

MPC – MIGRATION POLICY CENTRE

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MPC - MIGRATION PROFILE

Ukraine

The Demographic-Economic Framework of Migration
The Legal Framework of Migration
The Socio-Political Framework of Migration

Report written by the

MPC Team

on the basis of CARIM East database and publications

June, 2013

The Demographic-Economic Framework of Migration

Since the fall of the 'iron curtain' in 1991 a set of complicated migration patterns transpired in Ukraine.

With Russia, Ukraine has the second largest migration corridor in the world (the US-Mexico corridor being the largest). Keeping this in mind Ukraine had and continues to have the difficult task of building migration systems with large and frequently used borders. Ukraine's demographic mosaic is beset by relatively high mortality rates (especially for males), falling fertility rates and significant net migration outflows. For example the population fell from 51,944,000 million persons in 1991 to 45,533,000 million persons in 2013.

In addition, since 1991, Ukraine has gradually become a major transit country for reaching Western states through its large borders. Based on this complex picture, it is clear that Ukraine will continue to become an increasingly important country in world migration patterns and networks.

Outward migration	Inward migration																																																																																																																																																																														
<p>Stocks</p> <p>According to destination countries' statistics, 5,335,840 or 1,869,255 Ukrainian migrants resided abroad in years around 2012 (table 1), who represent respectively 11.7% or 4.1% of the total population residing in Ukraine. The huge difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.</p> <table border="1"> <caption>Table 1 - Ukrainian emigration stocks by country of residence, most recent data (c. 2012)</caption> <thead> <tr> <th>Country of residence</th> <th>Definition (a)</th> <th>Reference date (Jan 1st)</th> <th>Number</th> <th>Number</th> <th>%</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>European Union</td> <td></td> <td></td> <td>1,052,184</td> <td></td> <td>19.7</td> <td>56.3</td> </tr> <tr> <td>of which Poland</td> <td>(A)</td> <td>2012</td> <td>227,446</td> <td></td> <td>4.3</td> <td>12.2</td> </tr> <tr> <td>Italy</td> <td>(A)</td> <td>2012</td> <td>201,830</td> <td></td> <td>3.8</td> <td>10.8</td> </tr> <tr> <td>Germany</td> <td>(B)</td> <td>2012</td> <td>153,393</td> <td></td> <td>2.9</td> <td>8.2</td> </tr> <tr> <td>CIS countries + Georgia</td> <td></td> <td></td> <td>3,581,104</td> <td>114,519</td> <td>67.1</td> <td>6.1</td> </tr> <tr> <td>of which Russia</td> <td>(A)</td> <td>2002</td> <td>3,559,975</td> <td>X</td> <td>66.7</td> <td>X</td> </tr> <tr> <td>Russia</td> <td>(B)</td> <td>2010</td> <td>X</td> <td>93,390</td> <td>X</td> <td>5.0</td> </tr> <tr> <td>Belarus</td> <td>(B)</td> <td>2009</td> <td>16,874</td> <td></td> <td>0.3</td> <td>0.9</td> </tr> <tr> <td>Moldova</td> <td>(B)</td> <td>2010</td> <td>3,291</td> <td></td> <td>0.1</td> <td>0.2</td> </tr> <tr> <td>Other countries (b)</td> <td></td> <td></td> <td>702,552</td> <td></td> <td>13.2</td> <td>37.6</td> </tr> <tr> <td>of which US</td> <td>(A)</td> <td>2011</td> <td>351,793</td> <td></td> <td>6.6</td> <td>18.8</td> </tr> <tr> <td>Israel</td> <td>(A)</td> <td>2005</td> <td>258,793</td> <td></td> <td>4.9</td> <td>13.8</td> </tr> <tr> <td>Canada</td> <td>(A)</td> <td>2006</td> <td>59,460</td> <td></td> <td>1.1</td> <td>3.2</td> </tr> <tr> <td>Main total</td> <td></td> <td></td> <td>5,335,840</td> <td>1,869,255</td> <td>100.0</td> <td>100.0</td> </tr> </tbody> </table> <p>(a): Ukrainian migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence, in Russia both numbers are reported.</p> <p>(b): "Other countries" include Iceland, Liechtenstein, Norway, Switzerland, Egypt, Jordan, Turkey, Canada, US, Australia, New Zealand, Chile, Japan, Mexico and Israel.</p> <p>Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)</p> <p>Indeed, in Russia, while individuals born in Ukraine are almost 3.6 million, Ukrainian citizens stand only at 93,390. The former (largest) number is the result of massive migration during Soviet period and massive ethnic repatriation waves occurred just after the collapse of the USSR, according to which millions of people - born in the Ukrainian territory before 1991 with Russian descent - decided to 'return' their origin country. They are the so-called ethnic Russians who are generally not perceived as Ukrainian emigrants, but Russian nationals.</p>	Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%	European Union			1,052,184		19.7	56.3	of which Poland	(A)	2012	227,446		4.3	12.2	Italy	(A)	2012	201,830		3.8	10.8	Germany	(B)	2012	153,393		2.9	8.2	CIS countries + Georgia			3,581,104	114,519	67.1	6.1	of which Russia	(A)	2002	3,559,975	X	66.7	X	Russia	(B)	2010	X	93,390	X	5.0	Belarus	(B)	2009	16,874		0.3	0.9	Moldova	(B)	2010	3,291		0.1	0.2	Other countries (b)			702,552		13.2	37.6	of which US	(A)	2011	351,793		6.6	18.8	Israel	(A)	2005	258,793		4.9	13.8	Canada	(A)	2006	59,460		1.1	3.2	Main total			5,335,840	1,869,255	100.0	100.0	<p>Stocks</p> <p>An accurate and up-to-date estimation of immigration stocks in Ukraine will be available after the 2013 Census is complete. At present the most accurate data is from 2001 (table 2).</p> <table border="1"> <caption>Table 2 - Immigration stocks in Ukraine according to different criteria, 2001</caption> <thead> <tr> <th>Country of citizenship/ country of birth</th> <th>Number (birth)</th> <th>Number (citizenship)</th> </tr> </thead> <tbody> <tr> <td>CIS countries + Georgia</td> <td>4,837,303</td> <td>163,464</td> </tr> <tr> <td>of which Russia</td> <td>3,613,240</td> <td>103,728</td> </tr> <tr> <td>Belarus</td> <td>270,751</td> <td>5,872</td> </tr> <tr> <td>Kazakhstan</td> <td>245,072</td> <td>5,175</td> </tr> <tr> <td>Uzbekistan</td> <td>242,390</td> <td>5,444</td> </tr> <tr> <td>Moldova</td> <td>165,126</td> <td>15,087</td> </tr> <tr> <td>Azerbaijan</td> <td>90,753</td> <td>8,479</td> </tr> <tr> <td>Georgia</td> <td>71,015</td> <td>6,446</td> </tr> <tr> <td>Armenia</td> <td>52,168</td> <td>10,686</td> </tr> <tr> <td>Tajikistan</td> <td>32,386</td> <td>1,090</td> </tr> <tr> <td>Kyrgyzstan</td> <td>29,476</td> <td>635</td> </tr> <tr> <td>Turkmenistan</td> <td>24,926</td> <td>822</td> </tr> <tr> <td>Other countries</td> <td>494,125</td> <td>66,608</td> </tr> <tr> <td>of which Poland</td> <td>145,106</td> <td>1,091</td> </tr> <tr> <td>Germany</td> <td>64,015</td> <td>517</td> </tr> <tr> <td>Vietnam</td> <td>3,399</td> <td>4,970</td> </tr> <tr> <td>China</td> <td>5,015</td> <td>2,999</td> </tr> <tr> <td>Total migrants</td> <td>5,331,428</td> <td>230,072</td> </tr> <tr> <td><i>% of the total population</i></td> <td><i>11.1</i></td> <td><i>0.5</i></td> </tr> <tr> <td>Stateless</td> <td>-</td> <td>84,047</td> </tr> <tr> <td>Total migrants + stateless</td> <td>5,331,428</td> <td>314,119</td> </tr> <tr> <td><i>% of the total population</i></td> <td><i>11.1</i></td> <td><i>0.7</i></td> </tr> </tbody> </table> <p>Source: Population Census - 2001</p>	Country of citizenship/ country of birth	Number (birth)	Number (citizenship)	CIS countries + Georgia	4,837,303	163,464	of which Russia	3,613,240	103,728	Belarus	270,751	5,872	Kazakhstan	245,072	5,175	Uzbekistan	242,390	5,444	Moldova	165,126	15,087	Azerbaijan	90,753	8,479	Georgia	71,015	6,446	Armenia	52,168	10,686	Tajikistan	32,386	1,090	Kyrgyzstan	29,476	635	Turkmenistan	24,926	822	Other countries	494,125	66,608	of which Poland	145,106	1,091	Germany	64,015	517	Vietnam	3,399	4,970	China	5,015	2,999	Total migrants	5,331,428	230,072	<i>% of the total population</i>	<i>11.1</i>	<i>0.5</i>	Stateless	-	84,047	Total migrants + stateless	5,331,428	314,119	<i>% of the total population</i>	<i>11.1</i>	<i>0.7</i>
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A peculiar characteristic of Ukrainian migrants is that they are widespread all over the world. Very high numbers are indeed found in the EU (around 1 million – among which Poland 227,446, Italy 201,380 and Germany 153,393), North American countries (411,253 - the US 351,793 and Canada 59,460), as well as in Israel (258,793).

It is important to note that both sexes have been heavily involved in Ukrainian migration patterns. Still, patterns and characteristics of movements largely differ by sex. The 2008 “Modular Population Survey of Labour Migration Issues” (hereafter ‘the 2008 Survey’) gives a picture of recent labour emigration from Ukraine by shedding light on the abovementioned gender peculiarities.¹

Around two thirds of migrants are male but large differences are observed according to destinations. For example, Italy, Germany and Greece hold a higher share of females. Even though there are more males than females, in Poland, Spain and Portugal the percentage of Ukrainian females residing there are higher than the overall average of female labour force migrants. This is clearly related to different labour market structures of host societies. Migrants in Italy mainly employed in caregiving household services while in Spain in construction and touristic service sectors – at least until the 2008 crisis. Indeed, male labour migrants from Ukraine are mostly employed in construction and female migrants work as domestic helps and retail. Males are more heavily stocked in the Czech Republic, Hungary and especially Russia (source: the 2008 Survey).

As to their age profile, the absolute majority of labour migrants are 20-49 years old. While there is a sharp drop in migration in males after the age of 50, whereas females retain relatively high migration activity even in the years preceding retirement. Moreover, the share of rural migrants in labour migration is greater than that of migrants from an urban background: while urban labour migrants go to make up 3.9% of working age population, for rural areas this figure stands at 7.9%. As to gender specificities, around 78% of female labour migrants were from urban areas which had lower levels of unemployment, possibly indicating the attraction of foreign labour markets (source: the 2008 Survey).

Another telling statistic is the average level of education of migrant stocks being lower than the average for Ukraine. As of 2008 the average number of years of education for non-migrants was 15.3 years and for migrants 11.8 years. For the same respective groups 23.2% and 13.5% received a higher education degree. Moreover, migrants to

In 2001, more than 5 million individuals born abroad and 230,072 foreign citizens resided in Ukraine (11.1% and 0.5% of the total population, respectively). Again, this discrepancy is due to the fact that the majority of 5.3 million individuals born abroad are individuals born in the USSR with Ukrainian descent who, after the dissolution of the USSR, ‘returned’ en masse to their parents’ home country as well as other ethnic groups who migrated during the Soviet period. Rather than international migrants, they are today perceived as ethnic Ukrainians.

The majority of immigrants originated from other former Soviet Republics (90.7% and 71.0% according to country of birth and country of citizenship criterion, respectively) and especially from Russia (67.8% and 45.1%, respectively).

Other important stocks are comprised of persons from Germany, Vietnam and China but also Poland. The latter subgroup are mostly ethnic Ukrainians who were resettled from Poland to Ukrainian Soviet Socialist Republic after World War II.

It is worth noting the high number of stateless people (84,047). This reflects a situation shared by most CIS countries. After the USSR dissolution, large numbers of people lost their citizenship as they were unable to confirm or acquire citizenship of any new-born state. This was the result of cumbersome legal requirements adopted in new independent states (for more details, see the section on ‘citizenship’ in ‘The Legal Framework’ below). As a result, all these people fell in the category of ‘non status migrants’.

The age distribution of immigrant stocks is skewed towards the working age population, especially the younger and middle aged groups. There is a slight gender difference with 53.2% being male, whereas in the Ukrainian population men only constitute 46.3%. However for stocks from non-former USSR states the male-female ratio is 3.4.

As of the end of 2011, 313,000 foreign nationals were registered with the Ministry of Interior. Evidently the stocks of immigrants have remained consistent since 2001. They were mostly from Russia (147,000), Azerbaijan (15,700), Moldova (15,400), Armenia (11,800), Georgia (11,500), Uzbekistan (10,100), Turkmenistan (8,700), Belarus (7,900), China (7,400), stateless individuals (6,400) and Vietnam (5,700).

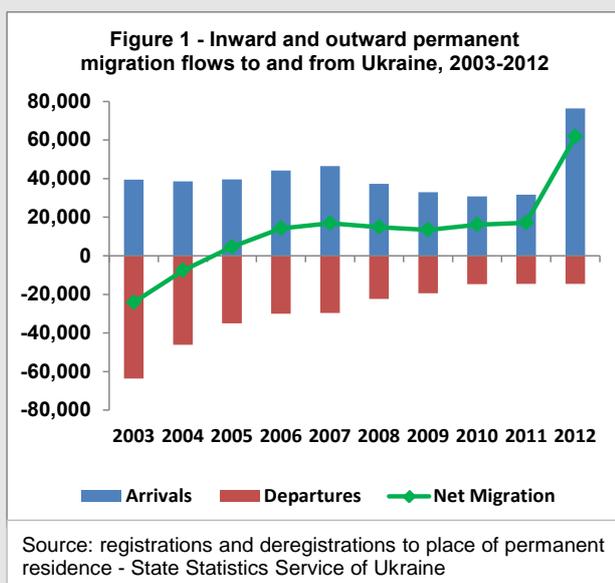
¹ The Modular Population Survey of Labour Migration Issues was carried out by the State Statistics Service of Ukraine in 2008 and represents the first representative survey on labour migration issues from Ukraine. Labour migrants are here defined as “Ukrainian citizens of working age (women 15-54 years, men 15-59 years) who have been abroad for employment at least once from January 2005 to the interview date in May-June 2008”.

neighbouring countries (Russia, Poland, the Czech Republic, and Hungary) take periodic short trips returning constantly to Ukraine. Those headed to southern European countries tend, on the other hand, to stay there for extended periods of time – or permanently. The same survey found that roughly two out of three migrants were found to be without residence and work permits. In the Czech Republic, Spain and Portugal migrants were more likely to have legal means of residence and work. Whereas for Poland and Italy the converse was the case (source: the 2008 Survey).

Remittances are a central source of foreign currency in Ukraine, with 4.67 and 4.43 billion (\$US) dollars sent in 2007 and 2010 (Ptukha Institute of Demography and Social Research, 2011).

Flows

In the space of 10 years migration flows from Ukraine have consistently fallen and remained consistent from 2010 to 2012 (see figure 1). However, these statistics taken from official registrations and deregistrations at a place of permanent residence tend to underestimate real flows for two series of reasons: (1) outgoing persons are not incentivized to deregister; (2) temporary flows are not recorded.



From 2001-2009 the known major destination of over half of all Ukrainian emigrants was Russia. This figure fell to 40.4% in 2010 and to 35.3% in 2011. All other former Soviet states consistently account for 10-11% of all emigration flows from Ukraine. There has also been a continual increase of emigration flows to non-former Soviet states, especially Israel, Germany and the US. This percentage of flows to these states peaked in 2011 at 54.2%. Each country at some point being top of this category in the past 10 years. The Czech Republic, Spain, Italy, Poland, Hungary and Canada are other popular destinations.

The number of officially registered labour immigrants were 7,800 in early 2011. The largest groups of them are employed in retail, service and the repair of automobiles, household items and items of personal use (22.7%), processing (18.9%), and construction (18.1%). The crisis has decreased the share working in construction, while the other two sectors have grown. A sharp increase is evident in the number of those employed in real estate, rental and engineering, in the Business-to-Business sector (from 5.0% in early 2006 up to 14.1% in early 2011).

Educational enrolment by foreigners in tertiary education continues to rise. In the academic year of 2012/2013 49,000 non-Ukrainians enrolled. Major stocks are from Turkmenistan (10,500), China (3,200) and Russia (2,900). Within the previous five years, the number of Russians and Chinese fell by a third with the number of Turkmens increasing by sixfold.

On first day of 2011 there were 2,345 registered refugees in Ukraine from over 40 countries. Although over half were Afghani citizens this percentage has fallen from 86% in 1996. Males hold higher shares with three quarters of all refugees of working age, less than 3% at retirement ages.

Flows

According to the Ukrainian State Statistics Service, the number of incomers to Ukraine in recent years (2008-2012) has been stable at 30,000-37,000 a year with an evident peak in 2012 (figure 1). The latter peak is however due to improving of foreigners residence registration after the adoption of the new Law of Ukraine "On Immigration". As a whole this source of information does not show the year of arrival of migrants but the year of their residence registration.

Prior to 2012 the flows remained consistent with 42-46% originating from Russia. Around 40% of flows are from other former USSR-states. Flows from wider afield are from Israel, the US, Germany, Turkey and China – providing around 18% of annual flows.

For the 2012/2013 academic year, flows to Ukraine by international students stood at 9,300, with one-third being citizens of China, Russia and Turkmenistan. Although the world financial recession saw admissions fall by one sixth flows have returned to former levels and are increasing.

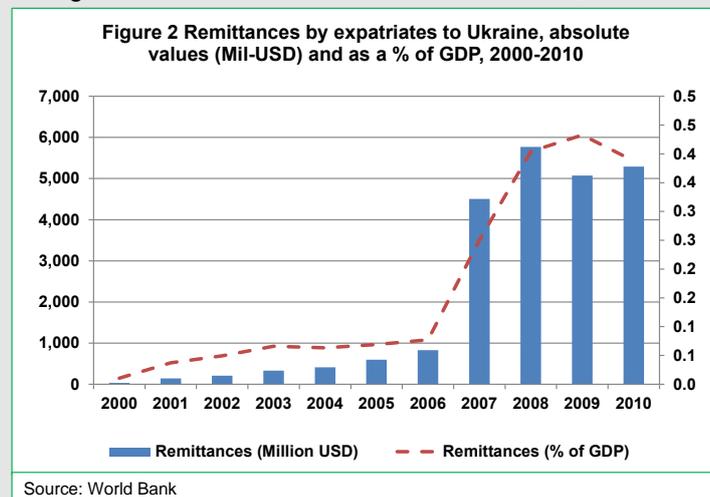
Since the collapse of the former Soviet Union, Ukraine has effectively had open borders with CIS countries and a facilitated border crossing regime with its western neighbours. As such, it has become a major transit country for irregular migrants to Western Europe.

For example, agencies of the Ukrainian Ministry of Interior annually detain 14,000-15,000 irregular migrants, the majority of which emanate from former USSR states i.e. Russia, Uzbekistan, Azerbaijan, Moldova, Georgia and Armenia. Overall, the number of migrants who have been refused entry to Ukraine, in 2008 increased by a factor of 2.8 vis-a-vis the figures from 2002. Finally, in 2011, one in six migrants were charged with administrative offences that punished overstaying on a visa with a fine (under article 203 of the Ukrainian Administrative Code). A further 13,000 were deported (1,800 forcibly) and 10,400 were forbidden any return to Ukraine.

Ukrainian Remittance Flows

There are two telling statistics of Ukrainian remittance inflows in figure 2. First the Ukrainian economy receives significant credit from remittances. Second, these flows look set to rise, particularly over the last five years. According to World Bank data, remittance inflows to Ukraine increased by a factor of almost seven between 2006 and 2010 (from US\$ 829 million to US\$ 5,607 million). This huge increase in remittances may, of course, reflect improvements in the central bank's remittance recording system, rather than changes in migrants' remittance behaviour. And data on remittances in the CIS region is generally criticized for the poor reliability of said information (Shelburne and Palacin, 2008). However, it is an undeniable fact that migrant remittances contribute to family welfare as an extra source of income, and a booster to higher living standards and human capital formation, particularly by improving access to education and health (Kupets, 2010).

Official recorded remittances of Ukrainian expatriates constitute between 0.1% (2000) to 3.0% (2010) of total GDP. If non-recorded remittance flows are included in this statistic this figure is most likely to be larger. Although this figure is not recorded and difficult to estimate, estimates of families with family members employed abroad



show their income up to be up to nominally one third in comparison to the Ukrainian familial average. Finally, a European Training Foundation study (2008) found expenditures to mainly focus on consumption – 73% for living expenses, 26% for consumable items and furniture and 3.3% on business start-ups.

One in six Ukrainians employed abroad regularly send official remittances to Ukraine (61.1%). A higher percentage of migrants transfer money from countries further away i.e. Spain (81.8%), Italy (78.6%), and Portugal (71.3%). It is likely that migrants from neighbouring countries (i.e. Russia, Hungary and Poland) are likely transporting

remittances either by person or via personal acquaintances. Legal migrants tend to send larger amounts than irregular and 'not defined' migrants - \$2,831 USD and \$2,551 (US dollars) respectively.

References: Kupets O. 2012. The Development and the Side Effects of Remittances in the CIS Countries: the Case of Ukraine, CARIM-East Research Report 2012/02, European University Institute, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI); Ptukha Institute of Demography and Social Research. 2011. Evaluation of labour migrants' income and development of fiscal mechanisms for their channeling into the national economy, National Academy of Sciences of Ukraine, Kiev; Shelburne R., Palacin J. 2008. "Remittance Flows in the Transition Economies: Levels, Trends, and Determinants," ECE Discussion Papers Series 2008_5, UNECE.

The Legal Framework of Migration

Ukraine has been an active legislator in the field of immigration control and management since the late 1990s. The activities were related mainly to the Ukrainian participation in regional consultative processes as well as changing migration patterns. International organizations underscore that since state independence, Ukraine has made tangible progress towards bringing its migration legislation and advocacy practice in line with international human rights standards. It adopted modern migration legislation, created a State Migration Service, incorporated international agreements on human rights into its national legislature and developed international cooperation in the area of migration.

Ukraine's migration legislation has recently undergone serious reforms mainly due to the implementation of the EU Visa Liberalization Action Plan presented by the EU to Ukraine in November 2010. This document is a road map for complex reforms in migration, visa, asylum and some other policies of Ukraine (e.g. document security, public order and security, personal data protection, etc.). It consists of two main phases – legislative (drafting and adopting of new national legislative acts) and implementing (implementation of new legislation). On 22 April 2011, National Plan on Implementation of the EU-Ukraine Action Plan on visa liberalization was adopted. This document sketches a clear list of legislative changes and amendments Ukraine will adopt in the years to come in the field of migration.

Legal Framework	Outward migration	Inward migration
General legal references	<p align="center">Legal and political framework governing migration and mobility</p> <p>2012 Law on the Legal Status of Foreign Citizens and Stateless Persons</p> <p>2012 Law on Refugees and Persons in Need of Subsidiary and Temporary Protection</p> <p>2012 Action Plan on Integration of Refugees until 2020</p> <p>2011 Law on Combating Trafficking in Human Beings</p> <p>2001 Law on Immigration</p> <p>2001 (amended in 2005) Law on Citizenship of Ukraine</p> <p>1996 Constitution of Ukraine</p>	
Entry and Exit	<p align="center">Visa</p> <p>Ukraine (UA) has concluded the Visa Facilitation Agreement with the EU, which is in force since 2008 and which was amended in 2012. Moreover, it has signed special Local Border Traffic Agreements with its EU neighbours: Poland in 2009, Slovak Republic in 2008, and Hungary in 2007.</p> <p>Ukrainian citizens are exempted from the visa requirements in the CIS countries (1992 Agreement), Albania, Antigua and Barbuda, Argentina, Bosnia and Herzegovina, Brazil, Brunei, China, Columbia, Ecuador, Georgia, Guatemala, Hong-Kong, Israel, Macedonia, Malaysia, Micronesia, Mongolia, Montenegro, Namibia, Nicaragua, Palau, Panama, Paraguay, Peru, Salvador, Seychelles, Serbia, Swaziland, and Uruguay.</p>	<p align="center">Visa</p> <p>As of November 2012 in accordance with the national legislation of Ukraine and its bilateral agreements, citizens of: Andorra, Argentina, Armenia, Brazil, Croatia, Canada, the European Union, The Holy See, Israel, Georgia, Japan, Republic of Korea, Kazakhstan, Kyrgyzstan, Macedonia, Montenegro, Paraguay, Tajikistan, United States of America, do not need short – stay visas for the period of stay that does not exceed 90 days in 180 days.</p> <p>Citizens of Bosnia and Herzegovina, Brunei Darussalam, Serbia and Turkey may enter Ukraine without a visa for the period of stay that does not exceed 30 days, while for the residents of Hong-Kong (China) the period is up to 14 days.</p>

	<p style="text-align: center;">Cross-border mobility</p> <p>According to the Law of 21 January 1994 № 3857- XII on the “Rules of exit of the territory of Ukraine and entry to the UA territory by the citizens of Ukraine”² UA citizens have the right to exit and enter the territory of Ukraine. The right of the citizens of Ukraine to exit Ukraine may be restricted if subject to criminal inquiry or already sentenced.</p>	<p style="text-align: center;">Cross-border mobility</p> <p>The Law “On the legal status of foreigners and stateless persons”³ stipulates that foreigners and stateless persons may enter the territory of Ukraine with a valid travel document.</p> <p>Article 8 of the ‘Law on Border Control’ stipulates the conditions to enter Ukraine: a valid travel document; a valid visa; a valid purpose of stay; proof of sufficient means of subsistence for the duration of the stay and for the return.</p> <p>Asylum seekers are exempted from these entry conditions (see below).</p>
<p>Irregular migration</p>	<p>Ukraine has signed readmission agreements and agreements on the transfer and admission of persons across the common state border or persons illegally staying on the territory of the states. As of November 2012 Ukraine has agreements on readmission with Armenia, EU, Georgia, Hungary, Poland, Slovak Republic, Turkmenistan, Vietnam, and Uzbekistan.</p> <p>Agreement on cooperation between CIS Member States in combating illegal migration of 6 March 1998 regulates cooperation between Ukraine and other countries in the CIS area. On this basis Ukraine must develop instruments curbing irregular migration of its own nationals, in accordance with international law.</p> <p>Ukraine ratified Palermo Protocols in 2004.</p>	<p>The Law “On the Legal status of foreigners and stateless persons” defines as an irregular immigrant a foreigner or stateless person who crossed the border avoiding the border crossing or border control and failed to promptly apply for refugee status or asylum in Ukraine, as well as a foreigner who overstayed the visa or residence permit.</p> <p>Rejected asylum seekers, as well as over-stayers or those who cannot depart due to lack of funds or loss of passport, can apply for Voluntary Return to their countries of origin at the State Migration Service (SMS). The latter issues a certificate of the voluntarily returning person, serving as a temporary residence permit. Voluntary Return has to take place within 60 days after application. The returnees are not detained but have to report the place of stay at the SMS once a week.</p> <p>Forced return is ordered by the SMS, the State Security Service or the border agency (subsequent notification of a prosecutor within 24 h) in relation to the foreigners who violate the legislation on the legal status of foreigners; are detained in controlled border areas because of the unlawful border crossing; pose risk for national security/public order/public health. The persons in question are given up to 30 days for an independent departure. The non-compliance leads to forced expulsion. 3 year entry ban is possible in case of forced return. Foreigners are not detained but can be accompanied by representatives of the competent authorities.</p>

² the Law dated from January, 21, 1994 № 3857- XII on the “Rules of exit of the territory of Ukraine and entry to the territory of Ukraine by the citizens of Ukraine” is available at <http://zakon2.rada.gov.ua/laws/show/3857-12>

³ The Law “On the legal status of foreigners and stateless persons”, adopted on September, 22, 2011³, № 3773-VI is available at <http://zakon3.rada.gov.ua/laws/show/3773-17>

		<p>Forced expulsion is ordered by an administrative court at the request of the competent authorities in case of non-compliance with the decision on voluntary departure or if there are reasonable grounds to believe that foreigners or stateless persons will avoid fulfilment of this decision. The court defines the period of entry ban. Its decision on forced expulsion can be appealed. Foreigners are placed by SMS or border agency (with subsequent notification of a prosecutor within 24 h) in Centres of Temporary Stay up to 12 months.</p> <p>Article 332 of the Criminal Code of Ukraine⁴ the illegal transfer through the state border of Ukraine, organizing of illegal transfer through the state border of Ukraine, presiding of illegal transfer or assistance in the illegal transfer through the state border of Ukraine are criminal offences (subject to imprisonment for 3-9 years).</p>
	<p>According to Article 149 of the Criminal Code of Ukraine human trafficking or the unlawful treatment against human beings, as well as any kind of assistance in human trafficking is a grave criminal offence (subject to imprisonment for 3-15 years).</p> <p>The Law on Combating Trafficking in Human Beings, adopted in 2011, establishes organisational and legal principles of combating trafficking in human beings, the main strands of the state policy and the basis for international cooperation in this field, the powers of executive authorities, the procedure to declare the status of victims of trafficking in human beings as well as the procedure for the provision of assistance to such persons.</p> <p>Ukraine ratified Palermo Protocols in 2004.</p>	
<p>Rights and settlement</p>	<p>Citizens of Ukraine who have decided to reside permanently in another country have to receive a permit on permanent residence abroad. The issuance of such permits is within the competence of the State Migration Service of Ukraine.</p> <p>Moreover, Ukrainian citizens permanently residing abroad have to receive permanent consular registration at the Ukrainian Consulate or Embassy.</p> <p>The Law of 4 March 2004, № 1582-VI "On legal Status of Foreign Ukrainians"⁵ citizens of other countries or stateless persons that have Ukrainian ethnical origin are considered Foreign Ukrainians.</p>	<p>Before obtaining permanent or temporary residence permits, foreign nationals and stateless persons have to obtain a long-stay "D" visas which are issued by Ukrainian Embassies and Consulates abroad. There is no way to obtain a long-stay visa in Ukraine or at the border. The long-stay visas are single-entry visas and are valid for 45 days.</p> <p>The Ukrainian long-stay visas are issued for the purpose of: employment immigration; study; international technical assistance; religious mission; work at the branch of foreign company; work at the branch of foreign bank; mass-media; cultural and sport exchange; volunteer work; family reunification.</p>

⁴ The Criminal Code of Ukraine is available at <http://zakon3.rada.gov.ua/laws/show/2341-14>

⁵ The Law on dated March 4, 2004, № 1582-VI "On legal Status of Foreign Ukrainians" is available at <http://zakon2.rada.gov.ua/laws/show/1582-15>

	<p>Foreign Ukrainians have preferences as regards entry and stay, work and study in Ukraine: in case of necessity, visas for foreign Ukrainians may be issued as multiple with a term of validity up to 5 years; issuance of visas for foreign Ukrainians is free of charge; there is no need for foreign Ukrainian to present to the consulate of Ukraine abroad any invitation or other proving the purpose of his travel when applying for a visa; foreign Ukrainians have the right to work in Ukraine without work permit and to immigrate to Ukraine outside of the immigration quotas (see below); foreign Ukrainians also have reserved quotas in Ukrainian high schools and Universities.</p>	<p>The Law “On the legal status of foreigners and stateless persons” the Law “On Immigration” stipulate that the permanent residence permit may be issued to the foreigners or stateless persons that received an immigration permit. Foreigners may immigrate to Ukraine within the ‘immigration quota’ set up by the Government of Ukraine. The ‘immigration quota’ includes the following categories of immigrants: 1) persons working in the field of science and culture, whose immigration to Ukraine is within Ukrainian national interests; 2) highly qualified specialists and workers, whose specialties and skills are urgently needed for the national economy; 3) investors that have made a registered investment into the national economy (not less than USD 100.000); 4) brothers, sisters, grandmothers and grandfathers as well as grandsons and granddaughters of the citizens of Ukraine; persons that have held Ukrainian citizenship before; 5) parents, spouses and minor children of the immigrant; 6) persons that have been residing within the territory of Ukraine permanently from the day of granting them the status of a victim of human trafficking.</p> <p>Outside the immigration quota the permanent residence permit is issued to: 1) spouse (in case of being married for 2 years or more), minor children and parents of the UA citizen; 2) persons that are legal guardians of the citizens of Ukraine or persons that are under the legal guardianship of the UA citizens; 3) persons that have the right to obtain UA citizenship; 4) persons whose immigration presents a state interest for Ukraine; 5) foreign Ukrainians, their spouses and children; 6) Former citizens of Ukraine who stay permanently in Ukraine after the decision to terminate the citizenship.</p> <p>In all other cases a temporary residence permit is issued whose validity period is linked to the purpose of stay. Article 24 of the Law ‘On legal status of foreign citizens and stateless persons’ provides that the term of validity of temporary residence permit may be shortened by the State Migration Service of Ukraine in case if the legal basis for the foreigner to stay in Ukraine no longer exists.</p>
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<p>Labour</p>	<p>Ukraine has concluded bilateral agreements on Social Security with Bulgaria, Latvia, Lithuania, Romania, Slovakia, Hungary and Czech Republic.</p> <p>Article 9 para 32 of the <i>Law on licensing certain types of economic activity</i> regulates activities of the recruitment agencies. The license for private employment agency is issued by the Ministry of Labour and Social Policy according to the conditions stipulated by the regulation № 272 of 6 September 2010.</p>	<p>Labour migration of foreigners is regulated by the Constitution of Ukraine, the Law 'On legal status of foreigners and stateless persons', the Labour Code of Ukraine and the Decree of the Government of Ukraine № 322 of 8 April 2009 'On The Rules of issuance, extending and cancellation of the work permits of foreigners and stateless persons'⁶.</p> <p>The enterprises, state authorities and organizations have the right to invite foreigners and stateless persons to work in UA (see above).</p> <p>As of 1 January 2013, new legislation is in force. It closed some important gaps in the field of labour migration. Consequently, foreigners covered by various forms of international protection (see below) as well as permanent immigrants are entitled to employment on the same conditions as Ukrainians. However, the right to work for temporary migrants is limited: it still depends on the employer and there are no state-level solutions to recruitment.</p>

⁶ the Decree of the Government of Ukraine № 322, dated April, 8, 2009 'On The Rules of issuance, prolonging and cancellation of the work permits foreigners and stateless persons' is available at <http://zakon2.rada.gov.ua/laws/show/322-2009-%D0%BF>

	<p>Ukraine concluded bilateral agreements on labour activities and social security of migrant workers with Russian Federation, Moldova, Belarus, Armenia and Azerbaijan.</p> <p>Ukraine is a party of following multilateral agreements in the framework of CIS:</p> <p>2008 CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states, which apart from Ukraine has been ratified by Armenia, Azerbaijan and Belarus Agreement on cooperation in the field of labour migration and social protection for migrant workers of 15 April 1994 and the 2005 Protocol thereof.</p>	
<p>Citizenship</p>	<p>Article 25 of the Constitution guarantees that UA citizens of Ukraine cannot be deprived of UA citizenship or of the right to change it. However dual or multiple citizenships are not allowed for the citizens of Ukraine.</p> <p>If a citizen of Ukraine simultaneously becomes a citizen of another country (such cases often happen if according to the law of the second country the foreigner that acquires its citizenship does not have to renounce to his/her previous citizenship) in the legal relations with Ukraine he/she is recognized only as a citizen of Ukraine.</p> <p>Article 19 of the Law "On the Citizenship of Ukraine"⁷ stipulates that the UA citizenship is lost if:</p> <ol style="list-style-type: none"> 1. a citizen of Ukraine has voluntarily acquired the citizenship of another state after attaining his/her majority. 2. a foreigner acquired the citizenship of Ukraine and has not submitted a document certifying the termination of foreign citizenship or a declaration of its renunciation; 3. a foreigner has acquired the citizenship of Ukraine and used rights or fulfilled obligations provided or imposed on him/her by the foreign citizenship; 4. a person has acquired the citizenship of Ukraine to deliberately present false information or falsified documents; 5. a citizen of Ukraine has voluntarily entered military service, security service, law enforcement agencies, justice or state authorities or bodies of local self-government of another state without the permission of UA authorities. 	<p>The Law "On the Citizenship of Ukraine"⁸ stipulates that dual citizenship for foreigners and stateless persons acquiring the citizenship of Ukraine is not allowed. If a citizen of a foreign country wants to acquire Ukrainian citizenship he/she is obliged to renounce previous citizenship.</p> <p>According to Article 6 of the Law Ukrainian citizenship may be acquired:</p> <ol style="list-style-type: none"> 1) by birth (to Ukrainian parents or in cases where the child would be stateless according to the legislation of the country of parents' citizenship); 2) by territorial origin; 3) due to admission to the citizenship; 4) due to restoration of the citizenship; 5) due to adoption; 6) due to taking a child under the guardianship or ward, placing a child into a child-care institution, medical institution, foster home or adopting family, or due to placing a child into a patronage fostering family 7) due to taking a guardianship of a person, declared incapable by a court; 8) in relation to Ukrainian citizenship of one or both parents of the child; 9) due to recognition of the fact of paternity and maternity, or due to establishment of the fact of paternity and maternity 10) on the basis of other grounds, provided by the international and bilateral agreements. <p>The main pre-conditions for the naturalization are:</p> <ol style="list-style-type: none"> 1. Recognition and observance of the Constitution of Ukraine (254к/96-BP) and the laws of Ukraine; 2. Filing of a declaration of absence of foreign citizenship (for stateless persons) or an obligation of renunciation of foreign citizenship (for foreigners);

⁷ the Law "On the Citizenship of Ukraine is available at <http://zakon1.rada.gov.ua/laws/show/2235-14>

⁸ the Law "On the Citizenship of Ukraine is available at <http://zakon1.rada.gov.ua/laws/show/2235-14>

		<ol style="list-style-type: none"> 3. Permanent lawful residence at the territory of Ukraine during the last five years (2 years for spouses of UA citizens, 3 years for refugees). 4. Permit for immigration (except for recognized refugees) 5. Basic knowledge of the national language. 6. Means of subsistence (not applicable to refugees)
<p>International Protection</p>	<p>The issues of asylum, refugee status and subsidiary protection are regulated by the Constitution of Ukraine, 'The Law on refugees and persons in need of complementary or temporary Protection'⁹ of 8 July 2011, The Law 'On legal status of foreigners and stateless persons' and other national legislative acts.</p> <p>In 2002 Ukraine also ratified The United Nations Convention Relating to the Status of Refugees. The United Nations High Commissioner for Refugees has his permanent mission in Ukraine.</p> <p>According to Article 26 of the Constitution of Ukraine an asylum in Ukraine may be granted to foreigners and stateless persons.</p> <p>In accordance with the 2011 Law the following forms of international protection exist in Ukraine:</p> <ul style="list-style-type: none"> – refugee status: in compliance with Geneva Convention; – complementary (subsidiary) protection: the form of protection, which is granted in Ukraine on an individual basis to foreigners and stateless persons who cannot obtain Geneva Convention refugee status, but need protection whereas such person was forced to arrive in Ukraine or stay in Ukraine in consequence of the threat to his/her life, safety or freedom in the country of origin owing to fear of execution in relation to him/her a death penalty or implementation of judgment on death penalty, torture or inhuman or degrading treatment or punishment), and – temporary protection: which is an exceptional time-bounded measure, and is granted to foreigners and stateless persons who arrived <i>en masse</i> from the country bordering Ukraine, and cannot return to the country of habitual residence owing to circumstances such as external aggression, foreign occupation, civil war, ethnic clashes, natural disasters, man-made disasters or other events which violate public order in a certain part or throughout the country of origin. 	

⁹ 'The Law on refugees and persons in need of complementary or temporary Protection' is available at <http://zakon2.rada.gov.ua/laws/show/3671-17>

The Socio-Political Framework of Migration

Ukraine has developed a migration policy that has been mainly influenced by its geopolitical situation. In fact, Ukraine has a more developed policy on migration management than the number of immigrants would suggest it necessary. The restrictive and control measures prevail, while the state has not used any mechanism to attract long-term immigrant workers with much needed skills: the quota for foreigners and stateless persons who are highly qualified specialists and workers has never been established, although it is provided for in the immigration law.

Moreover, Ukraine has not developed an active policy towards emigrant communities and Diaspora, which is at odds with the clear emigration character of the country and the negative role massive emigration plays in the socio-economic development of the country, facing a demographic decline.

In March 2010, State Migration Service of Ukraine was established. It is a central state authority of Ukraine responsible for the realization of the state policy in the field of migration (immigration and emigration) including combating illegal migration, citizenship, registration of natural persons, refugees.¹⁰ In May 2011, the Concept of Migration Policy of Ukraine¹¹ was adopted. The Concept provides analysis of the recent migration processes in Ukraine, provides the strategy of the development of migration policy of Ukraine, constitutes and divides the competences of the state authorities of Ukraine in the field of migration.

Ukraine's socio-political framework	Outward migration	Inward migration
Governmental Institutions	<p>Ministry of Foreign Affairs protects the rights of citizens abroad; ensures development of ties with Ukrainians abroad.</p> <p>Ministry of Labour and Social Policy has a joint responsibility with the Ministries of Foreign Affairs and Interior in terms of labour migration.</p>	<p>The President, 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.</p> <p>The Cabinet of Ministers establishes the immigration quota.</p> <p>Ukrainian Parliament Commissioner for Human Rights monitors access to rights by immigrants.</p> <p>State Border Guard Service (SBGS) registers foreigners at border check points; counteracts irregular migration; checks grounds for foreigners' entry; and takes decisions on shortening the term of their stay in Ukraine and deportation.</p> <p>Ministry of Interior, the State Department for Citizenship, Immigration and Registration of Individuals</p> <p>Ministry of Foreign Affairs is responsible for visa policy.</p> <p>Ministry of Labour and Social Policy develops policies on social wellbeing of migrants and refugees.</p> <p>State Migration Service has executive powers in the issues of migration, citizenship and immigration.</p>

¹⁰ Decree of the President of Ukraine №405/2011, dated April, 6, 2011 'On the Statute of the State Migration Service of Ukraine' is available at <http://zakon1.rada.gov.ua/laws/show/405/2011>

¹¹ Decree of the President of Ukraine "On Adoption of the Concept of Migration Policy of Ukraine" is available at <http://zakon2.rada.gov.ua/laws/show/622/2011>

		State Border Guard Service of Ukraine is a main state authority of Ukraine responsible for exercising border control.
Governmental Strategy	<p>Currently the main strategic document addressing emigration is 2011 Action Plan on Integration of Migrants and Reintegration of Ukrainian Migrants in Ukraine for 2011-2015.</p> <p>Main challenges include:</p> <ul style="list-style-type: none"> - reintegration of return migrants - repatriation of ethnic Ukrainians - education of emigrated children - ensuring voting rights abroad - simplification of procedures for emigrants - promotion of investments by emigrants 	<p>Currently a number of policy documents delineate main challenges in the area of immigration:</p> <ul style="list-style-type: none"> - 2011 Concept of Migration Policy of Ukraine - 2011 National Plan on Implementation of the EU-Ukraine Action Plan on visa liberalization - 2011 Action Plan on Integration of Migrants and Reintegration of Ukrainian Migrants in Ukraine for 2011-2015 - 2012 Social Programme on combating of human trafficking. <p>Main objectives include:</p> <ul style="list-style-type: none"> - attract skilled immigrants - develop and implement integration policies - conclude readmission agreements - develop foreigners control system based on biometric data - develop identification system for people under international protection - develop labour matching mechanisms
Civil Society	<p>Association for Cultural Relations with Ukrainians Abroad</p> <p>Ukrainians also establish their own associations in each of the country of destination.</p>	<p>The Open Ukraine Philanthropic Foundation</p> <p>The Kharkiv Regional Charitable Foundation (KRCF) "Social Service of Assistance" (previously "Caritas Kharkiv")</p> <p>The Western-Ukrainian Resource Centre (WURC)</p>
Migration and economic development	<p>Ukraine has not yet implemented programmes that would visibly link its communities abroad to economic development objectives at home.</p> <p>In the past two nation-wide projects were implemented by the state: the National Program "Ukrainian Diaspora" for 1996-2000, and the National Action Plan "Foreign Ukrainians" for 2001-2005. Both of them were geared to the requirements of Ukrainians who already lived abroad. They were mainly aimed at providing support to the development of relations with the Diaspora, involving them in nation-building in Ukraine, encouraging the preservation of ethnic identity and cultural legacies.</p>	<p>Traditionally immigration to Ukraine was limited to ethnic Ukrainians or people originating from the Soviet or post-Soviet area. Only in the recent years Ukraine has faced challenges integrating immigrants coming from culturally different regions of the world. These new challenges have been recognized and included in the recent government strategies (see above).</p>

	<p>The recent government strategies however underline the need to involve diasporas and emigrants for development of the country (see above).</p>	
<p>International Cooperation</p>	<p>Ukraine is a member of the following associations actively working on migration issues: IOM, Council of Europe, Commonwealth of Independent States, and OSCE. It participates in the following regional processes: Budapest Process, Prague Process, and Eastern Partnership. It is subject to the European Neighbourhood Policy and Black Sea Synergy.</p>	