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Readmission, Voluntary Return and Reintegration in Ukraine

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1. Readmission

Since Ukraine regained its independence it has signed readmission agreements with 15 countries¹ and the European Union. In particular, agreements on the return and transfer of people through shared borders (readmission) have been signed with five of the seven states with which Ukraine shares land borders: Hungary, Poland, Slovakia, Moldova and Russia. Agreements have also been signed with Georgia, Uzbekistan, Turkmenistan, Vietnam, Lithuania, Latvia, Bulgaria, Switzerland, Turkey, Denmark and Norway. Unfortunately, not all of the agreements are efficient in operational terms. Thus, the agreement with Norway (signed 13.02.2008) has not yet been enacted. The agreement with the Slovak Republic, enacted 28.03.1994, was abrogated 04.10.2000 and now negotiations are being held on the agreement's revision. Negotiations also continue on additional documents or new versions of readmission agreements with Poland, the Socialist Republic of Vietnam, Switzerland, Turkey and the Russian Federation.

Apart from the countries, with whom readmission agreements have already been signed, negotiations are under way on the readmission agreement and draft implementation protocol with Armenia. In 2011 negotiations with Austria and Belgium took place for implementation protocol provisions concerning the mode of realization of the Agreement between Ukraine and the EU. Negotiations are also being held with Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Belarus and Lebanon; there are projects to start readmission negotiations with Bangladesh, India, Iran, Iraq, Sri-Lanka, China and Afghanistan as well.

The Readmission Agreement between Ukraine and the European Union (hereafter –the Agreement), enacted 01.01.2010, occupies a special place in the system of international readmission agreements. The signing of the Agreement manifested an important step forward in Ukraine's euro-integration ambitions. In accordance with the provisions of the Agreement, upon the request, the requested state admits to its territory all the persons, who do not fulfill all the requirements of entry to or stay on the territory of the state filing the request. Likewise it admits persons who ceased to fulfill the above requirements when the above persons are not the citizens of the state filing the request or did not acquire its citizenship. In accordance with the Agreement, Ukraine must also accept third-country nationals or stateless persons who illegally entered EU member-states directly from Ukrainian territory. It must likewise accept those who, at the moment of entry, have valid Ukrainian residence permits or active Ukrainian visas.

The signing of the Agreement and its ratification triggered a massive public reaction. The expert community and mass media expressed their apprehensions that Ukraine might be overwhelmed with hundreds of thousands of illegal migrants from third-party countries. These fears, however, proved unfounded. In two years since the Agreement's enactment (2010-2011), the State Border Service of Ukraine readmitted about 1,500 people, 57.4% of whom were Ukrainian nationals (Table 1), 28.8% - the nationals of other CIS countries (including Georgia) and 13.8%, the nationals of developing Asian and African countries.

¹ <http://dmsu.gov.ua/normatyvna-baza/mizhnarodni-dokumenty/readmisiia>

Table 1. Persons readmitted by Ukraine in 2010-2011 following the Readmission Agreement with the European Union, by nationality.

Nationality	2010	2011	Total
Ukraine	469	391	860
Armenia	9	4	13
Georgia	60	36	96
Moldova	159	95	254
Russia (without Chechnya)	19	19	38
Russia (Chechnya)	15	6	21
Other CIS countries	5	4	9
Afghanistan	75	17	92
Vietnam	9	12	21
Somali	13	35	48
Pakistan	9	0	9
Palestine	10	0	10
Other countries	15	12	27
Total	867	631	1498

Source: State Border Service of Ukraine

The number of deportation decisions taken by the State Border Service of Ukraine in respect of illegal migrants and stateless persons gradually decreases. Thus, in 2010 such decisions were taken in 2,147 cases, in 2011 in, 1454 (the absolute majority of persons subject to deportation being the citizens of the CIS countries), whereas, 2004-2006, 5000-7000 decisions on deportation were taken annually. Of the total number of the persons subject to deportation 1660 left Ukraine in 2010 (77.3%) and 1043 in 2011 (71.7%).

According to Eurostat data, almost 35,000 Ukrainian nationals were deported from the EU member-states in 2008-2011. Over half of the deportations occurred in Poland, with considerable shares taken also by Germany, the United Kingdom, Czech Republic, Slovakia, France, Italy, Spain and the Netherlands.

2. Voluntary Return

1,794 and 1,199 decisions on voluntary return of migrants from third-party countries were taken in Ukraine in, respectively, 2010 and 2011. The absolute majority among them are the citizens of the CIS countries, principally Moldova (69.7% of two years' total), as well as Russia (10.2%) and Georgia (9.0%). Among other countries the largest share was that of Turkey (1.5%). Of the total number of people subject to voluntary return 1,446 left Ukraine in 2010 (80.6%) and 909 in 2011 (75.8%). Those migrants who did not leave Ukraine on their own, despite instructions to do so, were deported (348 persons, or 57.2%, left Ukrainian territory).

Three programs promoting voluntary return (Assisted Voluntary Return Program, AVR) have consecutively been implemented in Ukraine by the Office of the International Organization for Migration, 2005-2012, with financial aid from the European Union:

1. An AVR program within the EU financed project "Capacity Building in Migration Management – Ukraine: Units 1&2" was carried out from March 2005 to December 2008.
2. An AVR program within the EU financed project "Technical cooperation and capacity building of the Ukrainian and Moldovan governments for implementation of readmission

agreements with the European Union” (GUMIRA) was carried out from January 2009 to March 2011.

3. An AVR program within the EU financed project “Support to Implementation of EU Readmission Agreements with the Republic of Moldova, the Russian Federation and Ukraine: Facilitation of Assisted Voluntary Return and Reintegration” (SIREADA) was carried out from April 2011 to December 2012.

These programs encompassed migrants, who did not have any legal basis for staying in Ukrainian territory: asylum seekers who had been refused refugee status, as well as those who had voluntarily decided to stop the procedure of granting refugee status; migrants in strained financial circumstances. The required participation condition was the migrant’s desire to get back to the country of origin. This desire and a migrant’s eligibility for the program were proved during an interview held by an IOM officer or a non-governmental partner organization. After the interview, if necessary, migrants were directed to the regional departments of the State Migration Service of Ukraine where a decision was made on voluntary return. Migrants admitted to the program were granted assistance in terms of medical examination, travel tickets, solution of other trip-related problems, as well as a reintegration grant worth about 100 Euros.

A number of individuals were not admitted to the AVR program. This included: those people who were refused entry to Ukraine; who had committed grave crimes or who had been suspected of committing crimes on Ukrainian territory; or who intended to return to Ukraine after the program’s finish; as well as those who could afford themselves to return home at their own expense.

In eight years that the program ran, 1107 migrants passed through the interview, with 617 (55.7%) of them returning to their countries of origin. The absolute majority were adult males; 11% were adult women and 8% children (Table 2).

Table 2. Participants of Assisted Voluntary Return Program in 2005-2012, number of persons.

Program period	Number of persons interviewed	Number of persons returned			
		Total	Adult males	Adult females	Children
1 March 2005 – 31 December 2008	485	240	204	22	14
1 January 2009 - 31 March 2011	305	179	145	15	19
1 April 2011 – 31 December 2012	317	198	150	31	17
Total in 2005 – 2012	1107	617	499	68	50

Source: International Organization for Migration, Ukrainian Office

Among the AVR program participants the largest groups were formed by the nationals of Pakistan (14.4%), Afghanistan (10.4%), India (8.8%), Georgia (7.8%) and Uzbekistan (7.5%). The share of Pakistanis and Indians was gradually diminishing, whereas that of Afghans, Georgians, and Uzbeks was growing (Table 3).

Table 3. Participants of Assisted Voluntary Return Program in 2005-2012, by nationality, number of persons.

Country	1 March 2005 – 31 December 2008	1 January 2009 - 31 March 2011	1 April 2011– 31 December 2012	Total in 2005 – 2012
Afghanistan	12	14	38	64
Armenia	3	19	8	30
Bangladesh	13	1	-	14
Cameroon	6	1	13	20
Georgia	8	17	23	48
Ghana	18	3	8	29
India	34	20	-	54
Nigeria	14	8	7	29
Pakistan	41	44	4	89
Uzbekistan	1	7	38	46
Sri Lanka	18	5	-	23
Vietnam	10	3	5	18
Total	240	179	198	617

Source: International Organization for Migration, Ukrainian Office

3. Reintegration

Ukraine is now one of the largest donor-countries of labour force in Europe. The total number of Ukrainian citizens working abroad is estimated (as of 2008) to stand at some 2.1 million people.² Of these, 600,000 have been staying abroad for years and are, thus, long-term migrants. At the same time, as demography forecasts suggest, the shrinking of working age population is inevitable in Ukraine³ and in approximately ten years Ukraine will have to deal with a labour force deficit. All this makes the problem of attracting immigrants all the more important.

As international experience shows, the most desired immigrant group for any country are its former residents who moved abroad in the past, as well as their descendants. The return of those long-term migrants, who, under certain conditions, are ready to get back to Ukraine, should be set forth as a primary strategic goal of Ukrainian migration policy. This raises the problem of re-immigrants' adaptation to a society that has changed in the period of their absence.

Despite the problem's importance, Ukraine still lacks programs aimed at the reintegration of returning migrants, even though some legal acts tackle the problem. The "Plan of Events for the Integration of Migrants into Ukrainian Society for 2001-2015"⁴, adopted in 2011, envisages information support on the issues of employment, entrepreneurial activities, social welfare and health care, as well as provision of psychological aid, to the migrants returning to Ukraine. The "Plano f

² Poznyak A. External Labour Migration in Ukraine as a Factor in Socio-Demographic and Economic Development. <http://www.carim-east.eu/media/CARIM-East-2012-RR-14.pdf>

³ <http://www.idss.org.ua/public.html>

⁴ <http://zakon0.rada.gov.ua/laws/show/653-2011-%D1%80>

Events on Ukraine's Migration Policy Realization,"⁵ adopted in 2011, studies the possibility of relieving Ukrainian citizens, who stayed abroad for six months or longer and return home, of certain types of customs clearance. It is developing relevant proposals and preparing to submit these to the Council of Ministers of Ukraine. If a positive decision follows and there is the successful realization of such measures we can expect some improvement in business opportunities for potential reimmigrants, something which is an important factor of their return and reintegration.

⁵ <http://zakon2.rada.gov.ua/laws/show/1058-2011-p>