The Ukrainian Migratory Corridor

by Alissa V. Tolstokorova
Improving EU and US Immigration Systems' Capacity for Responding to Global Challenges: Learning from experiences

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The project is co-funded by the European Commission in the framework of the Pilot Projects on “Transatlantic Methods for Handling Global Challenges in the European Union and United States”. The project is directed at the Migration Policy Center (MPC – Robert Schuman Centre for Advanced Studies – European University Institute, Florence) by Philippe Fargues, director of the MPC, and Demetrios Papademetriou president of the Migration Policy Institute (MPI) the partner institution.

The rationale for this project is to identify the ways in which EU and US immigration systems can be substantially improved in order to address the major challenges policymakers face on both sides of the Atlantic, both in the context of the current economic crisis, and in the longer term.

Ultimately, it is expected that the project will contribute to a more evidence-based and thoughtful approach to immigration policy on both sides of the Atlantic, and improve policymakers’ understanding of the opportunities for and benefits of more effective Transatlantic cooperation on migration issues.

The project is mainly a comparative project focusing on 8 different challenges that policymakers face on both sides of the Atlantic: employment, social cohesion, development, demographic, security, economic growth and prosperity, and human rights.

For each of these challenges two different researches will be prepared: one dealing with the US, and the other concerning the EU. Besides these major challenges some specific case studies will be also tackled (for example, the analysis of specific migratory corridor, the integration process faced by specific community in the EU and in the US, the issue of crime among migrants etc.).

Against this background, the project will critically address policy responses to the economic crisis and to the longer-term challenges identified. Recommendations on what can and should be done to improve the policy response to short-, medium- and long term challenges will follow from the research. This will include an assessment of the impact of what has been done, and the likely impact of what can be done.

Results of the above activities are made available for public consultation through the websites of the project:
- http://www.eui.eu/Projects/TransatlanticProject/Home.aspx/
- http://www.migrationpolicy.org/immigrationsystems/

For more information:
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Abstract

The paper discusses recent developments in Ukrainian migratory corridor, focusing on transit migration, a reality that has emerged since independence. It analyzes push and pull factors underpinning the rise in mobility which followed the downfall of the Soviet Union, traces the different ways that migrants enter Ukraine and examines routes followed by them in entering Europe, transiting through Ukraine. It will be demonstrated that the Ukrainian migratory corridor comprises multiple channels, chains, paths and routes which turn the country into a sort of a ‘migratory highway’ in the very heart of Europe. The paper examines core groups of non-nationals residing in Ukraine and discusses their human rights and safety conditions. It reviews issues pertaining to cooperation between Ukraine and the European Union in the area of migration control, placing emphasis on the effectiveness of current European policies regarding border management there. The present paper argues that the EU and Ukraine should make more efforts to mainstream human rights and security considerations into their bilateral cooperation and add more political will and mutual trust to enable fruitful dialogue on migration matters.
1. Push and pull factors underpinning the rise in mobility after the downfall of the Soviet Union: rocking the boat

The dissolution of the socialist system in early 1990s and the subsequent transition to a free-market economy resulted in crucial quantitative and qualitative transformations of class structure in post-soviet society. Soon after the downfall of the USSR the social and economic status of core groups of the population changed as a result of ‘shock therapy’, which entailed the rapid socio-economic polarization of the homogeneous society of state socialism, overall unemployment and therefore, structural inequalities. One of determinants of the status of a person in a newly-shaped social hierarchy was individual mobility: social, economic, occupational, and geographic. The propensity for geographic mobility in search for employment - be that employment local or international – became an indispensable survival skill for millions of impoverished people. The traditional perception of Western Europe as a territory with high living standards and democratic freedoms, socio-economic security and welfare were key pull factors for post-soviet people in search of a better life in the west. This though created ethnic conflicts, religious and economic strife, not to mention a lack of perspective at home. Thus, so-called ‘mobility for profit’ became a fundamental factor of post-socialist transformations. Great economic disparities between countries of the so-called ‘Global South’ and ‘Global North’ together with limited possibilities for people to ensure their livelihoods, fuelled trafficking of women from Eastern Europe, including Ukraine, mainly to Western Europe and North America. While more recently, trafficking for labour exploitation emerged as a new challenge for labour migration from Ukraine.

As has already been mentioned, as well as push and pull factors on the supply side, the rise of mobility among the Ukrainian population was propelled by factors on the demand side. More specifically, it owed much to the regulatory frameworks of immigration policies in destination countries which play an important role in channelling migration by directly or indirectly promoting the inflows of particular groups according to the requirements of their labour markets based on ‘gender preference’. Due to that, migration flows from Ukraine were structured along gender lines. Thus, in 1990s, when the construction industry was the first choice for Ukrainian workers abroad, migratory flows were mainly male. In the 2000s, however, a wave of female migration started, in response to ‘changing labour markets globally, particularly the massive demand for cheap female labour from

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poor countries to fill the growing demand for caregivers in rich countries\(^9\). Over the last years the feminization of labour migration has become a trend due to the increasing out-migration of Ukrainian females to domestic and care work, primarily in the Mediterranean\(^10\).

In the chaos of post-Soviet transition, Ukraine developed into a country with mixed migration fluxes\(^11\). In addition to being an exporter of its own labour force, which became surplus due to the spread of unemployment with the free-market economy\(^12\), it became a country of immigration, which started abruptly, first as return and then as international migration, increasing gradually at the lower levels\(^13\). Recently, both the World Bank\(^14\) and the UN\(^15\) listed Ukraine among the top 10 sending and receiving countries of migrants worldwide. Moreover, Ukraine rapidly developed into a transit point for those, mostly undocumented, who temporarily entered Ukraine with the purpose of moving on to more affluent countries\(^16\). Due to global instability, Ukraine is cementing its role as a transit country for asylum seekers escaping zones of armed conflict and social unrest, while trying to find refuge in the European Union\(^17\).

In terms of transit migration the pull factors are numerous. First, the country lacks an efficient immigration control system, a fact which enables undocumented residence. Other reasons are loopholes in refugee status procedures, relatively low prices for basic consumer commodities and the possibility of employment in the shadow economy, beyond the control of official powers\(^18\). The push factors mainly stem from the limited opportunities for non-nationals to integrate into Ukrainian society\(^19\).

Recently, migration flows in Europe were triggered by an unprecedented global financial, climate and food crisis which set off new flows of migrants. Massive return migration and a decrease in remittances was expected worldwide, including in Ukraine. However, as noted earlier\(^20\), sending societies did not see a massive return of migrant workers as had been predicted in the fall of 2008 when the crisis reached its peak\(^21\). At least, there was no massive return from advanced economies.

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Despite the income loss faced by many labour migrants, they were not in a hurry to come back home, considering it easier to face the crisis in the EU, US and other northern societies. Our pilot research on Ukrainian remittances showed that given that remittance-receiving societies are usually more vulnerable to the adverse effects of economic meltdowns than source nations, migrants working there are better able to cushion the negative impact of the crisis. Motivated by a sense of altruism, migrants start to propel remittance flows to support households in their countries of origin, thus acting against the economic cycle and increasing the value of remittances during the recession.

2. Different ways for migrants to enter Ukraine

Ukrainian experts distinguish four principal kinds of migration in the country, contingent upon “legality rate”. Although they were identified mainly to reflect upon out-migration in Ukraine, it is possible to apply them, with only slight changes, for in-migration and trans-migration too:

1. Official (documented) labour migration: refers to migrants who declare employment in Ukraine as the recipient country and as the goal of their travel and who acquire a status of legal labour migrants there. Migrants in this category are documented by official statistics.

2. Undocumented legal migration: refers to border crossing by foreign citizens, who leave their country with the officially reported goal of tourism, family visits, business trips, studies, and so on, but on arrival to Ukraine secure legal employment and acquire an official residence permit. In source countries, these travelers are not documented by national statistics as official migrants, but in the recipient country they may acquire a legal migrant status.

3. Successful undocumented migration: international travel, resulting in unauthorized, but legal employment, officially recognized by destination countries.

4. Enforced migration of criminals’ victims: human trafficking and other kinds of coerced detention and movement of persons, often in inhumane conditions, with the purpose of being forced into illegal work abroad.

As has been argued elsewhere, this classification is incomplete. It lacks some forms of migration that require recognition and that are relevant for the purposes of this paper. First, there is clandestine (or illicit) border crossing, either on foot or by air, typically hazardous: for instance, in refrigerators, engine sections of air-jets, boots of trucks etc. Although this kind of migration is not as wide-spread as those above, nonetheless, it has been increasingly favored by migrants. This is why the above classification should be supplemented by the clandestine border-crossing as a criminal form of migration, which requires more attention from migration services. Additionally, among clandestine border-crossers it is necessary to single out a special group, namely refugees and asylum seekers, who can hardly be treated as criminals, but who often resort to undocumented border-crossing in their search for safer places of residence.

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2.1. Migration routes for Europe transiting through Ukraine: from highway to bottleneck

Ukraine has historically been a borderland country. Indeed, its very name means ‘land on the edge’. After Ukraine gained state independence in 1991 and opened its borders, the country had to face up to both the advantages and challenges of freedom of movement as a new social phenomenon. Thus, throughout the first years after the demise of the USSR, due to the degradation of the system of state borders services and with transparent internal borders between new independent states, Ukraine saw an influx of undocumented migration. This influx was facilitated by the absence of formal visa regulations combined with a lack of reliable immigration and border-crossing checks. Through the following years, the enforcement of external borders and the leveraging of a visa regime enabled better control over undocumented entrance into the country. Despite that, in 2010 the World Bank identified the Ukraine-Russia and Russia-Ukraine migration circuits as the world’s second largest ‘migration corridor’ behind the one between US and Mexico. Ukraine’s geographic location between Europe and Asia has made the country one of the main migratory cross-roads to the EU. This function was propelled by the EU’s eastern enlargement of 2004, which extended the borders of the European Union to Ukraine, currently sharing borders with four EU member states: Poland, Slovakia, Hungary and Romania. According to the IOM, the flow of illegal migrants from the East is increasing, for the most part, due to porous borders with the Russian Federation and Belarus. Ukraine was, therefore, identified as a key part of the so-called “Central European route” which is one of five key routes of global illegal migration leading to the EU. Circulating through Russia, Ukraine, Poland, and Slovakia to Western European countries, it is employed by migrants from the Far and Middle East, Southeast Asia, and the CIS. Although acknowledged as not the most threatening route into Europe, it has negative implications for human security in Ukraine. Additionally, it has been observed that Ukraine is one of the main channels for Chechen refugees insofar as it is one of the first countries that they enter once they have fled from Russia. However, many Chechens do not stay in Ukraine, but move further West to reach EU territory, most often in an irregular manner. In the early nineties Ukraine was claimed to be an essential part of the so-called ‘eastern human trafficking route’. According to the IOM, Ukraine is a transit country for the trafficking of Moldovan nationals to Russia. However, the routes for transit migrants within Ukraine change over time, depending on the geopolitical situation. Thus, if earlier the principle route led from Russia via Belarus or Ukraine to Poland, currently it passes from Russia through Ukrainian Transcarpathia to Slovakia.

Lately, due to *en masse* out-migration of women to care services in the first world, Ukraine was involved into a new global gender-based route of migration flows: the so-called ‘global care chains’\(^{35}\). It draws on the replacement migration taking place in Ukraine\(^{36}\), which attracts women from less economically developed societies, for example the Philippines, to take the place of Ukrainian women on the labour market of care services (primarily in megacities) as a traditionally female occupation\(^{37}\). This tendency is indirectly confirmed by statistics. Thus, throughout 2001-2007 in the capital city, Kyiv, the share of female immigrants increased from 27% to 40%\(^{38}\). Yet, these figures may result from increasing family reunification in immigrant communities. Hence, more accurate statistics are required. This is particularly urgent given that the study of these processes is still rather novel, and, except for a fragment of global care chains leading from Ukraine to Poland and from Poland to Germany\(^{39}\), rarely includes Ukraine.

Our field research carried out in 2011 for a project on Ukrainian labour migration supported by ERSTE foundation, showed that over the last decade in southern oblasts a new channel of smuggling had emerged, drawing on an illegal business referred to as ‘ruberoid\(^{40}\) carrying’. It stands for migrants’ transportation on small yachts through the Black Sea to Turkey and from there to the EU.

All these multiple migratory corridors, channels, chains, paths and routes have turned Ukraine into a sort of a ‘migratory highway’ in the very heart of Europe, employed by those seeking better life on the other side of the ‘wall around the West’\(^{41}\). Meanwhile, it has been observed that when Ukraine’s western neighbors Poland, Slovakia, Hungary and Romania joined the Schengen zone in 2008, Ukraine became a dead end and lost its attractiveness as a transit country\(^{42}\). Furthermore, over the last years the country has succeeded in strengthening its border enforcement capacity, making the entrance to Ukraine more difficult for undocumented migrants and enabling border guards to repel increasing numbers of irregular migrants as they attempt entrance. Due to this, the number of those refused entry between 2005 and 2008 nearly doubled, having increased from, respectively, around 12,000 to nearly 25,000\(^{43}\). Then it is also true that throughout 2010 the total number of potential migrants entering Ukraine on student visas and heading for the EU decreased twice, a fact that come down primarily to the strengthening of controls over the arrival and registration of foreign students\(^{44}\). This signifies that


\(^{39}\) Palenga-Mollenbeck, E. (2008). Transnational “Care Chain” Migration from Ukraine to Poland and from Poland to Germany. Paper presentation for the 2008 World Convention of the Association for the Study of Nationalities, April 10-23, 2008, Columbia University, USA.

\(^{40}\) Ruberoid is used in the construction industry as a water-proof and cold-resistant substance for roofs.


Ukraine has transformed itself from a migratory highway into a kind of migratory bottleneck ‘on the fringes of Europe’\textsuperscript{45, 46}, which in effect represent its ‘geographic midpoint’\textsuperscript{47}.

2.2. Core groups of non-nationals: movers and stayers?

2.2.1. Immigrants in Ukraine

According to official reports for 2009\textsuperscript{48}, 178,500 foreign nationals and stateless persons permanently reside in Ukraine, or almost 0.39\% of the total population of the country\textsuperscript{49}. Throughout 2001-2009 their stock nearly doubled: from 101,700 in 2001 to 178,500 in 2009 (see table 1). The majority of immigrants originated from FSU countries\textsuperscript{50}, mainly the Russian Federation, Moldova, Armenia and Georgia. Most often they had previously left the country and then came back, having preserved their familial and territorial bonds with Ukraine\textsuperscript{51} (over 80\% of immigrants)\textsuperscript{52}. Among nationals of other counties citizens of Vietnam and Israel predominate (see table 2).

A new trend in immigration flows is educational migration, which only recently regained the rate it had had under state socialism. In the academic year 2006-2007 alone, 36,500 international students arrived in Ukraine: they came from 129 countries and stood at 1.3\% of the student stock in Ukraine\textsuperscript{53}. Around one third of international students sought education in medicine and engineering, which in Ukraine is rather inexpensive when compared to other parts of the world. Most students came from China (17.2 \%), the Russian Federation (12.1 \%), Jordan (7.1 \%), Syria (6.9 \%), India (6.5 \%) and Iran (6.2 \%). According to the IOM, the gender ratio of immigrants in Ukraine scores in favour of females: 57.8 \% females vs. 42.2\% males\textsuperscript{54}.

2.2.2. Undocumented immigrants

The total of undocumented (illegal, irregular) immigrants detained by Ukrainian official bodies steadily augments. Between 2004 and 2007 their stock increased from 25,000 up to 45,000\textsuperscript{55}, reaching, in the first half of 2008 alone, nearly the same total as for the whole of 2004 (see table 3). Most undocumented immigrants are males (over 75\%) and many have considerable financial resources,

\textsuperscript{47} The locations currently vying for the distinction of being the centre of Europe include the small town of Rakhiv, or the village of Dilove, near Rakhiv, in western Ukraine. In 1887, geographers from the Austro-Hungarian Empire set up a historical marker and a large stone in what is today the part of Ukraine, believed to mark the geographic centre of Europe. See more at: http://en.wikipedia.org/wiki/Geographical_midpoint_of_Europe
\textsuperscript{49} This data differ tangibly from the figure of 14.7 \%, provided in the recent IOM report for Ukraine ( IOM, 2008a, p.15).
\textsuperscript{50} FSU – Former Soviet Union.
enabling them to pay for carriers. Furthermore, 114 criminal groupings of irregular migrants were apprehended in 2009, totalling 623 persons. The majority of them arrived from FSU countries, but some came from South and East Asia or from Africa (see table 4). One of key tracks of undocumented migrants to the EU is through the legal entrance of persons from migratory ‘risky’ countries to Russia, their further transit via Ukraine and then their exit via the Ukrainian-Slovak section of the border. Within the general flow of undocumented immigrants to Ukraine eight key channels of illegal migration are being distinguished based on the ethnic origin of migrants: Vietnamese, Pakistani-Indian, Sri Lankan-Bangladeshi, Afghani, Chinese, Kurdish, Uzbek-Tajik, Chechen. As a result, on average, 5,000 migrants are deported from Ukraine annually. As noted by the IOM, there are grounds to assume that only 5% to 10% of all undocumented migrants transiting through Ukrainian territory are detained by officials. At the same time, it has been observed that the majority of immigrants to Ukraine (not including Moldovans and Belarusians) are ‘transit migrants’ who did not succeed in getting to the EU. Most of them work irregularly, waiting for another chance to cross the border and do not seem to be interested in securing a legal residence status in Ukraine. While in the country, they often integrate into ethnic diasporas, which have emerged in Ukraine over the last decade, like the Vietnamese, Iranian, Arabic, Chinese, Turkish, Indian or Pakistani diasporas, etc. Yet, it has been admitted that practically no studies have been carried out to evaluate these communities of illegal migrants in terms of their real numbers, their socio-economic standing and their impact on the socio-economic and criminal situation in the country.

2.2.3. Refugees

According to official statistics from the State Committee of Ukraine on Nationalities and Religions (SCNR) as of January 2010, some 2,334 people from 44 countries were officially recognized as refugees. In 2009, 1,255 applications were made to territorial migration offices (see table 5). The total number of applications for refugee status in 2009 dropped by 50% in comparison to 2006-2008, while the number of applications for refugee status receiving positive decisions increased to stand at 9.96% (as compared to 1.53% in 2007). The majority of asylum seekers in Ukraine came from Asia (74.4%), Africa (17.2%), Europe (5.6%) and other continents (1.5%).

Ukraine adopted the first Refugee Law in 1993 and started to implement it in 1996. Since then some 5,459 asylum seekers have been granted refugee status by the authorities of whom, at the beginning of 2008, around 2,277 continued to reside in Ukraine. 51% of recognized refugees originated from Afghanistan (1,171 persons), 29% from the former Soviet Union Republics (652 persons including 156 refugees from Russian Federation), 13% (293 persons) were African refugees. Most persons granted refugee status by the authorities reside in urban areas: the Kyiv city (40%) or 919

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persons) and Kyiv region (7.5% or 170 persons), Odessa (26% or 585 persons) and Kharkiv (6.5% or 149 persons)\(^69\).

The share of females in the total stock of refugees has gradually increased: from around one quarter (25.19%) in January 2005 to nearly one third (32.6%) in January 2010 (see table 6), which conforms to the international feminization of migration flows\(^70\). As of 1 January, 2005 around 31% of refugees (625 persons) were younger than 17 years of age, while elderly refugees (75 persons) constituted less than 3%\(^71\). In January 2010 the share of minors (16 years or younger) dropped to nearly one quarter (557 persons)\(^72\) (see table 7).

2.2.4. Human trafficking and smuggling

Ukraine among other post-socialist states is one of the main countries of origin for trafficking in women, men and children, sold in slavery abroad with the purpose of sexual exploitation and forced labor\(^73\). However, in 2010 it was categorized not only as a source country, but also as a transit and increasingly as a destination point for trafficked men, women, and children, subject to forced labor and forced prostitution\(^74\). Over the last ten years this process was reported to be decreasing, as in other Central and East European countries, though still prominent\(^75\). In 2009, an increasing number of Ukrainians were subject to forced labor and forced prostitution within the country.\(^76\)

Trafficking in males has been recognized as an emerging violation issue faced by many Ukrainian men, both adult and minors. Often severely exploited, male migrants are overlooked, with women and children more commonly recognized as victims of trafficking\(^77\). Around 4% of reported trafficking victims in Ukraine are children, though the number may be higher due to under-reporting. In the last years their numbers were continuously augmenting: 15 persons were reported in 2004, 39 in 2005 and 52 in 2005\(^78\). Children were most often forced into prostitution or begging. Particularly vulnerable to trafficking in Ukraine are homeless children and children from orphanages\(^79\).

Interpol has highlighted the changing methods of smuggling and trafficking networks as a response to legislative and law enforcement activities, flexibility being one of the main characteristics of transportation and the choice of routes\(^80\). An ILO empirical study of trafficking in CEE countries, including Ukraine, confirmed these observations\(^81\). Their data showed that the impact of migration

involving forced labour, including sexual exploitation, is not always a matter of enticement in the country of origin. This refers primarily to countries with visa-free regimes for Ukrainians, like Russia. The recruitment into forced labour then occurs in the recipient country, where people travel voluntarily, without enforcement in the country of origin. Men are more vulnerable to this kind of enforced labour recruitment. Furthermore, as observed by Interpol, the routes used by people smugglers may sometimes be simple and direct, while at other times they are circuitous. One such intricate smuggling route transits through Ukraine. Thus, migrants from the Asian region mainly use the route via Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan to Russia and from there on via Ukraine, Slovakia and the Czech Republic, to western European countries or even further on to the United States and Canada82.

It should be noted, however, that though international bodies, including the European Union, have called for better statistical data on trafficking, Ukraine, like many other post-socialist countries, has not yet established an efficient system to monitor this kind of criminal activity.

2.3. Human rights and safety conditions for transit migrants, refugees and asylum seekers in Ukraine: corridor of a corridor

International organizations, monitoring human rights in Ukraine, emphasize that though in the years since independence Ukraine has made tangible progress towards bringing its legislation and advocacy practice into line with international human rights standards, it still fails to protect people on its territory from racial discrimination and does not yet fully respect the rights of marginalized groups, among them refugees, asylum-seekers, transit migrants, etc.83,84,85,86,87,88. According to these sources, the refugee and asylum system in Ukraine is barely functioning, leading to the forced return of people to countries where they face persecution or torture, high risk of arbitrary detention, lack of basic procedural rights for persons in detention (access to counsel, doctors and interpreters, the right to challenge the lawfulness of their detention, the opportunity to communicate with family and the outside world), violations of both Ukrainian law and international norms (ECHR, the Convention on the Rights of the Child (CRC), and UNHCR guidelines, etc.). Representatives of Ukrainian civil society confirm these claims89,90.

The report of the Global Detention Project for 2009 pointed out numerous challenges to Ukrainian detention policy, although the country managed to better police its borders with neighbouring EU countries and succeeded in expanding its detention capacity, refurbishing facilities and providing humanitarian services. Despite this progress, Ukraine’s detention facilities were characterized as very
Amnesty International’s report for 2010 observed that migrants, refugees and asylum-seekers in Ukraine are subject to a range of human-rights violations. Most importantly, they are at risk of forced deportation to countries of origin, where they face persecution or serious human-rights violations including refoulement, i.e. torture and other forms of ill-treatment. Furthermore, migrants are routinely detained and then deprived of the possibility of challenging their detention. Those in need of international protection are rarely granted asylum, while there are no other forms of protection. They are at risk of discrimination and racist attacks. These claims were echoed by local reporters.

Human Rights Watch (HRW) Reports on Ukraine for 2005 and 2010 also documented unfavourable safety conditions for transit migrants and failed asylum seekers in Ukraine: physical abuse, verbal harassment, robbery and extortion suffered by those in detention. Migrants and asylum seekers in detention often have no access to a lawyer and are unable to apply for their release. Groups that are particularly vulnerable include disabled refugees, children, especially unaccompanied minors, single mothers, for instance, Chechens whose husbands have been killed or who have disappeared. As noted by HRW, the problem is that border guards and police in Ukraine do not receive training on the correct procedures for women detainees, and there are no gender guidelines for either service. Facility staff appeared indifferent, sometimes to the point of inhuman and degrading treatment toward the basic sanitary needs of women and children not only for decent hygiene, but also for fresh air, natural light and recreation, let alone in terms of sensitivity to their cultural and religious norms and beliefs. Numerous cases of police harassment towards non-nationals were blamed by the HRW, as well as by many other observers, on high levels of corruption in the Ukrainian public services overall.

At the same time, it was acknowledged that the dysfunctions of migration control in Ukraine in some cases owed something to the fact that Ukraine had to bear responsibility for the inefficiency of migration control systems among its neighbours. Thus, HRW documented the use of return agreements between Ukraine and its EU neighbours to summarily return migrants and asylum seekers to Ukraine without first determining whether they needed protection as refugees or on human-rights grounds. Of 161 refugees, migrants, and asylum seekers interviewed in 2010 by HRW in Ukraine, Slovakia, and Hungary, 50 testified that they had been returned from Slovakia or Hungary. Most of them said they had asked for asylum upon arrival in those countries, but that their pleas had been ignored and they had been swiftly expelled. HRW claims that these practices breach the right to seek asylum contained in the binding EU Charter of Fundamental Rights. Both Slovakia and Hungary also returned unaccompanied children to Ukraine in violation of their international obligations to protect them. The Global Detention Project confirms this information, pointing out that migrants seeking asylum in the EU are generally returned to Ukraine.

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3. The effectiveness of current European policies in the field of borders management in Ukraine: Who pays the piper?

There is considerable evidence that EU agencies and national governments see immigration as problematic and unwanted and aim to stop it by shifting the pressure onto transit countries. This strategy of preventing migrants from crossing their territories on their way north and west is known as the ‘internationalisation’ or ‘externalisation’ of EU migration policies. A body of work shows that the EU regards the relation between its affluent core and periphery (including Ukraine) as a ‘political deal’ aiming to maintain a politically stable ‘buffer zone’. It assigns to the peripheral states the role of exclusion, which manifests itself primarily in issues of migration management and border control. Thus, the functions of Ukraine in this deal include safeguarding the EU’s eastern border, monitoring its own territory, countering irregular border-crossing with the EU and withdrawing undocumented migrants. Additionally, the EU authorities have introduced a conditionality clause, implying that bilateral visa facilitations will be granted provided that a general readmission agreement is signed. The rewards Ukraine receives in return from the EU benefit mainly its elite, who are granted a simplified visa regime and additional concessions concerning the support of political and economic reforms. In such conditions, when migration matters turn into a commodity in bargaining and trade between elites in the EU and Ukraine, it is hardly surprising that migration system becomes dysfunctional and fails to respect international standards. That is why it was noted that ‘Ukraine is failing every test when it comes to protecting migrants rights... Instead of pressuring Ukraine to take back more and more migrants, the European Union needs to help the Ukrainian government to address these serious problems.

Given that countries transited by migrants, like Ukraine, are viewed as a ‘challenge’ to ‘fortress Europe’, if not as ‘another threat to Europe’ in the ‘warfare of immigration’, border control and migration management have become key incentives in the development of active cooperation between EU and Ukraine, although it was drawing on ‘a closer and yet distant relationship’ of the former with the latter. The administrative regulations for collaboration in this field were pinned on the EU Action Plan on Justice and Home Affairs in Ukraine of 2001, which had border protection as its priority and was an important precursor for the enhancement of the EU visa-free regime. In 2005 it was incorporated into a general EU-Ukraine Actions Plan, currently replaced by the EU-Ukraine Association Agenda.

Broader cooperation was enabled in 2004 when European Neighborhood Policy (ENP) was developed, a process referred to as ‘expansion without enlargement’. The ENP aimed to support Ukrainian agencies responsible for issues of justice, national security, migration, smuggling and terrorism. However, it did not offer any hope for EU membership to Ukraine, which hindered border enforcement in the country according to European standards. Within the framework of ENP a number of projects aimed at countering clandestine border crossing were launched. For example, in 2008, with the support of the IOM, a deportation prison was set up in Zhuravychi (Volyn), equipped according to the EU standards and financed by the EU. Another initiative of 2004 was the incorporation of Ukraine into the Södercöping process, aimed at addressing the cross-border cooperation issues arising with EU enlargement eastwards and convened with the hope of promoting dialogue on asylum and irregular migration among the countries situated along the EU’s eastern border. In 2005 the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) was set up at the joint request of the Presidents of the Republic of Moldova and Ukraine. Fully funded by the EU, EUBAM acts as an advisory, technical body, aiming to enhance overall border and customs management capacities and the abilities of Moldova and Ukraine to fight cross-border organized crime and to bring their standards of border and law enforcement authorities closer to those of the EU. In 2007, the EU and Ukraine signed agreements on visa facilitation for Ukrainian nationals and on the readmission of irregular migrants transiting Ukraine and apprehended in the EU. The agreements came into force in January 2009 for Ukrainian nationals and in January 2010 for third-country nationals. The EU-Ukraine readmission agreement was followed by the Joint Declaration on Technical and Financial Support, which enabled Ukraine to receive from the EU the financial and technical support necessary for its implementation.

According to the HRW report on Ukraine, the EU is currently the key donor to Ukraine in developing its migration control, border enforcement and detention capacity. As such, it has a significant influence in these areas. The EU has made tangible investments in enforcement at the EU-Ukrainian border, specifically via the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). In 2010, the European Commission backed up border management in Ukraine with an assistance package of €66 million, aimed at supporting the Ukrainian government in developing and implementing an Integrated Border Management Strategy. It has been committed from the EU Budget for the European Neighbourhood and Partnership Instrument (ENPI), which is the main source of EU support for partner neighboring states along the Eastern border of the EU and the Mediterranean.

All of the above provides grounds for thinking that both the EU and Ukrainian authorities are making tangible efforts to cooperate in the area of migration control and border management. At the same time, the concern is that the EU seeks, first and foremost, to protect its own borders as well as its own interests. It regards Ukraine primarily as a ‘buffer zone’ and a stepping stone for refugees and migrants on their way to Europe. The EU has made considerable financial investments to divert the flow of migrants and asylum seekers and shift the burden they generate away from the Union and onto Ukraine. For that purpose it has introduced sophisticated border surveillance and an echelon of controls, reaching as far as Kyiv. However, HRW alerts that the EU’s monetary support, being focused on securing the

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borders and constructing detention facilities for migrants, has not done enough to ensure that the human rights of migrants, asylum seekers and members of vulnerable groups are protected.\textsuperscript{114}

4. Conclusions

The development of Ukraine since independence has been benchmarked by the emergence of a variety of new socio-economic, political, ideological and cultural trends. One of the hallmarks in this processes was the increasing openness of Ukrainian society and the expansions of its migration area.\textsuperscript{115} A greater integration of independent Ukraine into the world community highlighted migration matters as increasingly socially relevant. This process was exacerbated by structural transformations on the geopolitical map of Europe. The emergence of the supranational European Union, accompanied by the formation of the Schengen area, has turned Ukraine into a transit space and a ‘geographic corridor’ for undocumented migration.\textsuperscript{116}

The findings of this paper confirm the opinion that while Ukraine has been identified as a problematic transit country for illegal migration to the EU, the realities of migration to and through Ukraine are far more complex than that.\textsuperscript{117} In fact, Ukraine has become both a sending, a transit and is increasingly becoming a receiving country for migrants. Yet, in the absence of a well-defined migration policy and proper infrastructure for migration management, such processes as mass outflows of Ukrainian labour, accompanied by in-flows of aliens into the country, especially those undocumented ones, ambiguity of their status and the use of their labour without formal regulations, means that the state risks losing control over migration fluxes. Moreover, they foster the shadow economy and increase social tension in society. Therefore, the efforts of policy-makers and research community should be aimed at the development of an efficient and coherent migration policy drawing on strategic planning, which will be able to guarantee security for Ukrainian citizens while respecting the rights of non-nationals.

Considering the gradual ‘closure of Europe’, the increasing attention the EU pays to its Eastern borders and efforts to strengthen their control, the need to filtrate undocumented migration is becoming more critical than ever. However, the conclusion with regard to relations between Ukraine and the EU in terms of migration fluxes regulation, border management and protection of human rights of non-nationals, is that Europe is ambiguous in what concerns resolution of migration challenges in Ukraine.\textsuperscript{118} There is a concern that the EU sends mixed and vague signals with respect to EU membership which makes it hard to bring Ukraine’s institutions in line with EU standards.\textsuperscript{119} As was highlighted by the HRW Europe and Central Asia director Holly Cartner “Ukraine wants closer ties with the European Union, so it is naturally keen to cooperate on migration matters. But this cooperation is exacerbating Ukraine’s human rights record, making closer ties with the European Union less likely.”\textsuperscript{120} Hence, above all the EU and Ukraine should make efforts to mainstream human rights and security considerations into their bilateral cooperation. Additionally, there is the need for more political willpower and mutual trust on both sides of migration circuits. Certainly, without these a fruitful dialogue between Ukraine and EU on migration matters will not be possible.

## Auxiliaries

### Table 1. Stocks of immigrants in Ukraine (2001-2009) (thousand persons)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>101.7</td>
<td>106.4</td>
<td>108.5</td>
<td>119.2</td>
<td>128.1</td>
<td>149.4</td>
<td>165.0</td>
<td>178.5</td>
</tr>
</tbody>
</table>

*Source:* State Committee of Ukraine for Nationalities and Religion\(^{121}\)

### Table 2. Largest groups of permanently residing immigrants in Ukraine (as of January 2010)

<table>
<thead>
<tr>
<th>Former FSU countries</th>
<th>Russian Federation</th>
<th>Moldova</th>
<th>Armenia</th>
<th>Georgia</th>
<th>Azerbaijan</th>
<th>Belarussia</th>
<th>Kazakstan</th>
<th>Litva</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>106,200</td>
<td>9,753</td>
<td>8,055</td>
<td>6,732</td>
<td>6,339</td>
<td>4,647</td>
<td>3,219</td>
<td>1,100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other countries</th>
<th>Vietnam</th>
<th>Israel</th>
<th>China</th>
<th>Afganistan</th>
<th>Nigeria</th>
<th>Iran</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4,200</td>
<td>1,500</td>
<td>814</td>
<td>579</td>
<td>428</td>
<td>543</td>
</tr>
</tbody>
</table>

*Source:* State Committee of Ukraine for Nationalities and Religion\(^{122}\)

### Table 3. Stocks of undocumented immigrants in Ukraine (2004-2008)

<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008 (1-st half)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered by the SBGS</td>
<td>9.945</td>
<td>17.941</td>
<td>25.782</td>
<td>31.8</td>
<td>15.6</td>
</tr>
<tr>
<td>Registered by the MIA</td>
<td>15.594</td>
<td>14.785</td>
<td>12.280</td>
<td>13.644</td>
<td>8.49</td>
</tr>
<tr>
<td>Total</td>
<td>25.539</td>
<td>32.726</td>
<td>38.062</td>
<td>45.444</td>
<td>23.949</td>
</tr>
</tbody>
</table>

*Source:* The State Border Guard Service (SBGS) of Ukraine, the Ministry of Internal Affairs (MIA) of Ukraine (Taken from IPP, ICPS. 2008)\(^{123}\)

### Table 4. Main countries of origin for undocumented immigrants (as of January 2010)

<table>
<thead>
<tr>
<th>Country</th>
<th>Afganistan</th>
<th>China</th>
<th>Moldova</th>
<th>Pakistan</th>
<th>Georgia</th>
<th>Uzabekistan</th>
<th>India</th>
<th>Somalia</th>
<th>Egypt</th>
<th>Iraq</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>143</td>
<td>111</td>
<td>74</td>
<td>63</td>
<td>53</td>
<td>37</td>
<td>20</td>
<td>16</td>
<td>12</td>
<td>8</td>
</tr>
</tbody>
</table>

*Source:* State Committee of Ukraine for Nationalities and Religion\(^{124}\).

---

Table 5. Stocks of refugees in Ukraine (2007-2009)

<table>
<thead>
<tr>
<th>Year</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications for refugee status</td>
<td>2155</td>
<td>2155</td>
<td>1255</td>
<td>5565</td>
</tr>
<tr>
<td>Recognised as refugees</td>
<td>33</td>
<td>126</td>
<td>125</td>
<td>284</td>
</tr>
<tr>
<td>Refugee recognition rate %</td>
<td>1,53</td>
<td>5,84</td>
<td>9,96</td>
<td>..</td>
</tr>
</tbody>
</table>

Source: State Committee of Ukraine on Nationalities and Religions (SCNR) (Taken from ECRE, 2009)\(^{125}\).

Table 6. The dynamics of female/male ratio in the total stock of refugees (2005-2010)

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th></th>
<th>2006</th>
<th></th>
<th>2007</th>
<th></th>
<th>2010</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Persons</td>
<td>%</td>
<td>Persons</td>
<td>%</td>
<td>Persons</td>
<td>%</td>
<td>Persons</td>
<td>%</td>
</tr>
<tr>
<td>Females</td>
<td>462</td>
<td>25.19</td>
<td>462</td>
<td>32.4</td>
<td>740</td>
<td>32.5</td>
<td>759</td>
<td>32.6</td>
</tr>
<tr>
<td>Males</td>
<td>1,372</td>
<td>74.81</td>
<td>1,372</td>
<td>67.6</td>
<td>1,535</td>
<td>67.5</td>
<td>1,575</td>
<td>67.4</td>
</tr>
</tbody>
</table>

Source: UNCHR\(^{126}\), SCNR\(^{127}\)

Table 7. Refugees in Ukraine by gender and age (2006).

<table>
<thead>
<tr>
<th>Age group</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Persons</td>
<td>%</td>
<td>Persons</td>
</tr>
<tr>
<td>0 to 4</td>
<td>19</td>
<td>0.8%</td>
<td>25</td>
</tr>
<tr>
<td>5 to 17</td>
<td>254</td>
<td>10.8%</td>
<td>260</td>
</tr>
<tr>
<td>18 to 59</td>
<td>1279</td>
<td>54.5%</td>
<td>435</td>
</tr>
<tr>
<td>60 and over</td>
<td>35</td>
<td>1.5%</td>
<td>39</td>
</tr>
<tr>
<td>Total</td>
<td>1589</td>
<td>67.6%</td>
<td>759</td>
</tr>
</tbody>
</table>

Source: UNCHR (Taken from Lüdeke-Braun, 2006)\(^{128}\).

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Brajchevsky, J. (2007). Migracijni stosunky Ukrajiny i ES [Migration Relations between Ukraine and EU], In: Migracija i tolerantnist’ v Ukrajini [Migration and Tolerance in Ukraine], Ed. Pylinskyj, J. Kyiv: Stilos


