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State Policy on Emigration and Diasporas in Ukraine

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Introduction

The dissolution of the socialist system in the early 1990s resulted in crucial quantitative and qualitative transformations in post-Soviet society. One of the determinants of the status of a person in a newly-shaped social hierarchy was individual mobility: social, economic, occupational, and geographical¹. The propensity for economic mobility, in search of employment became an indispensable survival skill for millions of impoverished people². Hence, an increasing transnationalism has been observable in society, accompanied by a growing wave of emigration. According to IOM³, in absolute numbers, the pull of Ukrainian nationals residing abroad approached 6 million, while BMP data⁴ are even more impressive – 10 million.

A brief history of the formulation of a migration policy framework

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 standards⁵. 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. Thus, the first attempts to provide a legislative framing to migration issues was made as early as 1991 (the year when Ukraine secured state independence) with the adoption of the Law On the Employment of the Population. Clause 10 of the Law was entitled “Citizens’ rights for professional activity abroad” and stipulated the right of Ukrainians to be involved in labour activity during stays abroad, as long as those activities did not contradict current Ukrainian legislation and the legislation of the host country. On the level of strategic state documents, migration was highlighted as a policy issue for the first time in 1997, after the adoption of the “Main directions of social policy for 1997 – 2000”. This document confirmed the status of the Ukraine as a labour exporting society and outlined the key directions of state migration policy. However, it did not provide any elaborations regarding the institutional framework for their implementation.

¹ Tolstokorova, A. (2011). Ukrainian migratory corridor. Research Report. Case study for the Project “Improving EU and US Immigration Systems’ Capacity for Responding to Global Challenges: Learning from experiences”, European University Institute, Robert Schuman Centre for Advanced Studies, Migration Policy Center, co-financed by the European Commission, Directorate-General for External Relations. Online URL at: <http://cadmus.eui.eu/handle/1814/17842>

² Tolstokorova, A. (2010). Bitter Berries of Better Life: Socio-Demographic Costs of Labour Migration for the Ukrainian society, In: ENQUIRE Online Journal. Stories of Migration: Research, Theories and Everyday Lives. (Eds. Okyere, S., Madziva, R. Greener, J. and Brown, S.), 5th Edition. School of Sociology & Social Policy, University of Nottingham, UK. 2010, pp. 68-94 <http://www.nottingham.ac.uk/Sociology/Prospective/Postgraduate/ENQUIRE/ENQUIRE-Edition-5.aspx>

³ IOM (2009). Migration in Ukraine: A Country Profile 2008. Geneva, p. 50.

⁴ BMP (2011). Ukraine. Extended Migration Profile. Kyiv: Building Migration Partnership..

⁵ Human Rights Watch (2005). Ukraine: On the Margins. Human Rights Watch. Volume 17, No. 8 (D). November 2005.; Council of Europe, ECRI (2008). Third Report on Ukraine. Strasbourg: European Commission against Racism and Intolerance. Adopted on June 2007.; ECRE (2009). Ukraine Country Report 2009: Situation for refugees and asylum seekers. European Council on Refugees and Exiles.; Amnesty International (2010). “Put deeds before words”: Deliver human rights for Ukraine. London..

Challenges of emigration policy development in Ukraine and their underpinnings

Based on the recent expert evaluations,⁶ Ukrainian state migration policy is “in the process of permanent formation”. It is not yet acknowledged as one of priority branches of Ukrainian public policy and for that matter it is fragmentary and contradictory in content terms. It is focused on immigration issues regarded mainly as restrictive principles aimed at illegal immigration into the country. Some of the fundamental components of state migration policy are either lacking or underdeveloped. Among them are policies towards emigration and the diaspora. Their principles, strategies and priorities as well as ways of implementation are still unidentified.⁷ The state has shrugged off the responsibility for their regulation onto the shoulders of the civil society and the church which has neither the power nor the resources to tackle them at the right level.

Issues of emigration in the framework of state policy on migration in Ukraine

Key principles and foci of state emigration policy

At the same time, the state has made some important steps in the resolution of emigration issues, stemming from the principle of non-violation of state borders and the integrity of states in dealing with them. However, state policy in this area hinges primarily on providing aid and support to Ukrainian nationals living and working abroad. It does not involve aid and support for those who are leaving the country, especially if they are going for good. In particular, the key interest of the state is to attract foreign Ukrainians home in larger numbers, which putatively would, in turn, help boost the economy⁸.

State programs and projects on emigration issues

With the goal of addressing emigration issues, 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. In 2004 the Cabinet of Ministers adopted “The Program on Safeguarding the Rights and Interests of Citizens Leaving for Employment Abroad and on Children Fostered by Foreigners till the year 2010”.

Legislative backing of state policy on emigration

In terms of the legislative background for public policy on emigration and diaspora, the cornerstone was defined in 1994 when Parliament adopted the Law of Ukraine “On the Procedure of Entrance into Ukraine and Exit from Ukraine of Citizens of Ukraine”. The decade starting the New Millennium was especially productive for the development of this branch of public policy. In 2001, a new version of

⁶ Малиновська, О.(2010). Міграційна політика України: Стан і перспективи розвитку. Аналітична доповідь. . [Migration policy in Ukraine. Situation and perspectives for development. Analytical report]. Kyiv: National Institute for Strategic Studies; Documents security and migration policy: Assessments and recommendations of international working groups for Ukraine. (2011). Kyiv: Europe without barriers; Населення України. Трудова еміграція в Україні (2010). – К.: Ін-т демографії та соціальних досліджень ім. М.В.Птухи НАН України, с. 218.

⁷ Додаток до звітності про виконання програми співпраці з українською діаспорою та питань організації IV Всесвітнього конгресу українців (2006) [State Policy for the Cooperation with Ukrainian diaspora and Issues of Organization of the 4th World Congress of Ukrainians// Україна: стратегічні пріоритети. Аналітичні оцінки [Ukraine: Strategic Priorities. Analytical Assessments. Kyiv: National Institute for Strategic Studies, с. 173-179.

⁸ ВМР (2011). Оп. cit.

the law “On Ukrainian citizenship” was adopted. In December 2003, the Parliament passed the Law “On the Freedom of Movement and Free Choice of a Place of Residence in Ukraine”. This law applied both to Ukrainian citizens living abroad and to foreign nationals who were granted a residence permit in the country. In 2004 the Law “On Legal Status of International Ukrainians” was adopted, which provided the rights of immigration into Ukraine to ethnic Ukrainians beyond existing quotas.

Role of Parliamentary hearings in the advancement of emigration policy

In October 2009, for the first time since independence, the Ukrainian Parliament organized thematic parliamentary hearings focused on issues of Ukrainian citizens living abroad: “Foreign Ukrainians: Current Situations and Perspectives for Cooperation”. The hearings underscored that after obtaining state independence, Ukraine has consolidated itself as a centre for ethnic Ukrainians living abroad. This was reinforced by a government-approved foreign Ukrainian status, which was requested by and granted to over 4000 persons in 50 countries of the world. Another benchmark in the development of state emigration policy in Ukraine was the adoption in 2011 of “The Concept of State Migration Policy in Ukraine”. Among the priorities of the state in relation to issue of emigration and diaspora, this policy stipulated the goal of creating favorable conditions and mechanisms for the return of Ukrainian nationals permanently residing in other states. It also looked for the socio-economic investments of Ukrainian migrants and members of the Ukrainian diaspora in the national economy.

The executive level of emigration policy realization

An important contribution to the realization of state emigration policy in Ukraine was the creation of consultative-advisory centres by the Cabinet of Ministers. This aimed to work with issues of emigration and diaspora. Furthermore, Councils of organizations of international Ukrainians were established in the diplomatic institutions of over thirty countries to promote cooperation with Ukrainian emigrants. Centres for Ukrainian Culture and Information operate in 15 countries. At the local level relations with Ukrainian nationals residing abroad are also promoted. Thus, in 2007 a Transcarpatian regional municipality developed and adopted a Regional program for cooperation with Ukrainian nationals residing abroad for the period up till 2010.

Emigration policy and the diaspora nexus

Is emigration policy shaped by the presence of a Ukrainian ethnic diaspora? The relations of the Ukrainian Diaspora with the homeland are complex and often emotionally charged. This was the conclusion of a seminar that brought together North American and Ukrainian experts on diaspora issues⁹. The seminar report provided an analysis of actual and possible patterns of influence exerted by the diasporas upon Ukraine at the national and sub-national levels. The key conclusion of the report was that education and culture represent the most promising directions where diasporas can promote Ukrainian nation-building.

Summary and conclusions

The increasing pull of Ukrainians living and working abroad provides grounds for speaking about a growing “Ukrainian presence” in the world. This is a process which can bring tangible social, economic and humanitarian dividends to Ukraine, especially in terms of the promotion of its image and national interests in the global arena, should it be used properly by decision-makers and the civil

⁹ The first Petro Jacyk Memorial Symposium „Diaspora and Homeland in the Transnational Age: the Case of Ukraine”. Harvard Ukrainian Research Institute, 20-23 March, 2003. Online URL at: http://www.brama.com/news/press/030522jacyksymposium_diaspora.html

society. However, it is necessary, in the first place, to invest in the development of a viable strategy for cooperation with Ukrainians living and working in other countries and the enhancement of their role as a lobby for the Ukrainian state abroad. In the development of a policy towards foreign Ukrainians the state should rely on the principle that they are part and parcel of the Ukrainian nation. It is important to reconsider the key principles of domestic and foreign policy towards ethnic Ukrainians living abroad, to ensure that they are grounded on the principles of mutual understanding and joint benefit. The legal basis for this policy should be provided, accompanied by financial backing, informational framework, organisational and institutional infrastructure as a background for the implementation of practical programs of cooperation with “global Ukrainians”.