,310), Armenia (8,332), Tajikistan, and Kyrgyzstan (1,620).

Other countries: China (8,112), Jordan (3,189), India (2,940), the Islamic Republic of Iran (2,831), and Vietnam (2,826).

The all-Ukrainian Census of 2001 registered 248,200 persons of Crimean Tatar nationality. The Azerbaijani population in 2001 increased by one fifth (45,200) compared to 1989, the Georgian population increased by almost 1.5 (34,200), and the Armenian population increased by 1.8 (99,900). There were also noticeable increases in the share of some other ethnic groups. For example, the number of Koreans increased by 50 per cent (12,700), the number of Turks increased some 30 times (8,800), the number of Kurds increased nine times (2,000), and the Vietnamese population increased eight times (3,900).¹⁷

¹⁶ Number are given by Ministry of Interior to IOM Kiev.

¹⁷ Pro kil'kistj ta sklad naselenja Ukrainy za pidsumkamy Vseukrajinskogo perepysy naselennja 2001 roku (Quantity and composition of the population of Ukraine according to Allukrainian census of population 2001). "Urjadovyj kur'er", 2002, Dec. 28, p.II.

2. EMIGRANTS

Ukraine can clearly be considered a country of emigration. Decreasing numbers of emigrations in the past four years might be a sign of less emigration but could be more likely a change in behaviour of deregistration. Recent research has found that there are hardly any incentives or obligations for Ukrainians to declare their departure, so regular statistics produced by the State Statistics Committee of Ukraine using administrative data from the population register are clearly characterized by an under-declaration of exits.¹⁸ Any comparison of immigration and emigration data in the form of net migration, etc. should be taking this in consideration.

2.1. Total number of emigrants

..... 6,081,890 (2005)¹⁹
 As percentage of total population..... 13.1% (2005)²⁰

Flows of Emigrants from Ukraine

Table 4. Emigration from Ukraine in 2002-2006

2002	2003	2004	2005	2006	Total
76,264	63,699	46,182	34,997	29,982	251,124
including migration exchange with the CIS countries					
49,429	40,647	28,865	21,866	21,270	162,077
including migration exchange with other countries					
26,835	23,052	17,317	13,131	8,712	89,047

Source: Ministry of Interior of Ukraine in Migration Bulletin 2007, IOM Kiev.

¹⁸ Perrin, N., and M. Poulain. An assessment of the state systems for data collection, analysis and data sharing on migration and migration statistics in Ukraine, IOM, Kyiv (forthcoming)

¹⁹ Ibid.

²⁰ Ibid.

2.2. Status of emigrants

Refugees	63,723 (2006) ²¹
Asylum seekers.....	3,482 (2006) ²²

Labour migrants

According to several alternative studies, the overall stock of Ukrainian migrants working abroad after 1990 ranged from 0.8 to 7 million persons. For instance, as a result of a nationwide sociological survey of the Institute of Sociology at the National Academy of Science of Ukraine, 15.7 per cent of Ukrainian families have had at least one or more members with the experience of temporary labour migration.²³ Almost 70 per cent of the labour migrants are male and 30 per cent are female,²⁴ and most of them are coming from rural areas and are between 20 and 49 years of age.²⁵ At the parliamentary hearings on labour migration issues, the Ministry of Labour and Social Policy of Ukraine estimated that the number of labour migrants is about 3 million, taking into consideration those people of working age who “vanished” from the national labour market.²⁶

At the same time, estimates by the Ukrainian Parliament Commissioner for Human Rights suggest that up to seven million Ukrainians work abroad.²⁷ The latest International Labour Organization (ILO) survey reveals about 780,000 Ukrainians labour migrants abroad (about 3.5 - 4% of the total labour force). These numbers sharply contrast with much lower official statistics on labour migration provided by State Statistics Committee. According to the Labour Migration Assessment for the WNIS region 2007,²⁸ only 62,200 permits have been

²¹ UNCHR (2006) Statistical Yearbook 2006. *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*. Figures represent end-2006 statistics. Data are provisional and subject to change. Status as of 15 June 2007. The figure refers to “Persons recognized as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection”.

²² Ibid.

²³ Ukrainian Society 1992-2006 / Ed. by V.Vorona, M.Shulga. – Kyiv, Institute of Sociology NAC, 2006. – P.546. (Published in Ukrainian)

²⁴ Institute of Sociology of the National Academy of Sciences of Ukraine quoted by ILO Labour Migration in Ukraine (analytical report), A Document for Discussions at the National Tri-partite Seminar on Outward Labour Migration within the Framework of ILO Project “Employment, vocational training opportunities and migration policy measures to prevent and reduce trafficking in women” (2-4 November 2005), Kyiv, 2005

²⁵ Ibid.

²⁶ Parliamentary Hearings of 17 November 2004: *Current State and Problems of a Legal and Social Status of Contemporary Ukrainian Labour Migration*, <http://www.portal.rada.gov.ua>

²⁷ Over seven million of Ukrainian citizens work abroad, <http://www.facts.kiev.ua/sept2002>. This may be considered a high estimate and it is for sure outdated.

²⁸ IOM Kiev (2007) Labour Migration Assessment for the WNIS Region, International Organization for Migration, Kiev.

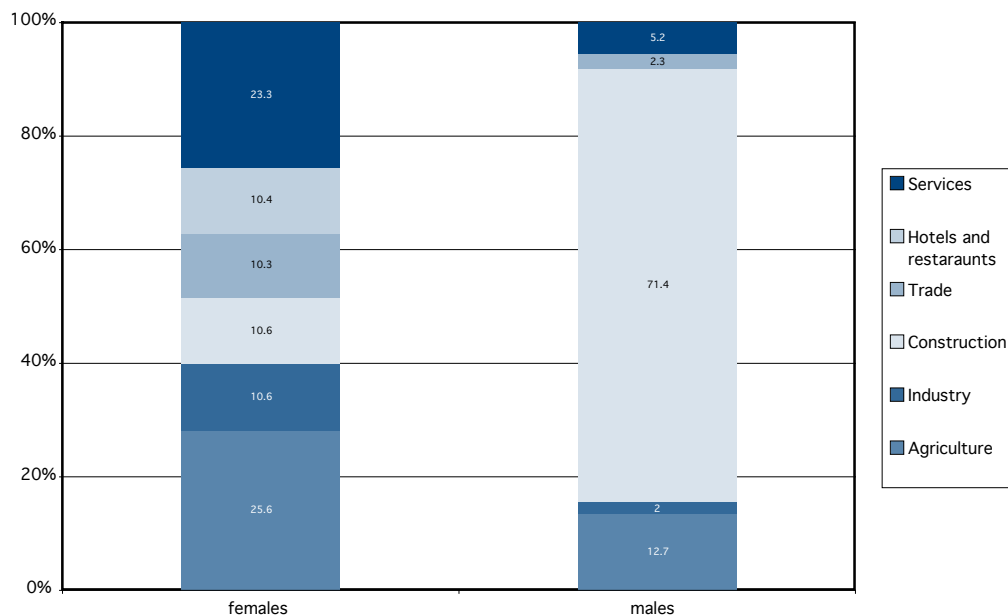
given to Ukrainian nationals for legal employment abroad by resident employment companies in 2006. Since 1996, over 65 per cent of work permits have been granted to workers going to EU countries. There are many Ukrainians under temporary contracts in Spain (over 80,000), Portugal (about 60,000), Greece (over 30,000), and other countries. The government of Ukraine is strengthening the efforts to protect the legal rights and interests of its citizens working in European countries (see below and also in Section 6.3). Close attention is paid to adjusting the mechanics of legal employment for Ukrainian citizens in these countries, improving their social protection, and expanding the correspondent bilateral normative and juridical basis.

The true scale of Ukrainian labour migrants' presence in some European countries was revealed during certain regularization programmes. In 2002, the Italian government ran a two-month regularization programme for domestic workers and contract workers. Out of 341,000 applications from domestic workers, 27 per cent were submitted by Ukrainians. During the regularization programme in Portugal from January 2001 to March 2003, more than 62,000 temporary work permits (out of a total of 180,000) were granted to Ukrainians. Spain has regularized the status of 7,600 Ukrainian irregular workers.

Following IOM Kiev analysis,²⁹ the occupational status of the Ukrainian labour migrants varies in different countries, depending on the needs of the local labour markets. For instance, according to the State Statistics Committee of Ukraine (2001), almost 90 per cent of female Ukrainian migrants in Italy were employed in domestic work. Other female were mostly employed in processing industries. In Poland, employment in agriculture prevails (66.7% of female migrants), while more than a third part of the Ukrainian women in Russia are employed in the retail trade. Although construction is the main sector of employment of male migrants in all destination countries, a share of those employed in transport is large in Russia (11.1%), while more than a quarter of migrants are employed in agriculture in Poland.

²⁹ Ibid.

Figure 1. Sectors of employment of the Ukrainian labour migrants, 2002 (in %)



Source: Libanova, E., and O. Poznyak (2002) *International Labour Migration of the Ukrainian Population*, Kyiv.

The structure of employment of labour migrants indicates that they are usually engaged in low-skilled work. However, there are no recent data on this issue.

2.3. Main countries of destination

Russian Federation, United States, Poland, Israel, Kazakhstan, Moldova, Germany, Belarus, Canada, Spain³⁰

An analysis conducted by IOM Kiev in 2006 has shown that the emigration priority countries for labour migrants are Germany (9.0%), Canada (6.1%), United States (5.9%), and the Russian Federation (5.5%).³¹ Moreover, the same research has revealed that the geography of temporary employment covers the same countries: Germany (13.6%), United States (7.5%), Russian Federation (5.2%), and Canada (4.9%). Italy is mentioned less frequently (2.8%). Potential emigrants and guest workers are characterized by higher employment rates: 51.1

³⁰ World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Ukraine.pdf>.

³¹ Ibid note 23.

per cent of Ukrainian citizens having a job in Ukraine are inclined to leave the country forever; almost 58.4 per cent of the total active labour force are potential labour migrants.³² According to information provided by Ukrainian embassies abroad, the distribution of labour migrants by destination country is: 300,000 in Poland, 200,000 in Italy and the same number in the Czech Republic, 150,000 in Portugal, 100,000 in Spain, 35,000 in Turkey, and 20,000 in the United States. The number of Ukrainians working in the Russian Federation is estimated at 1 million people.³³

According to the aforementioned figures and relevant studies, it is estimated that more than half of labour migrants from Ukraine work in EU member states. These destinations, unlike the eastern ones (e.g., Russian Federation) become increasingly attractive due to higher remuneration and better working conditions. The decision to emigrate to EU member states is also influenced by the fact that some EU member states have initiated legalization processes enabling irregular labour migrants to gain legal status (e.g., Portugal, 2001-2003, 65,500;³⁴ Italy, 2002, 117,000;³⁵ Spain, 2005, 7,600³⁶).

³² Malynovska, Olena (2006) Caught between East and West, Ukraine Struggles with its Migration Policy, Migration Policy Institute, <http://www.migrationinformation.org/Profiles/display.cfm?ID=365>

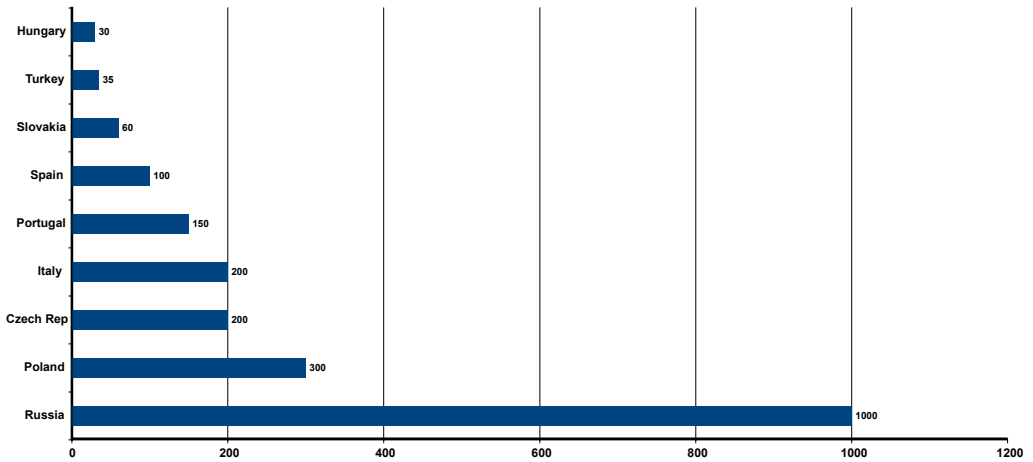
³³ See also IOM Kiev (2007) Labour Migration Assessment for the WNIS Region, International Organization for Migration, Kiev.

³⁴ The official website of the *Portuguese Service for Migrants and Borders* (SEF – the Serviço de Estrangeiros e Fronteiras), <http://www.sef.pt/estatisticas.htm>

³⁵ International Migration Outlook: SOPEMI 2006 Edition /OECD, 2006, p. 280.

³⁶ International Migration Policy Development Centre (2005) An Overview of Migration Systems in CIS Countries (in Russian), p. 336.

Figure 2. Ukrainians working abroad (2002, in thousands of persons)



Source: Karpachova, N. (2003) *On the Status of Observance and Protection of the Rights of Ukrainian Citizens Abroad: Special Report of the Ukrainian Parliament Commissioner for Human Rights (in Ukrainian)*, Intertechnology, Kiev.

3. REMITTANCES

3.1. Quantitative aspects of remittances

According to the World Bank, Ukrainian emigrants' remittances have grown from below USD 100 million shortly after 2000 to more than USD 600 million in 2007.³⁷ However, there is hardly any agreement on the amount of money repatriated by the Ukrainian migrant workers. As a large share of income earned by labour migrants is transferred through unofficial channels, it is difficult to gauge the real scale of remittances. Other studies found that Ukrainian citizens working abroad send between USD 4 and 6 billion per year to their home country, an amount that is ten times higher than the official data on the issue.³⁸ According to the Ministry of Transport and Communications, the Ukrainian sailors bring up to USD 500 million a year.³⁹ Following the opinion of the Ombudsman of Ukraine, migrants send about USD 400 million a month to Ukraine (USD 4.8 billion a year).⁴⁰ Estimates by the Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine, are about USD 7.2 billion, or 8.5 per cent of GDP.⁴¹ By comparison, the World Bank figure for remittances as a share of GDP is 0.7 per cent for 2006.⁴² The National Bank of Ukraine reports that in 2000-2006, the volume of inbound remittances increased 2.2 times and in 2006 amounted to over USD 3 billion (including USD 1 billion via money transfer systems). If these assumptions are to be taken into consideration, monetary migrants' transfers are therefore comparable with direct foreign investments in the Ukrainian economy, which amounted to USD 7.3 billion in 2005.⁴³ This would make Ukraine a leading country in the top remittance-receiving developing countries.

³⁷ World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Ukraine.pdf>.

³⁸ Malynovska, Olena (2006) *Caught between East and West, Ukraine Struggles with its Migration Policy*, Migration Policy Institute, <http://www.migrationinformation.org/Profiles/display.cfm?ID=365>

³⁹ By comparison, the whole Ukrainian shipbuilding production was estimated at USD 400 million in 2005. See Ilnycky, K. (2006) Choice of Ukraine in "Mirror of the Week", 48:627, (in Ukrainian).

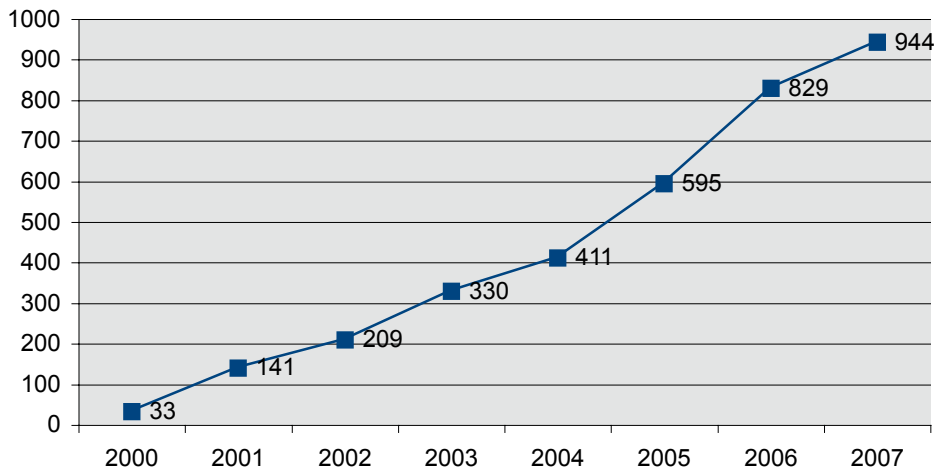
⁴⁰ Karpachova, N. (2003) Compliance and Protection of Human Rights of Ukrainian Citizens Abroad: Special Report of the Human Rights Commissioner at the Parliament of Ukraine (in Ukrainian), Kyiv: Inter-technology.

⁴¹ Majdanik, I. (2005) in IOM Kiev (2007) Labour Migration Assessment for the WNIS Region, International Organization for Migration, Kiev.

⁴² World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*, <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Ukraine.pdf>

⁴³ IOM Kiev (2007) Labour Migration Assessment for the WNIS Region, International Organization for Migration, Kiev, p. 66.

Figure 3. Amount of incoming migrant remittances



Source: World Bank, Development Prospects Group (2008) *Migration and Remittances Factbook*. *estimates for 2007

3.2. Qualitative aspects of remittances

Remittances from Ukrainian emigrants benefit their families and stimulate the growth of the Ukrainian economy, which is experiencing a decrease of unemployment rates, an increase of aggregate demand, and an enlargement of the market capacity.⁴⁴ According to the Ukrainian Parliament Commissioner for Human Rights, “the money migrant workers earn abroad exceeds by a dozen times the average wages of Ukrainian citizens.”⁴⁵ This permits part of the households to invest in real estate, cars, purchase of durable goods, food industry, and education of their children. To give an example, there are 12 cars per 100 average Ukrainian households. This ratio reaches 36/100 for migrants’ families.⁴⁶ Moreover, more Ukrainian migrant workers who returned to their country set up their own businesses and thus providing employment opportunities for other people. However, there is no analysis yet on the multiplier effect of remittances or on the impact of return migration on local economies in Ukraine.

⁴⁴ Nina Karpachova, Ukrainian Parliament Commissioner for Human Rights (2003) *Migration from Ukraine for Employment within the Context of Global Migration Processes*, http://www.ombudsman.kiev.ua/S_Report1/g11_4.htm

⁴⁵ Ibid.

⁴⁶ Malynovska, Olena (2004) *International Migration in Contemporary Ukraine: Trends and Policy*, Global Migration Perspectives No. 14, Global Commission on International Migration, p. 15, <http://www.gcim.org/attachements/GMP%20No%2014.pdf>

The monthly average income of migratory households approaches 2 billion hryvnas (i.e., around USD 385 million), which represents approximately one-third of the nominal income of the population.⁴⁷ Specialists estimate the income of such households to be between USD 4,000 and USD 6,000 per year.⁴⁸ Remittances as a share of household expenditures totaled approximately 20 per cent in 2004. On average, the Ukrainian migrant worker sends home approximately USD 360 a month. Regarding the transfers, specialists estimate that one-third of these are made through banks and the rest by hand or through intermediaries.⁴⁹

⁴⁷ Ibid.

⁴⁸ Nina Karpachova, Ukrainian Parliament Commissioner for Human Rights (2003) *Migration from Ukraine for Employment within the Context of Global Migration Processes*, http://www.ombudsman.kiev.ua/S_Report1/gl1_4.htm

⁴⁹ Ibid.

4. MIGRANT COMMUNITIES/DIASPORAS

According to the Ukrainian Ministry of Foreign Affairs (MFA), the majority of the Ukrainians abroad reside in the Russian Federation. The 2002 all-Russian census results show that 2,943,471 citizens identify themselves as ethnic Ukrainians.⁵⁰

Over 1,027,000 citizens of Ukrainian origin reside in Canada according to the 2001 census conducted there. The number of persons of Ukrainian descent in the United States, following the 2002 census, was close to 900,000, although some American demographers believe that the actual representation of Ukrainian ethnos in the United States ranges between 1.5 and 2 million.

Following the MFA data,⁵¹ countries with major Ukrainian communities abroad include Moldova, 660,000; Kazakhstan, 550,000; Brazil 500,000; Argentina, 300 to 350,000; Belarus, 237,000 (leaders of Ukrainian community in this country claim that in the Brest *oblast*, the former ethnic region of Ukraine, almost half a million of ethnic Ukrainians reside); and Uzbekistan, 100,000.

Moreover, according to the same source,⁵² large Ukrainian communities also exist in the following countries: Romania (over 61,000); Latvia (around 60,000); Kyrgyzstan (up to 46,000); Poland (close to 40,000 according to the official statistics, and over 200,000 in unofficial data); Slovakia (about 35,000); Georgia (roughly 35,000); Australia (over 34,000); United Kingdom (about 30,000); France (close to 30,000); Germany (30,000); Azerbaijan (29,000); Estonia (28,000); Czech Republic (over 22,000); Lithuania (22,000); Serbia and Montenegro (over 20,000); Turkmenistan (17,000); Hungary (over 6,000); Bosnia and Herzegovina (nearly 5,000); Croatia (4,300); Tajikistan (4,000); Austria (3,000); Armenia (over 2,000); and Bulgaria (closely 1,500).

⁵⁰ Data retrieved from the Ukrainian Ministry of Foreign Affairs website, <http://www.mfa.gov.ua/russia/ru/5785.htm>

⁵¹ Ibid.

⁵² Ibid.

4.1. Description of the relationship between diasporas and country of origin

In absolute numbers, the size of the Ukrainian diasporas is impressive (around 6 million). Over the years, since Ukraine regained its independence, one can notice an increasing transnationalism accompanied by a growing wave of emigration. The relationship of diasporas with the homeland is multi-dimensional, complex, and often emotionally charged. This is part of the conclusions of a seminar that brought together sociologists from Canada, the United States, and Ukraine to discuss the current state of the Ukrainian diasporas in North America and its relations with independent Ukraine.⁵³ During the session “Diaspora and Ukraine: Transnational Influence”, the relationship between diasporas and the home community was discussed.

Hryhoriy Nemyria, Director of the Center for European and International Studies at the Kyiv Taras Shevchenko National University and Chair of the Department for European Integration at the Ukrainian Academy of Public Administration, provided a theoretical analysis of actual and possible patterns of influence exerted by the diasporas upon Ukraine at the national and sub-national levels in such areas as politics, elite behaviour, civil society, identity formation, education, and culture. One of the main conclusions presented was that education and culture were seen as the most promising investment opportunities diasporas can take in order to influence the formation of Ukrainian nationhood in a positive way.⁵⁴

In sharp contrast to the proactive initiatives of the overseas diasporas, the one in Europe is allegedly less developed. A recent research⁵⁵ found that the Ukrainian diaspora in Poland is still “too weak to create strong and influential organizations that apart from providing support could serve as a migrant lobby or provide continuous support”. Furthermore, it was revealed that informal organizations clustered around religious institutions (i.e., the Ukrainian Uniate Church on Miodowa Street in Warsaw) and groups of immigrants collaborating with the so-called “old national minorities” (Ukrainians collaborating with the Association of Ukrainians in Poland, Armenians collaborating with Armenian minority in the Olsztyn region, etc.). An exception, which is associating just (or mainly) new immigrants, could be Our Choice Ukraine (joined with the Association of

⁵³ “Diaspora and Homeland in the Transnational Age: the Case of Ukraine”, the focus of the first Petro Jacyk Memorial Symposium, 20-23 March 2003, http://www.brama.com/news/press/030522jacyksymposium_diaspora.html. The seminar was organized by the Harvard Ukrainian Research Institute, which was created in 1973 through the financial support of the Ukrainian immigrant community.

⁵⁴ Ibid.

⁵⁵ IOM Kiev (2008) *Ukrainian Migrants in the Polish Labour Market*, International Organization for Migration, Kiev, p.89.

Ukraine's Friends). The old Ukrainian minority, which is large, those with Polish passports, do not differ from Poles but they claim to be ethnically Ukrainian. They traditionally organize events for Ukrainians (Watra – a traditional holiday of Lemkos Ukrainian ethnic group, Malanka – Ukrainian celebrations of New Year according to the Julian Calendar, which is a large festival fashionable to be attended by the Warsaw artistic and cultural elite), attracting new members from those who are now coming from Ukraine.⁵⁶ Cultural events organized by the Ukrainian minority help in integrating the Ukrainian diasporas. The role of the Uniate Church (mentioned above) is also very important because Sunday services are meetings integrating the diasporas. At the Greek-Catholic Church, one can find information on job opportunities. These are the places where migrant networks develop.⁵⁷

Compared with other diasporas, the Ukrainian communities' public associations are the most numerous; at a conservative estimate, they are close to three thousand. There is a solid presence in Canada, where there is almost a thousand of political, cultural and educational, occupational (e.g., associations of physicians, teachers, engineers, lawyers, etc.), women, and youth centres/organizations.

4.2. Migrant communities/diasporas organizations by country of destination

(Please note the lists below do not purport to be exhaustive or representative. IOM does not take responsibility for the accuracy of the contact details.)

For a list of Ukrainian diasporas in Europe, go to⁵⁸
<http://www.geocities.com/ukrainskadiaspora/Persha.htm>

For a directory of Ukrainian diasporas organizations worldwide (by region and classification), go to <http://www.brama.com/diaspora/region.html>

For a list of Ukrainian diasporas organization with websites, go to <http://www.mfa.gov.ua/mfa/ua/publication/content/5016.htm>

⁵⁶ Bieniecki, Mirosław and Mikołaj Pawlak *Impact of Immigrants' Integration on Local Communities: the Polish Case*

⁵⁷ SDCIRNP of the Ministry of Internal Affairs of Ukraine.

⁵⁸ Ibid.

5. IRREGULAR MIGRATION

5.1. Figures and information on irregular movements

Inflows

Analysis of irregular migration processes in the country in recent years demonstrates certain stabilization of the migration situation. In 2003-2006, bodies of internal affairs detained around 60,000 thousand irregular migrants (see Table 5 below).⁵⁹

Table 5. Irregular migrants apprehended in Ukraine, 2003-2006

	2003	2004	2005	2006	Total
	17,000	15,438	14,441	11,296	58,175
Breakdown by main countries of origin					
Russia	3,144	3,176	2,808	2,222	11,350
Azerbaijan	2,340	2,371	2,139	1,531	8,381
Moldova	2,007	1,782	1,795	1,437	7,021
Armenia	1,314	1,192	1,046	862	4,414
Georgia	1,114	958	1,172	991	4,235
Uzbekistan	748	1,060	1,226	1,195	4,229
China	1,437	996	865	541	3,839
India	864	627	372	354	2,217
Others	4,032	3,276	3,018	2,163	12,489

Source: SDCIRNP of the Ministry of Interior of Ukraine

Table 6. Number of persons forcibly removed from Ukraine

Year	2002	2003	2004	2005	2006
No.	15,881	13,548	12,271	12,375	11,128

Source: Ministry of Interior, Ukraine

Transit

Ukraine's geographic position has made it one of the main transit countries along the path of the migration flows to the EU. Moreover, the flow of illegal migrants from the East continues to grow because of the porous borders with the Russian Federation and Belarus.

⁵⁹ SDCIRNP of the Ministry of Internal Affairs of Ukraine.

According to data from the State Border Guard Service of Ukraine for the last three years,⁶⁰ the number of irregular migrants who transit through the Ukrainian territory has been growing. The total number of irregular migrants detained by MOI and State Border Service units was 25,539 in 2004 and 32,726 in 2005.⁶¹ There are reasons to believe that, every year, thousands of irregular migrants manage to transit through Ukraine and only 5-10 per cent of all irregular migrants transiting through Ukrainian territory are detained by the Ukrainian government.

The ethnic composition of transit migrants has also been shifting. In 2003, the majority of transit migrants were Southeast Asian and African nationals. Today, the majority of transit migrants are nationals of the Commonwealth of Independent States. Most significant among these are Russian nationals of Chechen origin, Moldovans, Georgians, Uzbeks, Azeris, and Armenians, accounting for 70 per cent of the total number of detained irregular migrants. Analysis shows that far more men, over 75 per cent, transit the Ukrainian territory irregularly. Some of them have considerable financial resources, which allow them to pay for carriers.

Outflows

Table 7. Irregular migration of Ukrainian nationals to the EU and non-EU countries, 2003

	Belgium	Denmark	Greece	Italy	Portugal	Austria	Finland	Sweden	The Netherlands	Spain
Refused entry		730				524	23	29	536	
Removed	264	1,900	263	852	602	374	103	178		
Apprehended with irregular stay		3,385		2,445	3,457	1,473			169	1,033

Source: European Commission JLS Annual Report on Asylum and Migration 2003
Empty boxes indicate missing information. Missing countries have no data on these items for Ukraine

Good proxies of the extent of irregular migration from Ukraine are the regularization programmes initiated by certain EU member states that allow aliens in an irregular situation to obtain legal status in the country. For example, in Portugal, 65,500 Ukrainian irregular migrants were legalized,⁶² 117,000 in Italy,⁶³ and 7,600 in Spain.^{64/65}

⁶⁰ IOM Kiev database.

⁶¹ Ibid.

⁶² The official website of the *Portuguese Service for Migrants and Borders* (SEF – the Serviço de Estrangeiros e Fronteiras), <http://www.sef.pt/estatisticas.htm>

⁶³ International Migration Outlook: SOPEMI 2006 Edition /OECD, 2006, p. 280.

⁶⁴ International Migration Policy Development Centre (2005) *An Overview of Migration Systems in CIS Countries* (in Russian), p. 336.

⁶⁵ Arango, J., and M. Jachimowicz (2005) *Regularizing Immigrants in Spain: A New Approach*, <http://www.migrationinformation.org/Feature/print.cfm?ID=331>

5.2. Figures and information on return migration flows

Assisted Voluntary Return, inflows

Table 8. Assisted voluntary returns to Ukraine, 2002-2006

Return from:	2005	2006	Total
Austria	23	36	59
Belgium	193	184	377
Czech Republic	1	6	7
Germany	158	133	291
Hungary	1		1
Ireland	1	3	4
Italy	1		1
Netherlands	119	61	180
Norway	4		4
Poland	1	4	5
Serbia and Montenegro	6	6	
Slovakia	2	1	3
Spain	2		2
United Kingdom	4	7	11
Others	15		15
Total	525	441	966

Source: IOM AVR Database

5.3. Figures and Information on Trafficking

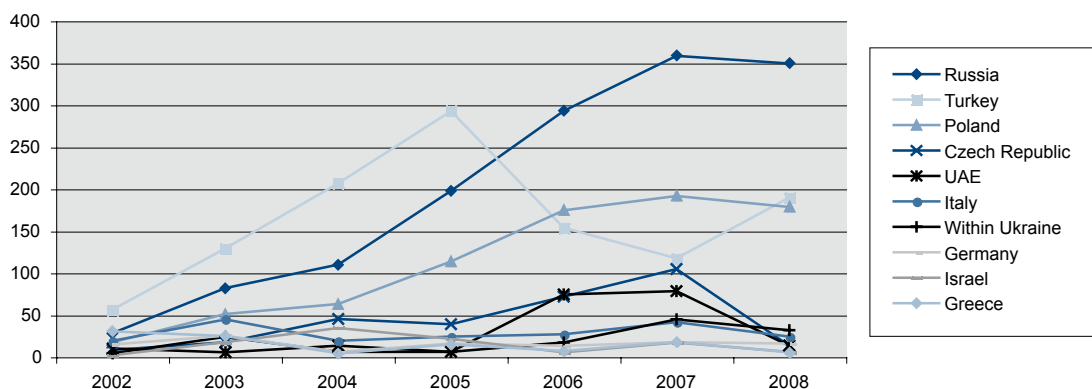
Outflows

Table 9. Victims of trafficking directly assisted by IOM Kiev, by country of destination (2002-2008)

Country of Destination	2002	2003	2004	2005	2006	2007	2008	Total
Russia	28	82	110	198	293	359	350	1,420
Turkey	56	129	207	293	154	117	190	1,146
Poland	17	51	63	114	175	192	179	791
Czech Republic	8	17	45	39	72	105	13	299
UAE	10	5	13	6	75	79	13	201
Italy	19	45	19	24	27	42	24	200
Within Ukraine	4	24	6	6	17	45	32	134
Germany	15	26	6	16	13	18	16	110
Israel	2	18	35	22	5	17	6	105
Greece	31	25	4	15	7	18	5	105

Source: IOM Kiev (2009) *Combating Trafficking in Human Beings: Ukraine*. Available via the internet at: http://www.iom.org.ua/img_collection/IOM%20Statistics%20December2008%20Eng.pdf

Figure 4. Dynamics of victims of trafficking by country of destination, 2002-2006



Source: IOM Kiev (2009) *Combating Trafficking in Human Beings: Ukraine*. Available via the internet at: http://www.iom.org.ua/img_collection/IOM%20Statistics%20December2008%20Eng.pdf

6. ASSESSMENT AND ANALYSIS OF MIGRATION ISSUES

6.1. Ministries responsible for migration policy and contacts with expatriate communities

For a graphical depiction of these institutions and their roles, see Annex 1.

The **President** (<http://www.president.gov.ua/en/>), as the Guarantor of the Constitution, participates in shaping the migration policy (legislative initiative, signing of laws, veto right, management of foreign affairs). He/she takes decisions regarding acquisition of citizenship, granting of asylum in Ukraine, etc.

The **Cabinet of Ministers** (<http://www.kmu.gov.ua/control/en>) establishes the immigration quota. An immigration quota is calculated annually for the corresponding calendar year based on the analysis of immigration process and taking into account the need to limit as much as possible the immigration of foreign nationals and persons without citizenship from countries with a large number of migrants. The quota is approved by the Cabinet of Ministers of Ukraine.

The **Ukrainian Parliament Commissioner for Human Rights** (<http://www.ombudsman.kiev.ua/>) has parliamentary control over the observance of constitutional human and citizens' rights and freedom and the protection of every individual's rights on the territory of Ukraine and within its jurisdiction.

The **State Border Guard Service** (<http://www.pvu.gov.ua/control/en/index>) conducts transfer through the state border and registration of foreigners; counteracts irregular migration; checks grounds for foreigners' entry; and takes decisions on shortening the term of their stay in Ukraine and deportation.

The **Ministry of Interior, the State Department for Citizenship, Immigration and Registration of Individuals** (<http://mvs.gov.ua/mvs/control>), created in 2002, has a status of a governmental agency of state management, i.e. higher than that of a ministerial subdivision. Its functions include: issuance of documents for citizens' departure abroad; registration of foreigners; issuance of decisions on naturalization; combating of irregular migration; and decision on shortening the term of foreigners' stay and deportation.

The **Ministry of Foreign Affairs** (<http://www.mfa.gov.ua/mfa/en>) protects the rights of citizens abroad; ensures development of ties with Ukrainians abroad; and issues foreigner visas for entering Ukraine.

The **Ministry of Labour and Social Policy** (<http://www.mlsp.gov.ua/control/en/index>) has a joint responsibility with the Ministries of Foreign Affairs and Interior in terms of labour migration. Its responsibilities include: participating in the design and implementation of state migration policy; monitoring of implementation of migration policy and related laws; issuance of licenses to agencies mediating employment abroad and control of compliance with license requirements; participation in the preparation and implementation of international treaties; and initiating of scientific research projects.

The **State Committee for Nationalities and Religion** (<http://www.scnm.gov.ua/control/uk/index>), in cooperation with the Ministries of Interior, Foreign Affairs, Labour and Social Policy, Public Health, as well as the State Border Guard Service, exercises the following functions: policy development in the field of immigration and refugees; processing of refugee status claims and asylum seekers; provision of shelter to claimants at centres of temporary accommodation for refugees; assisting voluntary returns of refugees and asylum seekers to their countries of origin or permanent residence; and developing programmes for refugee integration into the Ukrainian society.

The **Security Service** (<http://ssu.gov.ua/sbu/control/en/index>) facilitates state border protection; participates in taking decision regarding the entry, exit, and stay of foreigners; and counteracts illegal migration and human trafficking.

The **State Statistics Committee of Ukraine** (<http://www.ukrstat.gov.ua/>) produces and publishes statistics on migration regularly.

6.2. International legal framework in place

Selected International Instruments

- International Covenant on Civil and Political Rights 1966, ratified
- United Nations Convention relating to the Status of Refugees 1951 and Protocol relating to the Status of Refugees 1967, joined in 2002
- Optional Protocol to the International Covenant on Civil and Political Rights 1966, adherence

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, ratified
- United Nations Convention against Transnational Organized Crime 2000 and its Supplementary Protocols: Protocol against the Smuggling of Migrants by Land, Sea and Air, ratified and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
- European Convention on the Legal Status of Migrant Workers 1977, signed

Bilateral Labour Agreements

- Treaty between Ukraine and the Republic of Bulgaria on Social Security, signed on 4 December 2001, ratified on 22 November 2002
- Treaty between the Cabinet of Ministers of Ukraine and the Government of the Estonian Republic on Co-operation in Social Security, signed on 20 February 1997, entered into force on 28 January 1998
- Agreement between the Union of Soviet Socialist Republic and the Hungarian People's Republic on Social Security, signed on 20 December 1962, entered into force on 12 April 1963
- Agreement between the Government of Ukraine and the Government of Latvian Republic on Employment and Social Protection of the persons who permanently live in Ukraine and Latvia and work on the territories of both countries, signed in 1995 and entered into force upon signing
- Treaty between Ukraine and the Latvian Republic on Co-operation in Social Security, signed on 26 February 1998, entered into force on 11 June 1999
- Agreement of 28 March 1995 between Lithuania and Ukraine on mutual employment of citizens, entered into force on 11 August 1995
- Treaty between Ukraine and the Lithuanian Republic on Social Security, signed on 23 April 2001, entered into force on 8 February 2002
- Agreement between the Government of Ukraine and the Government of Poland on mutual employment, signed on 16 February 1994, entered into force on 19 December 1994

- Agreement between Ukraine and the Republic of Portugal on temporary migration for the purpose of work of Ukrainian nationals in the Republic of Portugal, signed in 2003, entered into force in 2005
- Agreement between the Government of Ukraine and the Slovak Republic on mutual employment of citizens, signed on 7 March 1997, entered into force on 5 May 1998
- Treaty between Ukraine and the Slovak Republic on Social Security, signed on 5 December 2000, entered into force on 1 January 2002
- Agreement between Ukraine and the Kingdom of Spain on Social Security of Citizens, signed on 7 October 1996, entered into force on 27 March 1998
- Agreement of 17 June 1995 between Ukraine and Armenia on labour activity and social protection of citizens of Ukraine and Armenia working beyond the borders of their states, signed in 1995, entered into force in 1996
- Agreement between Ukraine and Azerbaijan on labour activity and social protection of citizens of Ukraine and Azerbaijan working beyond the borders of their states, signed in 2004, not yet ratified
- Agreement between the Government of Ukraine and the Government of the Azerbaijani Republic on Co-operation in Pension Provision, signed on 28 July 1995, entered into force on 2 November 1996
- Agreement between the Government of Ukraine and the Government of the Republic of Belarus on Guarantees of Citizens' Rights to Pension Provision, signed on 14 December 1995, entered into force on 11 February 1997
- Agreement of 17 July 1995 between Ukraine and Belarus on labour activity and social protection of citizens of Ukraine and Belarus working beyond the borders of their states, signed in 2005, entered into force on 16 July 1996
- Agreement between Ukraine and Moldova on labour activity and social protection of citizens of Ukraine and Moldova working beyond the borders of their states, signed on 13 December 1993, entered into force on 25 February 1994
- Agreement between the Government of Ukraine and the Government of the Republic of Moldova on Guarantees of Citizens' Rights to Pension Provision, signed on 29 October 1996, entered into force on 19 December 1996

- Agreement between Ukraine and Russia Federation on labour activity and social protection of citizens of Ukraine and Russia working beyond the borders of their states, signed on 14 January 1993 and entered into force upon signing
- Agreement between the Government of Ukraine and the Government of the Republic of Georgia on Co-operation in Social Security, signed on 9 January 1995, entered into force on 22 December 1995
- Agreement between Ukraine and Libyan Arab Jamahiriya on cooperation in the field of labour and job placement, signed in 2003, entered into force in 2004
- Agreement between the Union of Soviet Socialist Republic and the Mongolian People's Republic on Co-operation in Social Security, signed on 6 April 1981, entered into force on 28 January 1982
- Agreement between the Government of Ukraine and the Government of Vietnam on mutual employment of the nationals of both countries and their social protection, signed on 8 April 1996, entered into force on 6 March 1998

Readmission Agreements

Ukraine has signed and ratified 13 readmission agreements, including agreements with the Russian Federation, Bulgaria, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Slovakia, Switzerland, Turkey, Turkmenistan, and Uzbekistan. Currently, there are no centralized statistics on how these agreements are being applied.

In 15 January, the Ukrainian parliament, the Verkhovna Rada, ratified the readmission and visa facilitation agreement between Ukraine and the EU. The ratification (Draft Bill No. 0011) was supported by 226 MPs, with 226 votes required for endorsement. The agreement was signed in June 2007.

6.3. Migration policies in place⁶⁶

The Ukrainian government abolished all exiting restrictions on movement of the population in January 1993, and, in February 1994, the **Law on the Order**

⁶⁶ For a detailed analysis of the Ukraine migration policy, see IOM Kiev (2007) Labour Migration Assessment for the WNIS Region, International Organization for Migration, Kiev. This section follows the analysis provided by IOM Kiev.

of Exit from Ukraine and Entrance to Ukraine for the Citizens of Ukraine was adopted. It guaranteed Ukrainian citizens the right to freely depart and return to their territory. Additional guarantees of free movement are provided by the 2003 **Law on Freedom of Movement and Free Choice of Residence in Ukraine**.

As a result of the liberalization of the emigration regime, the democratization of public life, and the demise of political, religious, and ethnic causes of emigration, the number of people emigrating from Ukraine has decreased by almost five times since the early 1990s. In 1991, 310,200 individuals left the country (236,600 moved to other post-Soviet states and 73,600 to other countries). However, in 2004, only 46,200 emigrated—28,900 to CIS states and 17,300 to other states.⁶⁷

The **Law on Employment of the Population** contributes to the improvement of regulations on labour migration (previous regulations dated back to 1993). The Parliament of Ukraine enacted new version of the Law on January 2007 in its first reading. Some of the articles contain norms on employment and social security for Ukrainians working abroad as well as for foreigners working on the territory of Ukraine. It also provides for labour citizens' rights as well as facilitating citizens' employment abroad and their social protection. Previously, the Programme of Ensuring Rights and Interests of Citizens who Leave Abroad for Employment and Children Adopted by Foreigners (2004) was approved. However, in their essence, the measures stipulated by this Act were aimed not at ensuring legal and safe employment beyond the country's borders but at "reducing the scope of external, in particular, labour migration, ... preventing it in the future", as was noted in the Ukraine's Demographic Development Concept for 2005–2015, ratified at the end of 2004, i.e., practically simultaneously with the abovementioned Programme of Ensuring Rights and Interests of Citizens who Leave Abroad for Employment.

The government's decision to ratify this Concept became invalid when a resolution was issued on 24 June 2006 regarding the ratification of the Demographic Development Strategy for the Period until 2015 (Resolution No. 879 of the Cabinet of Ministers). Since migration regulation was perceived in it as a tool for slowing down depopulation, it was similarly aimed at reducing citizens' illegal migration abroad. It was foreseen to strengthen the combating of illegal activities of intermediary companies assisting in employment abroad and increase for that purpose the number of the Interior Ministry's staff members who work on this issue.

⁶⁷ Malynovska, Olena (2006) *Caught between East and West, Ukraine Struggles with its Migration Policy*, Migration Policy Institute, Washington D.C.

On the other hand, for the first time, this document stressed the need for broadening opportunities for Ukrainian citizens to work abroad legally and even specified possible methods for reaching this goal. Besides the traditional ratification of international treaties on employment and social protection, it suggested to acknowledge educational diplomas and increase quotas for Ukrainians' employment.

The Concept specified the problem of migrant workers' return. In particular, it set the task to design and implement the programme on social and professional adaptation of returning migrant workers, their qualification development and re-qualification; improving opportunities for employment in their homeland through development of small businesses and entrepreneurship and the creation of new workplaces; improving accessibility of information on vacancies through a nationwide database, facilitating internal migration of the population, etc. Among important provisions of the Concept, there is also the requirement for lower costs of migrants' remittances to Ukraine.

The **Law on Immigration**, adopted by the Parliament of Ukraine in June 2001, is of fundamental significance to the regulation of migration processes in the country. In particular, it establishes procedures and conditions for immigration into Ukraine of foreigner nationals and stateless persons, assigns quotas for immigrants into Ukraine, outlines the competencies of agencies responsible for regulating immigration processes in Ukraine, and, importantly, provides the definitions of the terms *immigration* and *immigrants*. Thus, according to Article 1 of the Law, an immigrant is a foreigner or a stateless person who obtained immigration permit and arrived in Ukraine for permanent residence, or, while staying in Ukraine on legal grounds obtained immigration permit and settled permanently in Ukraine. Pursuant to Article 4 of the Law, immigration permit is issued within the immigration quota. Immigration quota is set by the Cabinet of Ministers of Ukraine. It should be noted that this Law deals only with foreigners and stateless persons who have settled permanently in Ukraine.

The **Law of Ukraine on the Legal Status of Foreigners and Stateless Persons** enforced on 5 March 1994 defines the legal status and secures the basic rights, freedom, and duties of foreigners and stateless persons who reside or stay temporarily in Ukraine. Foreigners and stateless persons may, according to the procedures, settle permanently in Ukraine, work for a fixed term, or stay on its territory temporarily. During their stay on the territory of Ukraine, they shall enjoy the same rights and freedom and shall have the same obligations as the Ukrainian citizens, except for some limits set by the legislation of Ukraine and norms of the international agreements approved by Ukraine.

Furthermore, following increasing societal and state concerns over the negative impact of labour emigration, a discussion on the state's migration policy and its efficiency was launched at the National Security and Defence Council on 15 June 2007. A decision was put into force by the Decree of the President of Ukraine on 20 July 2007. The Decree raises the problem of conceptual determination on the state migration policy in Ukraine, its principles, strategic and present tasks, and implementation of standards on human rights. The Decree is mostly devoted to the problems of illegal migration, visa and border control, and problems of readmission. Nevertheless, a trend of labour migration growth, which is mostly irreversible and has a negative impact on the demographic situation, is considered as a threat to the national security. Consequently, the following aims of the state policy on international labour migration have been advanced: reduction of the scale of external migration, stimulation of internal labour migration in contrast to external migration, provision of social guarantees for citizens, and the creation of conditions for migrant workers' return to Ukraine.

With regards to diasporas policy, one of the declared priorities in Ukraine's foreign policy is to protect Ukrainian citizens abroad and safeguard the rights of Ukrainian diasporas. The issue of satisfaction of national and cultural needs of the Ukrainians abroad is a subject of bilateral intergovernmental negotiations at all levels. The numbers of the bilateral agreements that stipulate the realization of cultural, educational, and other demands of Ukrainian diasporas are increasing and combine with bilateral intergovernmental commissions on issues of securing national minorities' rights created. The state policy concerning relations with the Ukrainian community abroad is based on the following legislative acts: **The Constitution of Ukraine**; the President of Ukraine's **Decree on the National Programme "Ukrainians Living Overseas"** for the Period up to 2005 dated 24 September 2001; and the **Law of Ukraine on the Legal Status of Foreign-based Ukrainians** adopted by the Verkhovna Rada on 4 October 2004. In addition, work is being completed over the Draft Laws of Ukraine on the Conception of the National Policy towards the Ukrainian Community Overseas and on the Conception of the State Ethnic and National Policy.⁶⁸

6.4. Labour market and migration

Emigrants on the Ukrainian labour market

According to data from the monitoring of social changes in the Ukrainian society, carried out annually by the Institute of Sociology of the National Acad-

⁶⁸ See <http://www.ukremb.ca/canada/en/publication/content/769>

emy of Sciences of Ukraine between 1994 and 2006,⁶⁹ in 2000, 56.4 per cent of Ukraine's citizens are not satisfied with their current living standards, and 61.4 per cent with their social status. Those who assess their lives positively are much fewer, only 18.6 per cent, and just 11.2 per cent of those polled are satisfied with their social status. The rest of those polled abstained from assessment. According to State Statistic Committee data, in 2003, the average number of unemployed in Ukraine reached 2,045 thousand, defined by the ILO methodology. The highest unemployment level was registered in Hmel'nitsk (14.1%), Volyn (13.7%), Ternopil (13.6%), Zhytomir (13.6%), Mykholaiiv (13.5%), Sumy (13.2%), Rivne (12.6%), and Ivano-Frankivsk (12.6%) regions; and the lowest in Kyiv (5.0%) and Odessa region (5.7%).⁷⁰

The uncertain situation of the Ukrainian labour market and the necessity to find new and better sources of income motivated a lot of Ukrainians to become labour migrants. At the beginning of 2004, members of 15.7 per cent of Ukrainian families have been working abroad.⁷¹ The most attractive countries for labour migrants are the Russian Federation and Poland, followed by Germany, the Czech Republic, Italy, and Portugal. Job placement of more than half of Ukraine's citizens is arranged based on verbal agreement with an employer, without a proper employment contract. The rest of the people either signed a contract while still in Ukraine or in the country of destination. Half of those who have already acquired work experience abroad intend to return in the nearest future.

In 2003, 54. per cent of men wanted to work in foreign countries and the average age of potential male labour migrants was 33. Over half of them (55%) have families, and a considerable part of them has completed secondary education (40.7%). The inhabitants from towns constitute the main part of potential labour migrants (42.4%), followed by people from rural areas (28.8%), and less frequently inhabitants from larger cities (25.4%) and people from the capital (3.4%).

Those of the potential labour migrants who have a job in Ukraine are most likely dissatisfied with it. Both labour migrants and others without working experience abroad are rarely satisfied with the job content at their workplaces. Wage levels, the quality of social security, and the level of social sphere development

⁶⁹ Pribytkova, I. (2002) "Labour immigrants in the social hierarchy of the Ukrainian society: status positions, values, life strategies, life style and way", *Journal of Sociology: Theory, Methods, and Marketing*, No. 4; Pribytkova, I. (2003) "Labour immigrants in the social hierarchy of the Ukrainian society: status positions, values, life strategies, life style and way", *Journal of Sociology: Theory, Methods, and Marketing*, No. 1.

⁷⁰ Ukrainian State Statistics Committee (2004) Express-information No. 143.

⁷¹ Ukrainian Society 1992-2006 / Ed. by V.Vorona, M.Shulga. – Kyiv, Institute of Sociology NAC, 2006, p. 546. (in Ukrainian)

at their workplaces bring about the largest dissatisfaction of the employees. The share of the unemployed among potential labour migrants totals 24.6 per cent, while for the rest of the population it amounts to only 12.8 per cent.⁷²

The decisions to search for workplaces abroad are clearly affected by unemployment and dissatisfaction with the domestic labour markets.

Immigrants in the Ukrainian labour market

As mentioned earlier, Ukraine is not only a sending country, but also a destination country for migrants who come to Ukraine for various reasons. Immigrants from the FSU countries enjoy a relatively easy integration as they are speaking a common language and can benefit from large family or diasporas ties in Ukraine.

The situation of migrants coming from non-FSU countries is much more difficult in terms of integration and socio-economic status. Vietnamese, Iranian, Arabian, Chinese, Turkish, Indian, and Pakistani diasporas have already developed in Ukraine. Currently, a community of emigrants from African countries is being formed.

An interesting study on non-traditional immigrants to the city of Kyiv published by the Keenan Institute and the Woodrow Wilson International Centre for Scholars⁷³ gives some very detailed information on the socio-economic status of immigrants from outside the FSU. The main occupation of these immigrants is in trade or as private entrepreneur (60.8%) rather than as hired workers (15.3%). Unemployment among these immigrants was 23.9 per cent.⁷⁴

6.5. Policies to address irregular migration

Being both a country of origin and a destination country for irregular migrants, Ukraine is also among those countries that have mixed flows of irregular migrants. What is specific about Ukraine is that it is used both by its own citizens to seek a better future abroad and by those who have irregularly and temporarily entered Ukraine with the purpose of moving on, again irregularly, to other countries, that is, as a transit territory for their migration.⁷⁵

⁷² O. Braitchevska et al. (2004) Non-traditional Immigrants in Kyiv, <http://www.wilsoncenter.org/topics/pubs/KyivImmigrants.pdf>

⁷³ Ibid.

⁷⁴ Ibid, page 48.

⁷⁵ Khomra, O. (2002) Illegal migration in Ukraine: Situation, evaluation of consequences, prospects, <http://www.dep.kiev.ua/confer/Conference%202002/Section%2005/Khomra.pdf>, c. 1.

The strategy of combating irregular migration is outlined in a number of legal documents governing the activities of the Ministry of Interior and the State Border Guard Service of Ukraine, two agencies that play a key role in combating irregular migration.

The **Ministry of Interior** performs the following functions:

- searching for and apprehending irregular migrants in the territory of Ukraine;
- verifying the identity of apprehended persons;
- taking administrative action against illegal migrants for violation of residence rules in the territory of Ukraine;
- removal (deportation) of irregular migrants or regularizing their status by granting them residence in the country; and
- investigating allegations of persons providing accommodation, employment, services, and transport to illegal migrants.

The responsibilities of the **State Border Guard Service of Ukraine** include the following:

- border control and issuance of permits to individuals, transport vehicles, cargo, and property
- crossing the border; detecting and preventing illegal flows of the above;
- combating organized crime and irregular migration along the borders; and
- taking decisions regarding expulsion of foreign citizens and stateless persons.

Following the EU enlargement waves of 2004 and 2007, Ukraine has a common frontier with the EU. Since then, there was an increase in transit irregular migration to the EU countries. According to the EU Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI), the territory of Ukraine is on a major Central European route of irregular migration, including several channels of illegal movements of persons: Vietnamese, Pakistani-Indian, Sri Lankan-Bangladeshi, Afghan, Chinese, Kurdish, Uzbek-Tajik, and Chechen channels.⁷⁶ The general flow of irregular migrants to Ukraine can be divided into several routes of irregular migration:⁷⁷

- **The Vietnamese channel.** Vietnamese nationals who earlier landed in the FSU republics originally as contract workers overstayed their welcome, effectively

⁷⁶ Migration situation in Ukraine, Information bulletin of the International Centre for Advanced Studies, No. 8 (312), 6 March 2006, p. 1–2.

⁷⁷ White Paper “Ukraine’s Policy to Control Illegal Migration”, International Center for Policy Studies (Ukraine)/Institute for Public Affairs(Poland), June 2006.

becoming illegal migrants. Currently, there is a tendency for growing numbers of such individuals to attempt to cross the Ukrainian state border using fake documents, such as service passports or work permit-based passports for Vietnamese nationals made in Moscow.

- **The Pakistani-Indian channel.** Indian and Pakistani nationals get Ukrainian and Russian tourist visas in Delhi. Afterwards, groups of these “visitors” move through Ukrainian territory to Europe, becoming illegal migrants.
- **The Sri Lankan-Bangladeshi channel.** Nationals of Sri Lanka and Bangladesh move across the border in Western Ukraine with the help of guides who are Ukrainian, Polish, Hungarian, and Romanian nationals.
- **The Afghani channel.** These are refugees from Afghanistan who have been granted asylum in Ukraine, the Russian Federation, or Central Asian countries. Their fellow nationals who are legal residents of Kyiv, Moscow, and other major CIS cities and are involved in commercial activities make a business of collecting and arranging fake documents for and dispatching groups of illegal migrants.
- **The Chinese channel.** Groups of Chinese nationals are formed by recruiters, mostly Malaysian and Vietnamese nationals, and arrive in Moscow legally on tourist visas. They are then moved illegally through Ukrainian territory to Western Europe. According to information of law enforcement bodies, a special center located in Prague coordinates the movement and activity of these groups of Chinese migrants.
- **The Kurdish channel.** Since 1995, after the beginning of hostilities in Kurdistan, the number of Iranian, Iraqi, and Turkish nationals of Kurdish origin who arrive in Ukraine with invalid documents or with the help of international organizations has grown.
- **The Uzbek and Tajik channel.** As a result of ethnic armed conflicts and religious persecutions, the flow of migrants from Uzbekistan and Tajikistan who emigrated to Russia and are trying to get to Western European countries through Ukrainian territory has grown significantly.
- **The Chechen channel.** This channel opened up in late 2002 and many Russian citizens of Chechen origins are using it to reach Eastern European countries such as Poland, Slovakia, and the Czech Republic, where they hope to be granted refugee status.

Ukraine is part of the Central European route—one of the five main routes of global irregular migration that lead to EU countries, as identified by specialists from the EU CIREFI. Going through Russia, Ukraine, Poland, and Slovakia to Western European countries, this route is used by migrants from the Far and Middle East, Southeast Asia, and the CIS. According to the estimates of European experts, this is currently not one of the most threatening routes for Europe.

Nevertheless, the existence of such a route entails serious negative consequences for Ukraine.

A recent study, “Migration policy of Ukraine in controlling irregular migration”,⁷⁸ focuses on the following key issues:

- control of irregular migration as a priority area of integral migration policy of Ukraine;
- problems of migration policy of Ukraine as they refer to preventing and combating irregular migration; and
- changes required for controlling irregular migration in a more effective manner.

It has also identified the main shortcomings of the irregular migration control policy. Among these are the:

- lack of a specialized government agency responsible for migration policy;
- legal shortcomings;
- inadequate level of border policing;
- insufficient funding for combating irregular migration; and
- lack of readmission treaties with countries of origin of irregular migrants.

According to the Ukrainian law, irregular migrants are subject to a formal legal process once their country of origin is identified, to determine whether they have a right to seek asylum in the country of detention. If not, they are subject to deportation. State Border Guard officials propose to apprehended irregular migrants to return to their country of origin voluntarily, but an authorized procedure of forced removal remains in place if necessary. The majority of irregular migrants try to enter Ukraine through the Ukrainian-Russian border (over 80% of those detained) and the Ukrainian-Belorussian border (11%), and to leave the country across the Ukrainian-Slovakian (almost 60%) and Ukrainian-Polish (20%) borders.⁷⁹

The strategy to combat irregular migration has, however, improved in recent times. It was defined by Decree 837/1996 of the President of Ukraine (On the Comprehensive Target-specific Programme for Combating Crime for 1996-2000), the Programme for Combating Irregular Migration for 1996-2000, and the Programme for Combating Irregular Migration for 2001-2004.

Following the signature of the readmission agreement, the European Commission has agreed to add to it a declaration that would enable Ukraine to have

⁷⁸ <http://www.isp.org.pl/files/18872815360939916001156773716.pdf>

⁷⁹ Ibid.

technical and financial assistance for its implementation and define it as one of its priorities. The agreement stipulated the procedures for citizens of returning parties residing abroad illegally. A special rapid procedure is stipulated for violators detained in border regions. As for readmission of third-country nationals, appropriate regulations will come into force in the two-year transition period during which Ukraine, with EU assistance, will create the required infrastructure essential for its admittance and subsequently return them to their countries of origin.

6.6. Policies to address trafficking in human beings

Ukraine is a major country of origin for trafficking in persons. It is less often a country of transit and rarely a country of destination. The IOM Mission in Ukraine collects data on victims of trafficking that have entered the IOM Counter-trafficking Programme and received some type of rehabilitation and reintegration assistance. There is a referral system in place among law enforcement bodies of Ukraine, NGOs dealing with counter-trafficking, and the IOM office in Kiev where number are being collected and analysed.

To date, 3,544 victims of trafficking were helped through IOM Kiev, which includes 350 third- country nationals. While identified victims were exploited in 53 different countries of the world, in 2006, 66 per cent of the caseload was trafficked to the following three countries: Turkey, Russia, and Poland.

Ukraine as a transit and destination country

Ukraine is a destination as well as a transit country for human trafficking. In 2002-2006, 57 cases of internal trafficking and a few cases of other nationals (citizens of Kyrgyzstan, Uzbekistan, and Moldova) trafficked to Ukraine have been documented. In addition, Ukraine is often used a transit country for trafficking of Moldovan nationals to Russia.⁸⁰

⁸⁰ IOM Kiev statistics.

Table 10. Types of exploitation of victims of trafficking

Type of exploitation	2004	2005	2006	Total
Sexual	266	450	548	1,264
Labour	189	232	319	740
Mixed	24	28	15	67
Begging	9	10	5	24
Criminal activity	1	0	1	2

Source: IOM Kiev, information on Victims of Trafficking assisted in Ukraine

Table 11. Victims of Trafficking, by gender

Gender	2004	2005	2006	Total
Female	403	605	712	1,720
Male	86	115	176	377

Source: IOM Kiev

All forms of trafficking are prohibited through Ukraine's Criminal Code's Article 149, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes. According to the US State Department Trafficking in Persons report for 2007, Ukraine is placed on the Tier 2 Watch List, as it does not yet comply with the minimum requirements to combat trafficking in persons.⁸¹ Following the same source, in 2007, the law enforcement agents completed 101 criminal investigations and arrested 66 people on trafficking charges. In 2006, the government obtained verdicts against 111 traffickers, 86 of whom did not appeal their conviction. Nonetheless, of these 86 cases, 47 traffickers received probation rather than jail sentences. This is a major drawback on the country's efforts to combat this phenomenon.

The Government of Ukraine addresses the phenomenon of trafficking within the framework of the State Programme against Human Trafficking 2006-2010. Within the government, the Ministry of Family, Youth and Sport assumes a coordinating role in the implementation of the state programme. In addition, the Counter-trafficking Department within the Ministry of Interior, currently the largest specialized unit worldwide with more than 600 active officers and active in all oblasts of Ukraine, carries the leading role in the effective criminalization of this transnational crime.

⁸¹ US State Department (2007) Trafficking in Persons Report, <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>

6.7. Refugees, asylum seekers and displaced populations in the country, and relevant policies in place

Ukraine adopted the first Refugee Law in 1993 and started to implement it in 1996. Since then, some 5,361 asylum seekers were recognized as refugees of whom around 2,346 continued to reside in Ukraine at the beginning of 2006.⁸² The overwhelming majority of the refugees were recognized by the government in 1997-2001, with only 187 refugees recognized in 2002-2005 (80 persons in 2004, 49 persons during 2005). As explained by the government, this drop in recognitions is due to the increasing use by irregular migrants of the asylum claim as a means to remain in Ukraine.⁸³ On average, 1,400-1,700 persons apply for asylum in Ukraine every year. Currently, approximately 2,300 asylum seekers await decisions on their cases by government authorities or courts.⁸⁴

The refugee status is regulated by the Law on Refugees, passed in 2002 and amended in 2003 and 2005. Other normative acts on this issue include:

- Resolution on Regulations on the Refugee's Travel Document for the Purpose of Travelling Abroad
- Resolution on Regulations on the Refugee's Certificate
- Order on Procedures for Execution, Issuance and Extending Validity of a Refugee's Certificate
- Order on Regulations on Temporary Refugee Accommodation Centres and Rules of Residence in Temporary Refugee Accommodation Centre
- Instructions on Procedures of Acceptance of Applications for Granting Refugee Status

Ukraine joined the Geneva Convention on the Status of Refugees in January 2002 and has committed to admit asylum seekers to the procedure granting them refugee status, to admit and shelter recognized refugees on its territory, and to help them integrate. However, there are at least three flaws in the current legislation as indicated by the United Nations High Commissioner for Refugees (UNHCR).⁸⁵ Firstly, the Law allows recognized refugees to be stripped of their status without recourse to the courts (Art. 15). Secondly, this Law also fails to define the principle of *non-refoulement*—not subjecting to deportation individu-

⁸² United Nations High Commissioner for Refugees, Regional website for Belarus, Moldova, and Ukraine. http://www.unhcr.org.ua/unhcr_ukr/main.php?article_id=3&view=full&start=1

⁸³ Statement by State Committee of Nationalities and Religion, in a meeting with IOM staff, February 2008.

⁸⁴ Ibid 87. More statistical data are available on the website of the State Committee for Nationalities and Migration, <http://www.scnm.gov.ua>.

⁸⁵ International Centre for Policy Studies (Kyiv, Ukraine) and Institute for Public Affairs (Warsaw, Poland) (2006) Ukraine's Policy to Control Illegal Migration, White Paper, <http://www.isp.org.pl/files/18872815360939916001156773716.pdf>

als who qualify as “war refugees” or as unable to return because of a serious risk of torture or inhuman or degrading treatment and punishment. Thirdly, the Law establishes an overly complicated system for issuing documents to asylum seekers who are in the midst of applying for refugee status. This leads to refugees and asylum seekers being detained at the point when they exchange documents, a detention that can last up to 30 days. During this detention, the asylum seeker has essentially no documents.

Furthermore, the admission rate is very low in Ukraine. In 2006, 25 out of 797 applicants were granted refugee status or a form of protection, which means an admission rate of only 3.1 per cent. To date, there are no displaced populations on the territory of Ukraine. According to the UNHCR, there are 1,706 stateless persons on the Ukrainian territory.⁸⁶

⁸⁶ Data for refugees and asylum seekers, UNCHR (2006): *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*. Figures represent end-of-year statistics. Data are provisional and subject to change. Status as of 15 June 2007.

6.8. Other important migration actors within the country

Donors

- Government of Australia
- Government of Belgium
- Government of Canada (Quebec government)
- Government of the Czech Republic
- Danish Ministry of Foreign Affairs
- Italian Ministry of Foreign Affairs
- European Union (EU)
- Government of New Zealand
- Swedish International Development Cooperation Agency
- Swiss Agency for Development and Cooperation (SDC)
- United States Agency for International Development
- US Department of State
- World Childhood Foundation
- Government of Poland
- Government of the United Kingdom
- Government of Norway
- Government of Hungary
- Government of Greece

International organizations

- UN country team in Ukraine
- International Committee of the Red Cross (ICRC)
- Organization for Security and Cooperation in Europe (OSCE)

NGOs and local initiatives

The **Open Ukraine Philanthropic Foundation** (<http://www.openukraine.org>) is a private nonpartisan international philanthropic foundation established by Arseny Yatsenyuk and Zbigniew Drzymala to support public diplomacy, raise the profile of Ukraine internationally, and provide information and legal aid to Ukrainian citizens. Open Ukraine actively cooperates with IOM and World Bank in the migration sphere.

The **Kharkiv Regional Charitable Foundation (KRCF) “Social Service of Assistance”** (previously “Caritas Kharkiv”) is a charitable organization that provides assistance to refugees, migrants, orphans, elderly people, and other vulnerable groups of society. KRCF “Social Service of Assistance” has been actively engaged in IOM activities in Ukraine. Particularly, since 2005, it has been

running a “Centre for Migrant Advice” project within the framework of the IOM Capacity Building in Migration Management Programme. The main purpose of the project is to provide legal advice and trustworthy information on the current realities of working, studying, and living abroad; on legal opportunities for migration and the dangers of illegal migration; on the reintegration opportunities upon return from abroad; on the rights of Ukrainians abroad and rights of foreigners in Ukraine, etc. KRCF “Social Service of Assistance” also works within the Assisted Voluntary Return Programme of IOM, where stranded migrants and failed asylum seekers are given assistance to come back to their countries of origin. Since 2000, this NGO has been implementing the project on Prevention of Illegal Migration to Czech Republic and Assistance in Creation of Infrastructure for Refugees. Within the framework of this project, the organization runs a consulting centre for people who wish to work in Czech Republic.

Email: office@caritas.kharkov.ua

The **Western-Ukrainian Resource Centre (WURC)** has a long experience (since 1996) in providing consultations and educational services to local NGOs and communities on the questions of NGO administration, strategic development, and community development. It offers a wide range of consulting services to local NGOs, implements democracy research, establishes partnership relations and systems of information exchange, organizes conferences, seminars and trainings, and publishes the all-Ukraine magazine, *Civil Initiatives*. The WURC is partner to several international NGOs’ development programmes in Ukraine such as the LEAP programme, URLP programme, UCAN programme, Heifer Project International, and the Canadian Bureau for International Education. WURC also runs the IOM project, Centre for Migrant Advice, in the Lviv region, which aims to provide legal assistance and consultations on all migration-related issues, such as legal migration opportunities, risks of illegal migration, visa procedures, rights of Ukrainians abroad, and rights of foreigners in Ukraine.

Email: office@zurc.org

<http://www.zurc.org>

The **Foundation for Regional Initiatives (FRI)** (<http://www.fri.org.ua>) is an NGO founded in February 1996 with the objective of supporting regional community initiatives by creating and introducing new efficient mechanisms of inter-regional cooperation and facilitating the development of an efficient regional policy in Ukraine. Since its creation, the FRI has developed cooperation with about 400 NGOs in Ukraine. During its existence, the FRI has implemented over 20 local and national projects, supported by international donors, national busi-

nesses, state organs, or using the Funds' own resources. Among its donors are the National Democracy Endowment Fund, the American Bar Association, the Delegation of the European Commission in Ukraine, the US Agency for International Development, the UN Development Programme, the International "Renaissance" Foundation, the US Embassy Democratic Grants Programme, the Netherlands Embassy MATRA Programme, the John D. and Catherine T. Mac Arthur Foundation, the Hans Zeidel Fund, and the Council of Europe. From 2005 to 2007, the FRI also run the IOM project, Centre for Migrant Advice, to provide efficient and qualified legal and informational assistance to (potential) migrants.

Since 1998, the **Ternopil City Women's Club (TCWC) "Revival of the Nation"** has been engaged in activities aimed at preventing human trafficking and violence against women. Since 2005, this NGO has been running the IOM project, Centre for Migrant Advice, which provides legal advice and expert consultations on migration-related issues. TCWC "Revival of the Nation" actively cooperates with international organizations and government structures in the sphere of counter-trafficking and awareness raising on the dangers of irregular migration. It also administers the National Counter-Trafficking Hotline. This NGO has also been holding numerous trainings and seminars for students, unemployed people, and government officials on ensuring personal safety when considering employment abroad and on preventing violence and HIV/AIDS. It also provides reintegration and social assistance to victims of human-trafficking and HIV-positive people. Since October 2005, it has been participating in the Ukrainian Volunteer Centre project, which trains volunteers on preventive work and assistance for trafficking victims.

E-mail: cma_ternopil@mail.ru
<http://www.migration-info.org.ua>

The **Southern Ukraine Centre of Young Layers** is an executive partner of the UNHCR in the Odessa region. Since 2000, this NGO, together with the UNHCR mission in Ukraine, has been implementing a project that provides legal assistance to refugees and asylum seekers in the Odessa region. The target groups of this project are refugees, asylum seekers, repatriated people, and people who require legal assistance due to the threat of refoulement/deportation to a country where danger awaits them. The staff of this NGO provides free legal assistance to the beneficiaries and represents them in court and before the authorities.

Together with the IOM Mission in Ukraine, this NGO has been implementing two projects. One of them is the Assisted Voluntary Return Programme, where stranded migrants and failed asylum seekers are given assistance to come

back to their countries of origin. The other is the Centre of Migrant Advice project, which aims at providing legal advice and expert consultations to Ukrainian and foreign citizens to minimize fraud in the migration sphere and to provide reliable information about the realities of working, studying, and living abroad.

Email: lawcentre@optima.ru; lawcentre@mail.ru

The **St. Martin Caritas (Mukachevo)** is a charitable foundation in the Zakarpattia Oblast. It was founded by the Transcarpathian Roman Catholic Apostolic Regency in 1999. Caritas Mukachevo is a local implementing partner of UNCHR. It provides consultations to asylum seekers regarding their application for refugee status and represents them in court and before the authorities. Caritas Mukachevo also leads such charitable projects as family-type homes for children, kindergartens, rehabilitation centres, free dining-rooms, Catholic lyceum, and Catholic hostels.

Email: munkacs@caritas.mk.uzhgorod.ua
<http://www.caritas-transcarpathia.com>

The **Region Karpat (NEEKA)** (<http://www.neeka.org>) runs legal, medical, and social programmes for the disabled, children with special needs, pensioners, asylum seekers, refugees, and other migrants; promotes healthy lifestyle education for adolescents (anti-alcohol/tobacco), and HIV/AIDS awareness. Since 1997, Region Karpat (NEEKA) has been an executive partner of the UNHCR and has also partnered with the Swiss Bureau of Development, UNICEF, ECRE, SARD (Scotland), Menedek (Hungary), Gudvil (Slovakia), State Migration Service, and Red Cross (Zakarpattia region). NEEKA is primarily engaged in conducting trainings for border guards, judges, and students from local legal clinics; providing consultations and assistance for all detained migrants; disseminating information and raising awareness about general health issues in the region; and monitoring the ecological conditions in the region.

IOM Counter-Trafficking Partnership Network of NGOs

- Apostolove Regional Organization of Dnipro Youth Union (Apostolove, Dnipropetrovsk Oblast)
- Volyn Perspectives (Lutsik, Volyn Oblast)
- Cherkasy Women's Center (Cherkasy)
- SALUS Charitable Foundation (Lviv, <http://www.salus.org.ua>)
- Chernihiv Public Committee for Human Rights Protection (Chernihiv, <http://www.protection.org.ua>)
- Women's Perspectives Western Ukrainian Center (Lviv, <http://www.women.lviv.ua>)

- Suchasnyk NGO (Chernivtsi, <http://www.suchasnyk.org.ua>)
- Mariupol Youth Union (Mariupol, Donetsk Oblast)
- Women's Information and Coordination Centre (Dnipropetrovsk, <http://www.dwicc.org.ua>)
- Taxpayers' Association of Ukraine (Melitopol, Zaporizhzhia Oblast)
- Donetsk Regional League of Business and Professional Women (Donetsk, <http://www.bpw.donetsk.ua>)
- Lyubistok (Mykolayiv)
- Caritas Charitable Foundation of the Ukrainian Greek-Catholic Church (Drohobych, Lviv Oblast)
- Sokil (Nikopol, Dnipropetrovsk Oblast)
- Caritas Charitable Foundation of the Ukrainian Greek-Catholic Church (Ivano-Frankivsk)
- Men Against Violence (Nova Kakhovka, Kherson Oblast)
- Road to Life (Kharkiv)
- Veselka (Novyi Buh, Mykolaiv Oblast)
- Women's Community (Kharkiv)
- Faith, Hope, Love (Odessa)
- Mangust (Kherson)
- Men Against Violence (Kherson)
- Successful Woman (Kherson)
- Caritas Charitable Foundation of UGCC/ Espero (Khmelnyskiy)
- Family House Poltava Family Center (Poltava)
- Kirovograd Oblast Service for Current Women's Issues (Kirovograd)
- Aprilis (Kotsyubynske, Kyiv Oblast)
- Chayka Center for Public Initiatives Support (Rivne)
- Krasnoarmiysk city League of Business and Professional Women (Krasnoarmiysk, Donetsk Oblast)
- Youth Centre for Women's Initiatives (Sevastopol)
- Caritas – Europa (Kyiv, <http://www.caritas-ua.org>)
- Center for Social Protection and Assistance (Simferopol, <http://www.fond.simf.biz>)
- Commonwealth Women's Rights Protection Center (Simferopol)
- Centre for Ukrainian Reform Education (Kyiv, <http://www.cure.org.ua>)
- Hope and Future (Simferopol)
- Faith. Hope. Love International Charitable Foundation (Kyiv, <http://www.fhl.org.ua>)
- Sokal Agency for Regional Development (Sokal, Lviv Oblast, www.agen-cija.sokal.lviv.ua)
- Emmanuel Association (Kyiv)
- Dovira – MET (Sumy)

- European Youth Parliament – Ukraine (Kyiv, <http://www.eyp-ua.org>)
- Revival of the Nation (Ternopil, <http://www.migration-info.org.ua>)
- Help Us Help the Children (Kyiv)
- Vesta (Uzhgorod)
- International Women’s Rights Center La Strada - Ukraine (Kyiv, <http://www.lastrada.kiev.ua>)
- Dzherelo Nadii (Vinnytsia)
- Rozrada International Humanitarian Center (Kyiv, <http://www.rozrada.kiev.ua>)
- Men Against Violence (Vinnytsia)
- School of Equal Opportunities (Kyiv)
- Progressive Women (Vinnytsia)
- SOCIUM – XXI (Kyiv)
- Berehynia (Vradiyivka, Mykolayiv Oblast)
- Ukrainian Red Cross Society, National Committee (Kyiv, <http://www.red-cross.org.ua>)
- Youth Association for Civic Initiatives (MAGI) (Yenakieve, Donetsk Oblast)
- Women’s Consortium of Ukraine (Kyiv)
- Centre for Civil and Social Initiatives (Zaporizhzhia)
- Youth CAN All-Ukrainian Youth Civic Organization (Kyiv, <http://www.ycan.org>)
- Avenir (Zhitomir)
- Women of Donbas (Luhansk)
- Women Informative-Consulting Center (Zhytomyr)
- Veles Association for Regional Development (Lutsk, Volyn Oblast)

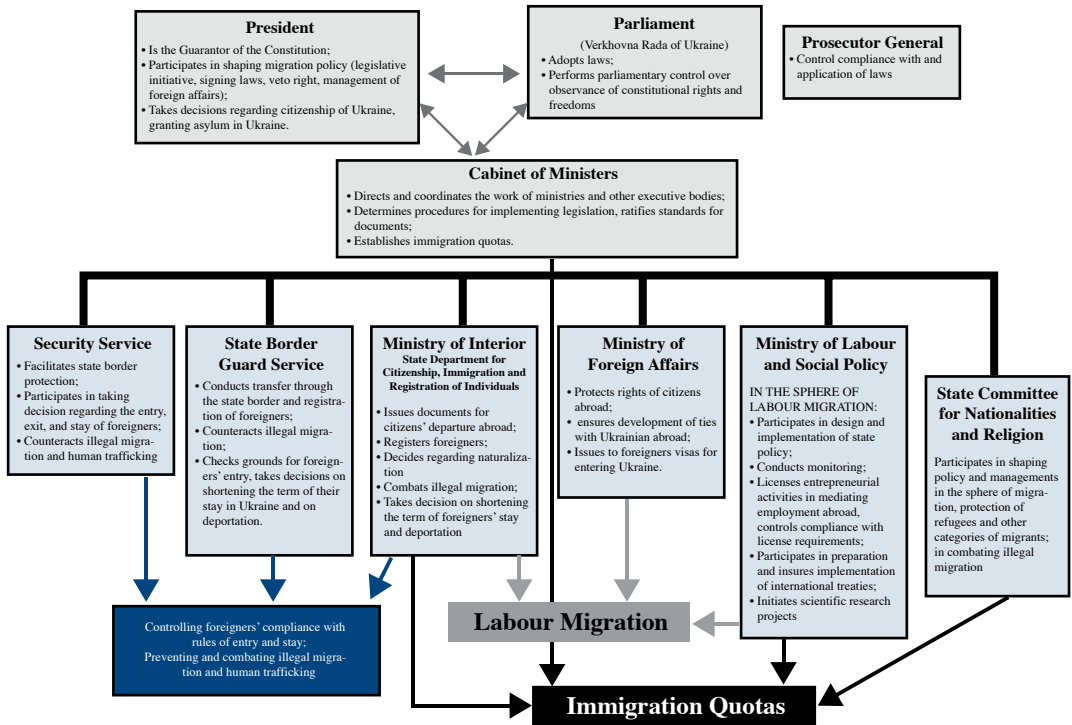
Migration Research Institutions

- Institute of Demography and Social Studies of the National Academy of Science (NAS) of Ukraine (<http://www.idss.org.ua>)
- Institute of Sociology, NAS of Ukraine (<http://www.i-soc.com.ua>)
- National Institute for International Security Problems (<http://www.niisp.gov.ua>)
- State Institute for Family and Youth Problems of the Ministry of Ukraine for family, youth and sport issues (<http://www.dipsm.org.ua>)
- Ternopil Regional Employment Center (<http://www.dcz.gov.ua/ter>)
- Ukrainian Center for Social Reforms (public organization founded by members of the Institute of Demography and Social Studies)
- O.Yaremenko Ukrainian Institute of Social Studies and Center “Social Monitoring” (allied organizations, Olga Balakireva, 280-83-05) (<http://www.uisr.org.ua>)

- Center for Peace, Conversion and Foreign Policy of Ukraine (Natalia Parkhomenko, 230-83-76) (<http://www.cpcfpu.org.ua>)
- Kennan Institute Kyiv project (Yaroslav Pylynskiy, 278-68-17) (<http://www.kennan.kiev.ua>)

7. ANNEX

Annex 1. The display of roles on migration policy in Ukraine



17 route des Morillons CH-1211 Geneva 19, Switzerland
Tel: +41 22 717 9111 • Fax: +41 22 798 6150
E-mail: hq@iom.int • Internet: <http://www.iom.int>

ISBN 978-92-9068-486-2



US \$15.00