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Readmission, Return and Reintegration of Migrants in Ukraine: Socio-Political Context

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Current political context

The instability of the foreign policies of the Ukrainian state in this time of total economic, legal and institutional crisis,¹ the dependence on group interests in the decision-making processes relating to tactical issues,² together with the national leadership's lack of motivation to raise migration issues at state policy level, condition the current situation in Ukraine, in which programs relating to readmission, return and reintegration of various migrant groups come last in the list of the state's priorities. Despite large-scale multilateral efforts to draft readmission agreements and coordinate the necessary executive protocols, which were initiated in the 1990s, the practical results of decentralizing activities by the Ukrainian executive authorities, which are responsible for the implementation of the agreements signed, do not match the scope of the tasks set and even impede the possibility of improving the mechanisms of migration management.

Both Ukrainian and international experts have observed that since 2010, the Ukrainian government's assurances of its adherence to democratic values and a strategic migration partnership have often been formal in character, especially in cases when a solution to their burning economic problems does not come as part of the package.³

Among the principal problems of Ukrainian migration policy related to receiving migrants (including Ukrainian citizens, nationals of CIS countries and nationals of third party countries), experts have noted:

- 1) the absence of a clear delineation of competencies and systematic approach to the regulation of inter-agency cooperation (thus several independent agencies currently engage in the implementation of readmission agreements and these include both the Ministry of Internal Affairs, with its subordinate the Migration Service of Ukraine (standard procedure), and the State Border Service of Ukraine (shortened procedure));⁴

¹ The difficulty Ukraine has faced on the path of European integration in the last six months has become one of the key issues in public policy debates both within the country and abroad. See: "The President of Poland: European integration of Ukraine is 'highly questionable'" // UNIAN, 15.01.2012: <http://www.unian.net/news/512299-komarovskiy-evrointegratsiya-ukrainyi-pod-bolshim-voprosom.html>, accessed 15.01.2013; "European Commission reminded Ukraine of the incompatibility of European integration with Ukraine's membership in the Customs Union" // UKRANEWS, 25.12.2012: <http://ukranews.com/ru/news/ukraine/2012/12/25/86657>, accessed 15.01.2013; During his recent visit to Ukraine, the European Commissioner for Enlargement and European Neighborhood Policy Štefan Füle noted Ukraine's insufficient progress on the path of European integration, which casts doubts on the possibility of signing the EU-Ukraine Association Agreement in the near future. See: "Classified as 'critical': Ukraine, Rada and European integration" // UNIAN, 08.02.2013: <http://www.unian.net/news/552088-pod-grifom-kritichno-ukraina-rada-i-evrointegratsiya.html>, accessed 15.02.2013.

² A lot of experts have pointed out that a key determinant of strategic decision-making processes in Ukraine is the transformation of the political regime - from 'relatively democratic' in 2010 to 'harshly authoritarian' as of 2013, which shifts the priorities of domestic and foreign policies and hinders reforms in all key areas, including those in the field of migration (see: "Ukraine stagnation goes on until it defines itself geopolitically" / / UNIAN, 12.02.2013: <http://www.unian.net/news/552764-politolog-ukraina-budet-v-stagnatsii-poka-ne-opredelitsya-geopoliticheski.html>, accessed 15.02.2013).

³ For more details on the evolution of Ukrainian state policy related to migration - see KARIM-East explanatory note "The development of circular mobility: Observations on Ukraine," http://www.carim-east.eu/media/exno/Explanatory%20Notes_2012-95.pdf, accessed 15.01.2013.

⁴ The standard procedure is applied to all categories of persons who have illegally entered or are illegally staying in the territory of the country, if 48 hours have passed since entry and it has not been established when and in what way their entry occurred. This procedure involves inquiries being made to the other country, and thereafter awaiting its response for quite a long period, but not exceeding one year. The shortened procedure allows the return of illegal migrants in cases where they are detected within 48 hours of their illegal entry. See: the order of 12.11.2010, № 552/862 "On the Approval of the Internal Affairs Agencies' and State Border Services' operating procedures for the implementation of the provisions of the Readmission Agreement between Ukraine and the European Community" [«Про затвердження

- 2) the level of target State budgeting for the agencies involved in readmission being insufficient to organize their fully-flown operation (this situation is conditioned not only by the current economic crisis in the country, but also by the lack of motivation to implement complex and costly reforms of migration regulation);⁵
- 3) the problems of staffing, corruption and ‘protection’ (‘kryshevanie’) in illegal migration “in all the law enforcement agencies involved in its containment”;⁶
- 4) the absence of a comprehensive program for the development of efficient and coherent mechanisms for readmission, return and reintegration based on international experience and involving:
 - a) a clear legal framework (in particular, Ukraine has to set itself rules for ‘aligning’ its legislation, whether it be harmonized with the legislation of the EU or the Russian Federation, and geopolitical alliances, formed around these),⁷
 - b) a unified monitoring system with a centralized databank on different groups of migrants and, in particular, on returning migrants (as of now, there is no uniform system for their registration);
 - c) professional training of specialized staff for the control of entry, residence, social security, legal support, employment and exit / movement of various migrant groups;
 - d) permanent cooperation with competent migration authorities for systematic control over the proper observance of migrants’ rights, prevention of corrupt

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Інструкції про порядок дій органів внутрішніх справ та органів охорони державного кордону з реалізації положень Угоди між Україною та Європейським Співтовариством про реадмісію осіб»
http://search.ligazakon.ua/l_doc2.nsf/link1/RE18521.html, accessed 15.01.2013.

⁵ In 2008-2009 the State Budget of Ukraine allowed about 4 million hryvnias for the readmission of foreign nationals, including 3 million for the needs of the Ministry of the Interior, and about one million for the needs of the State Border Service (which amounted to about USD 600 million in total at 2008/2009 exchange rates, with the average cost of sending a foreign migrant to his home country being USD 400 to 600 for the year indicated; this does not include the costs of maintenance in the places of detention, which can last for about one year). Insufficient funding, as indicated by the management of migration authorities, is compensated by funding from voluntary return programs with the involvement of the resources of IOM and other non-governmental organizations. Expenses are reimbursed at the expense of the illegal migrants themselves, of persons promoting their return and at the expense of Governments of the third countries. See: “An interview with the Deputy Minister of Internal Affairs of Ukraine in 2008-2010, Vasiliy Marmazov” // UNIAN, 18.12.2009: <http://www.unian.ua/news/352811-readmisiya-yakscho-lyudina-shoja-na-afrikantsyatsene-oznachae-scho-vona-z-afriki.htm>, accessed 15.01.2013. It should be noted that the State Budgets for 2012 and 2013 envisaged the costs of providing for the migration-related activities of the Ministry of the Interior and the State Border Service, including basic spending for the staff, without detailing the costs of readmission.

⁶ See: Chumak V. (2010) “Readmission is not as ‘fearsome’ as is usually depicted” [Чумак В. «Не така страшна реадмісія, як її малюють»] // *ZN.UA №40*. http://gazeta.dt.ua/POLITICS/ne_taka_strashna_readmisiya,_yak_yiyi_malyuyut.html, accessed 15.01.2013.

⁷ Coordination of norms, envisaged by legal acts of different countries, aims to achieve uniformity of legal regulation and implies greater affinity of their legislation (joint development of common programs in a particular area), or its harmonization through the introduction of common legal principles (see *Private International Law*, <http://rospotrebnadzorrel.ru/pages&id=48>, accessed 15.01.2013). The Law of Ukraine of 18 March 2004 “On the National Program of adaptation of Ukrainian legislation to legislation of the EU” involves the implementation of an appropriate, comprehensive program as a component of Ukraine’s acquisition of EU membership (see the text of the Law at: http://search.ligazakon.ua/l_doc2.nsf/link1/T041629.html, accessed 15.01.2013). However, first, at the current stage of the program on immigration, migration legislation is not allocated as a priority area of coordination (see Section 5 of the Law), and second, as already mentioned above, the prospects of Ukraine’s European integration have triggered serious discussions on the circumstances of Ukraine possibly joining the protocol establishing the Customs Union (see *Ukraine can join the protocol on the establishment of the Customs Union in July*, http://ria.ru/trend/_TS_Ukraine_07042011/, accessed 20.03.2013), which could close the path to Ukraine’s association with the EU (see in 2013 Ukraine will have to choose the direction of its integration, <http://rian.com.ua/politics/20130110/336668483.html>, accessed 15.02.2013).

practices at checkpoints and other key ‘points’ of migration management,⁸ as well as the complete integration of readmission, return and reintegration programs into international migration policies. So far, the missions of international organizations in this field have been only fragmentary in character.⁹

The political context of the issues of readmission, return and reintegration of migrants is further complicated by the mixed assessment, both within the country and abroad, of Ukrainian prospects in relation to the liberalization of the visa regime with the EU (more on this - see pp. 3-4). Despite the European Union’s adoption of the Plan for the liberalization of the visa regime with Ukraine, and Ukraine’s implementation of a significant part of its legislative provisions,¹⁰ the phase of final implementation has been delayed. In December 2012, the Council of the EU Foreign Affairs Council stressed that the introduction of visa-free travel is only possible on the condition that “well-administered and secure mobility is ensured.”¹¹

The public discourse has rightly pointed out that the existing internal critical political conditions and the absence of clear integration priorities in foreign policy make it difficult to promote constructive dialogue with the international community and, in particular, disrupt dialogue between Ukraine and the EU aimed at reforming national migration policies.¹²

The readmission space

Assessing the scale of movements that must be considered for the development and implementation of readmission agreements, experts have pointed out that the main inflow (90%) of potentially irregular migrants is stopped at Ukraine’s eastern borders with the Russian Federation, the Republic of Moldova and Belarus.¹³ As a result, Ukraine “is losing its appeal as a transit country to the EU countries” both for the migrants and organizers of trafficking. Therefore, the official scale of illegal migration and the

⁸ In addition to work at checkpoints, areas of work with migrants here include the arrangement of various permits for registration, employment and health care. At all ‘points’ of work, numerous organizations are involved which provide management related to employment, entrepreneurship, social security and health care.

⁹ In particular, within the framework of the EU-funded SIREADA project, designed to assist the implementation of the Readmission Agreement between the EU and Ukraine, Moldova and the Russian Federation, IOM had organized its monitoring mission in institutions of detention for irregular migrants. By September 1 2012, international organizations had completely transferred the power to ensure the basic needs of the migrants at the points of their temporary stay and detention to the governments of Moldova and Ukraine. Legal aid to the detained migrants from international organizations within SIREADA project lasted until February 2013. See: “Monitoring mission has checked the detention points for irregular migrants in Transcarpathia” [«Моніторингова місія перевірила пункти тримання нерегульованих мігрантів на Закарпатті] // IOM, 25.04.2012, www.iom.org.ua/ua/home-page/342/, accessed 15.01.2013.

¹⁰ On the implementation of the ‘legislative’ phase of the Plan of Events for the liberalization of the EU visa regime with Ukraine by the related ministries and agencies, see: <http://minfin.com.ua/2011/10/13/472456/>, accessed 15.01.2013.

¹¹ EU reaffirms its commitment to achieve visa-free regime with Ukraine // *Europe without barriers*, 10.12.2012, http://novisa.org.ua/en/news/?news_id=288, accessed 15.01.2013.

¹² See: Chumak V., Kazmirkevitch P. “What lessons can Ukraine learn from the reform of migration policies in Poland?” [Чумак В., Казьміркевіч П. (2010), Які уроки може отримати Україна з реформування міграційної політики в Польщі?] / *Institute of Public Policy*, 23.07.2012, <http://uipp.org.ua/multimedia/presentation.htm>, accessed 15.01.2013.

¹³ In 2009, 19,700 people were prevented from entering Ukraine based on the results of the interviews; in the first half of 2010 - i.e. in the first six months after the Readmission Agreement with the EU came into force – those denied entry amounted to 9,200 people. Data from the Ministry of the Interior - see V. Chumak (2010) *UNHCR UN Refugee Agency, Transcarpathian Region as of 1 September 2012* http://unhcr.org.ua/attachments/article/244/Zakarpattya%20UKR__1_Sep_upd_DB.pdf, accessed 15.01.2013.

number of persons being readmitted have not tended to increase, quite contrary to predictions made.¹⁴ According to official reports, the majority of persons accepted according to the standard and shortened readmission procedures, mainly at the country's western borders -that is, coming from the EU- are Ukrainian nationals. For example, in the first nine months of 2010, 800 people were accepted according to the standard readmission procedure (all of them Ukrainian nationals), and 573 people according to the shortened procedure (including 357 citizens of Ukraine, 157 citizens of CIS countries and 89 citizens of other countries).¹⁵ However, against a background of official statistics, one should not underestimate the scale of external and internal transit movements of Ukrainian citizens, citizens of the CIS countries and third country nationals.¹⁶

To date, readmission agreements between Ukraine and other countries, that is, mutual obligations to accept and transfer to authorized agencies its own nationals, third-country nationals and stateless persons who illegally enter the territory of one of the contracting parties via the territory of the other contracting party or who stay there without legal grounds, are at various stages of preparation and implementation.

Since 1997 four agreements with the CIS countries (which, according to experts, remain the principal channels of irregular migration into the territory of Ukraine¹⁷) have been signed, ratified and have formally come into force: with Georgia, Uzbekistan, Turkmenistan and Moldova. An agreement with the Russian Federation, the territory from which up to 80% of irregular migrants enter Ukrainian territory, is one of the key agreements in the context of migration processes within the CIS. It was signed in 2006 and since 2008 has had the status of currently active. An executive protocol on readmission procedure between Ukraine and the Russian Federation was signed at the end of 2012. 'Technical testing' of this issue is currently underway.¹⁸ An agreement with Armenia is still being developed. The negotiations on readmission agreements with Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan and the Republic of Belarus have not yet been concluded.

An agreement with the EU, in part related to the readmission of Ukrainian nationals and of EU citizens who have violated the laws of the agreement's parties, has been in force since 2007. Over the past 20 years, seven readmission agreements have at different times been signed, ratified and have formally come into force. These include agreements reached with Hungary, Poland, Slovakia, Lithuania, Latvia, Bulgaria and Denmark. Bilateral negotiations with Austria and Belgium on the coordination of readmission implementation mechanisms continue, as well as with Switzerland, which is not part of the EU, but participates in the Schengen zone. Ways to improve and update the existing

¹⁴ See, for example, Golbin N. "The Readmission's 'Fruits' for Ukraine" [Гольбин Н., Плоды «реадмиссии» для Украины] // *MINFIN*, 12.06.2012 <http://minfin.com.ua/blogs/uassistance/26416/> accessed 15.01.2013.

¹⁵ Including: 274 people at the border with Poland; 206 at the border with Slovakia; 54 at the Hungarian border; 39 at the Romanian border. See: State Border Service Data – Chumak V. (2010) "Ukraine's migration Policy: Step Forward, Two Steps Back" // Public Policy Institute [Чумак В. (2010), Міграційна політика України: крок вперед, два назад // *Інститут публічної політики*] http://uipp.org.ua/uploads/news_message/at_file_uk/0071/12.pdf, accessed 15.01.2013.

¹⁶ In assessing the scale of illegal migration one should take into account the number of illegal immigrants detected by the Ministry of Interior within the country. For example, in 2007 they amounted to 12,600 people. See: "Transit Illegal Migration and Transit Countries: Theory, Practice and Regulation Policies" (2009), ed. by I. Molodikovoy and F. Dyuvelya, Moscow (section 'Ukraine') [Транзитная нелегальная миграция и транзитные страны: теория, практика и политика регулирования (2009), под ред. И.Молодиковой и Ф.Дювеля, Москва (раздел «Украина»)] <http://rudocs.exdat.com/docs/index-347281.html?page=3>, accessed 15.01.2013.

¹⁷ Interview with the Deputy Minister of the Interior of Ukraine in 2008-2010 Vasily Marmazov // UNIAN, 18.12.2009, <http://www.unian.ua/news/352811-readmisiya-yakscho-lyudina-shoja-na-afrikantsya-tse-ne-oznachae-scho-vona-z-afriki.html>, accessed 15.01.2013.

¹⁸ As commented by the Deputy Chairman of the Migration Service of Ukraine, Victor Sheibut, on 06.02.2013, http://www.ukrinform.ua/ukr/news/ukrainina_spodivae_tsya_na_ugodu_pro_readmisiyu_z_rf_vge_naybligchim_chasom_1794451, accessed 15.02.2013. He refers to the implementation section of the Protocol, including the detailing of functions of the responsible agencies, definition of budgetary components of their activities, etc.

readmission programs are being discussed with Slovakia and Poland. Between 2008 and 2010, proposals to discuss the provisions of the draft implementation protocols with Estonia, Malta and Portugal were put forward, but so far the negotiations have not progressed to their final phase.

As part of the readmission of third country nationals and stateless persons, a framework agreement with the EU came into force in January 2010. It is this aspect –that of shaping the European part of the readmission space- that has provoked the most intense political debate, with the active participation of the opposition forces in Ukraine. In particular, a member of the All-Ukrainian Union ‘Freedom,’ whose representatives also sit in the Parliament, who is also the former head of the State Committee for Ethnic Affairs and Migration, Sergey Rudyk announced that Ukraine must terminate the readmission agreement with the EU, because the irreciprocal nature of its implementation runs contrary to the interests of the Ukrainian state.¹⁹ Following this declaration, in the autumn and winter of 2010 protests organized by ‘Freedom’ against the influx of irregular migrants from the EU to Ukraine were held in all the major cities of Ukraine. The leader of the ‘Freedom’ group and one of the most active opposition speakers, Oleg Tyagnibok claimed that the implementation of readmission agreements with the EU would result in a ‘catastrophe’: “[e]xperts have counted that only the first wave of illegal migrants, who will be sent to Ukraine, will reach 150,000 people! Belarus, by the way, did not agree to readmit their illegal migrants and everything, thus, suggests that Belarusian illegal migrants ‘on the sly’ will also be sent to us.”²⁰ The radical rightist ideology propagated by ‘Freedom’ resonates with the sentiments of the residents of areas bordering the EU, who actively protest against the implementation of readmission programs in their communities. In particular, in February 2011, residents of a small town called Chop came to the gates of the local border service, who were at that moment expecting a visit from a Representative of the UN High Commissioner for Refugees, and demanded that the construction of the temporary detention point for irregular migrants near the local school be halted. The mayor of the city, who was not invited to the meeting, transmitted the city authorities’ point of view through mass media: “Our deputies have unanimously forbidden the construction of a detention point for illegal migrants in our town’s territory. If the state assumed a commitment in this respect, then it should realize that such facilities should not be located within the confines of urban or rural settlements, least so near schools.”²¹

Thus, the greatest public discussions in the context of shaping a single civilized readmission procedure are triggered, above all, by relatively small groups of irregular migrants – ‘non-citizens’ of Ukraine or CIS: immigrants from China, Vietnam, Pakistan, Afghanistan, Nigeria, Egypt, Somalia, and other African countries.²² Signing, ratifying and enacting agreements with this group of countries will not only improve the mechanisms for the readmission of irregular migrants to their countries of origin, but will also minimize the growing risk of xenophobia and radicalization in Ukrainian society caused by fears of an influx of large numbers of irregular migrants.²³

¹⁹ See: Ukraine has to break the readmission agreement with the EU or close the border with Russia, *the official website of the Ukrainian Union ‘Freedom’* [Україна має розірвати Угоду про реадмісію з ЄС або закрити кордон з Росією] 15.03.2012, <http://www.svoboda.org.ua/diyalnist/novyny/028548/>, accessed 15.01.2013.

²⁰ See: “The Readmission Treaty - a crime against the nation” [Угода про реадмісію – злочинпротинації] // *POLITIKO*, 15.12.2010 <http://politiko.ua/blogpost14828>, accessed 15.01.2013.

²¹ “The residents of the border town Chop have clearly answered ‘No!’ to the detention point for illegal migrants” [Жителі прикордонного Чопа сказали категоричне «Ні!» пункту тимчасового утримання нелегалів] // *ZAKARPATPOST.NET*, 16.02.2011 <http://zakarpatpost.net/2011/02/16/zakarpattya-zhyteli-prykordonnoho-choparskazaly-katehorychne-ni-punktu-tymchasovoho-utrymannya-nelehaliv/>, accessed 15.01.2013.

²² Reference to the data of the Ministry of the Interior in an interview with the Deputy Minister in 2008-2010 Vasily Marmazov // *UNIAN*, 18.12.2009 <http://www.unian.ua/news/352811-readmisiya-yakscho-lyudina-shoja-na-afrikantsyats-ne-oznachae-scho-vona-z-afriki.html>, accessed 15.01.2013.

²³ For example, the Readmission Agreement between the EU and Pakistan allows the competent EU authorities to transfer irregular migrants (citizens of Pakistan), in particular those that enter EU territory from Ukraine, directly back to their country of citizenship.

Within the framework of concluding agreements with third countries, Ukraine embarked on negotiations with Bangladesh, India, Iran, Iraq, Sri Lanka, China and Afghanistan, all of which are potential ‘supplier countries’ of irregular migrants.²⁴ In 2008 the draft agreement on readmission and draft executive protocol was drawn up and sent via diplomatic channels to the competent authorities of these countries. An agreement is also being developed with another country which tends to ‘supply’ irregular migrants – Lebanon. Between 2005 and 2009, agreements with Vietnam and Turkey were also signed, ratified and enacted.²⁵

The state of development of the return and readmission programs

Despite the fact that Ukraine has in recent years been a transit country to the EU and a recipient country for foreign refugees and irregular migrants,²⁶ it is actually the return migration of Ukrainian citizens and migrants from the CIS countries, as well as the problems related to their social (re)integration, that present a considerably more substantial challenge to Ukrainian national interests. Because of the low levels of competition in the Ukrainian labor market and the instability of the business environment, the inflow of ethnic migrants from third countries planning to remain in Ukraine to live and work has been quite insignificant thus far.²⁷ The future plans of the majority of ‘aliens’, who do not identify themselves with Ukraine as a country of origin, as a rule, do not include participation in the domestic labor market or full involvement in the political or cultural processes in Ukraine, which they consider as merely their ‘temporary residence.’²⁸ At the same time, the return migration of former compatriots carries with it considerable potential for the recruitment of skilled workers and an improvement in the demographic situation in the country.²⁹

²⁴ See: *UNHCR UN Refugee Agency, Transcarpathian region as of 1 September 2012* [Закарпатська область станом на 1 вересня 2012 р.] http://unhcr.org.ua/attachments/article/244/Zakarpatyya%20UKR__1_Sep_upd_DB.pdf, accessed 15.01.2013.

²⁵ The agreement with Turkey was signed in 2005, ratified in 2006 and came into force in 2008. The agreement with Vietnam was signed in 2007, ratified in 2008 and came into force in 2009. Currently the draft Implementation Agreement Protocol received from the Vietnamese side is being finalized. See: *The State Border Service of Ukraine. Readmission Legal Base* <http://dmsu.gov.ua/normatyvna-baza/mizhnarodni-dokumenty/readmisiia>, accessed 15.01.2013.

²⁶ For more detail on this - see the CARIM EAST article “Socio-political Outcomes of Labor Migration in Ukraine in the Mirror of Sociological Analysis” [Соціально-політичні наслідки трудової міграції в Україні в зеркалі соціологічного аналізу], <http://www.carim-east.eu/media/CARIM-East-2012-RU-18.pdf>, accessed 15.01.2013.

²⁷ According to the State Statistics Service of Ukraine, in January-November 2011, among the migrants that arrived in the country’s territory (about 15 thousand), 76.8% were migrants from the CIS countries and 23.2% were from other countries. However, as the data based on in-depth interviews with newly arrived persons suggests, for a large number of migrants the stay in Ukraine is conditioned by economic reasons and is therefore temporary. See: “Socio-economic Situation in Ukraine in 2011” [Соціально-економічне становище України за 2011 рік] // *Governmental Courier* [Урядовий кур’єр], No 19, February 1, 2012, p.17; Boksha T. and others., *Criminalization of Migration in Kiev* [Криміналізація міграції в Києві] // *Спільне*, No 1, 2010, p. 79, 80.

²⁸ For example, according to the Office of the UN High Commissioner (UNHCR) for Refugee Affairs, on 1 September 2012 in Transcarpathia region, 418 applicants for refugee status were registered by the UNHCR’s executive partner in “Karpat-NEEKA” region at temporary residence points, of whom 39% were from Afghanistan, 42% from Somalia, with the remaining 19% from Iraq, Palestine, Iran, Pakistan, Russia and Africa. In the period from 1997 to 2011, 36 people were granted refugee status and moved to Uzhgorod, Kiev or Odessa in search of jobs and subsequent assimilation. In 2011, 240 people were transferred to Ukraine, 164 of whom were citizens of the CIS countries and 76 who were third-country nationals. Also registered were cases of readmission to Ukraine as refugee status applicants, including 38 persons from the territory of Hungary, 3 - of Slovakia, 3 - of Poland, who had been denied refugee status at these locations and were finally returned to Ukraine. In 2012, 7 people were returned to Ukraine as part of the readmission procedure following the refusal to consider their applications for refugee status. See: *UNHCR UN Refugee Agency, Transcarpathian Region as of 1 September 2012*, http://unhcr.org.ua/attachments/article/244/Zakarpatyya%20UKR__1_Sep_upd_DB.pdf, accessed 15.01.2013.

²⁹ Libanova E. Speech at a public debate “Is emigration of skilled labor good for Ukraine’s economy?,” [«Еміграція висококваліфікованих кадрів полезна для економіки України?»] 22.09.2011, “Efficient Administration”

Despite the Cabinet of Ministers of Ukraine's adoption in 2011 of a 'Plan of events for migrants' integration into the Ukrainian society',³⁰ designed to ensure adequate reception for the return migration flow, Ukraine has neither preferential programs for business start-ups for returning migrants nor special tax exemptions for those planning to invest their money in the local economy.³¹ As of now, Ukraine has no established state institutions offering information, organizational and legal assistance to returned migrants and their families. The state budget for 2013 was adopted recently and, similarly to all previous budgets of Ukraine, envisages no separate articles to finance these activities.³²

Constructive proposals for the development of national policies related to return migration can be made after the parliamentary hearings on the matter have been initialized, return migration has been instituted as a separate object of migration policies and a legal and institutional framework for the implementation of target return and reintegration programs has been established.

Brief conclusions and recommendations.

The ambivalent socio-political processes that have accompanied the formulation of the Ukrainian position on the readmission of various migrant groups from the EU, CIS and other countries have determined a high risk of the formation of a marginalized readmission space³³ in its territory. Despite the slow but steady progress made in the discussion on and development of a multilateral legal framework in this field, the institutional and implementation gap between what is currently in place in Ukraine and internationally accepted standards for readmission,³⁴ return and reintegration remains essential. The high levels of xenophobia among the population of Ukraine in relation to certain ethnic

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Foundation; Pribytkova I. (2002), "Labour Migrants in the Social Hierarchy of the Ukrainian Society: Status Positions, Values, Life Strategies, Style and Way of Life" [«Трудовые мигранты в социальной иерархии украинского общества: статусные позиции, ценности, жизненные стратегии, стиль и образ жизни»]// *Sociology: Theory, Methods, Marketing*, Kiev, № 4, pp.156-167.

³⁰ Decree No 653-p of 15 June 2011 on the approval of the working plan for 2011-2015, in particular, envisages "informing the Ukrainian migrants who have returned to Ukraine, including informing via the Internet, on the issues of employment, entrepreneurship, social and health services (responsible agencies: the Ministry of Foreign Affairs, Ministry of Economic Development, Ministry of the Interior, State Migration Service of Ukraine, Ministry of Social Policy, Ministry of Culture, Ministry of Youth and Sports, Ministry of Public Health, the Pension Fund of Ukraine), as well as the "provision of psychological support to the Ukrainian migrants who have returned to Ukraine" (responsible agencies: the Ministry of Youth and sports, Ministry of Public Health, Ministry of Social Policy, Ministry of the Interior, State Customs Service, the Council of Ministers of the Autonomous Republic of Crimea, regional administrations, Kyiv and Sevastopol city administrations). See: <http://document.ua/pro-zatverdzhennja-planu-zahodiv-shodo-integraciyi-migrantiv-doc61615.html>, accessed 15.01.2013.

³¹ A more detailed analysis of the problematic aspects of Ukraine's reintegration policies is given in a CARIM-East article: "Eternal Return: Current Problems of Social Reintegration of Ukrainian Labor Migrants Returning from the EU to Ukraine (on the results of case studies)." [«Вечное возвращение: современные проблемы социальной реинтеграции украинских трудовых мигрантов, прибывающих из ЕС в Украину (по результатам социологических исследований)»] See: <http://www.carim-east.eu/publications/research-reports/impact-of-labour-migration-on-countries-of-origin-and-destination/>, accessed 15.01.2013.

³² It should be noted that the promotion of the employment of migrant workers has also been stipulated by the bilateral agreements with Moldova, the Russian Federation, Belarus, Azerbaijan and Armenia. See: The State Employment Service of Ukraine, <http://www.dcz.gov.ua/>, accessed 15.01.2013. However, the practical implementation of this clause in a situation of rapid production decline and labor market crisis is highly problematic.

³³ It is implied that the space for migration processes is characterized by a lack of clear rules of movement and the ambiguity of the principles that guide the local control agencies. Ukraine, as a society in transition, needs to develop civil society mechanisms and strict compliance with legal rules independent of the current political situation or bureaucratic powers, which will be employed for *ad hoc* decisions related to migration management.

³⁴ See: "Readmission Guidelines: Readmission and Return Experience of Selected Countries" (2009). [Руководство по реадмиссии: опыт избранных стран по вопросам реадмиссии и возвращения] International Organization for Migration, Moscow, pp.45-100, http://publications.iom.int/bookstore/free/manual_on_readmission1_RU.pdf, accessed 15.01.2013.

groups,³⁵ heated by the radical nationalist movements gaining popularity, have created geopolitical and societal conditions for the diversion of public perception in a direction unfavorable to the future of the Ukrainian state and society. The current actualization of the strategic goals of the 'Eastern Partnership' could be an incentive for Ukraine to harmonize its political and legal systems, as well as to mobilize public resources for the implementation of comprehensive reforms related to migration.³⁶

³⁵ See data on the index of national distancing dynamics in "Ukrainian Society 1992-2012. Status and trends change. Sociological Monitoring" (2012) [*Українське суспільство 1992-2012. Стан та динаміка змін. Соціологічний моніторинг*], Ed. By W. Crow and M. Shulga, Kyiv: Institute of Sociology of NAS of Ukraine, pp. 566-578

³⁶ See also: Chumak V (2012) "Ukrainian Migration Policy: Step Forward, Two Steps Back" [Міграційна політика України: крок вперед, два кроки назад] // Public Policy Institute http://uipp.org.ua/uploads/news_message/at_file_uk/0071/12.pdf, accessed 15.01.2013.