



# Migration Governance Snapshot: Ukraine

**March 2019**

In 2015, the International Organization for Migration (IOM) developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM member states in the same year. The Migration Governance Indicators (MGI)<sup>1</sup> were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators which could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as an input-based benchmarking framework that offers insights on policy measures that countries can action to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries when advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of Ukraine’s migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.

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<sup>1</sup> The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of the Economist Intelligence Unit and financed by IOM Member States.

The opinions expressed in this report are those of the authors and do not necessarily reflect the views of the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply expression of any opinion whatsoever on the part of IOM concerning legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

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# Key findings

## I. Adherence to international standards and fulfilment of migrants' rights

### I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
United Nations Convention Relating to the Status of Refugees, 1951	Yes (2002)
United Nations Convention relating to the Status of Stateless Persons, 1954	Yes (2013)
United Nations Convention on the Reduction of Statelessness, 1961	Yes (2013)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
United Nations Convention on the Rights of the Child (CRC), 1989	Yes (1995)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	No

### I.2. Migration Governance: examples of well-developed areas

Immigrants who have followed the established immigration procedure can apply for permanent residence in Ukraine without restrictions. There is a clear path to citizenship for those who have been resident in the country for five years, or three years if they have refugee status or entered the country as stateless persons (or two years if they have been married to a Ukrainian national).

Persons who stay in Ukraine legally, including temporary and permanent residents, have access to government-funded primary and secondary education, according to Article 4 of the Law "On education". Migrants with irregular status, however, do not have access to government-funded primary and secondary education.

Family reunification is possible for all immigrants legally residing in Ukraine who can prove that they have the means to support members of their family in Ukraine.

Ukraine has agreements on the portability of old-age pensions with Hungary, Moldova, Georgia, Azerbaijan, Mongolia, Romania, Belarus, Latvia, Spain, Lithuania, Estonia, Slovakia, the Czech Republic, Bulgaria, Portugal, Poland. In addition, Ukraine remains a signatory of the pension mobility agreement within the Commonwealth of Independent States, even though Ukraine completely terminated its membership in this Organization in May 2018.

All Ukrainian citizens can exercise their right to vote abroad at Ukraine's diplomatic missions.

### I.3. Areas with potential for further development

Only permanent residents enjoy the same access to state-funded healthcare as nationals. Temporary residents have access to emergency healthcare services and other healthcare services on a paid-for basis, unless legislation or international agreements stipulate otherwise. Only permanent residents have access to social security.

Only permanent residents have unencumbered access to the labour market, freely accessing and changing jobs, with the option of self-employment also open only to them. For persons who are not permanent residents, by contrast, employers have to obtain work permits, which can be granted for positions remunerated at 10 and more times the minimum wage (or five and more times the minimum wage for non-governmental organizations, volunteer organizations and education work; no such restrictions apply to the

graduates of the world's top 100 universities, people in creative occupations, IT-professionals). Immigrants cannot work in the civil service.

Only Ukrainian citizens can vote in local elections.

## 2. Formulates policy using evidence and whole-of-government approach

### 2.1. Migration Governance: examples of well-developed areas

Responsibility for designing migration policy is split between the Ministry of Interior of Ukraine (Mol) and the Ministry of Social Policy of Ukraine (MSP), while the country's State Migration Service (SMS) implements and makes recommendations on migration policy. The area is regulated by the laws "On legal status of foreigners and stateless persons", "On immigration", "On border control", "On external labour migration", and "On the procedure of exit from Ukraine and entry to Ukraine of the citizens of Ukraine". These laws regulate aspects such as migrants' rights as well as border crossing, immigration and emigration procedures. They are complemented by second-order legislation of the Cabinet of Ministers (Government) and other relevant government agencies, such as the Mol, the Ministry of Foreign Affairs of Ukraine (MFA), the MSP, the SMS and the State Border Guard Service of Ukraine (SBGS).

Although there has not been a census since 2001, a wealth of data is available on migration, collected and published by various state agencies. Beginning from 2013, the SMS publishes annually the Migration Profile, the most comprehensive publication on the subject. The State Statistics Service's "Demographic Yearbook" also contains migration data, while the MSP and the State Employment Service publish statistics on migrants employed in Ukraine and Ukrainian nationals employed abroad.

Simplified explanations of migration rules and regulations are available to the broader population on the websites of the [SMS](#) and the [SBGS](#).

Given Ukraine's large diaspora population in Europe and beyond, it has a sophisticated mechanism to manage engagement with it. Ties with the diaspora are coordinated by the MFA, which also supports the functioning of the National Commission for Matters Concerning Ukrainians Abroad under the Cabinet of Ministers of Ukraine. This Commission includes representatives from all relevant government agencies, as well as the National Academy of Sciences and representatives of the diaspora. The State Programme for Cooperation with Ukrainians Abroad until 2020 provides for the inclusion of representatives of diaspora in the implementation of development policy.

### 2.2. Areas with potential for further development

Although the Mol and the SMS act as coordinating agencies in the sphere of migration and ensure horizontal policy coherence, interagency meetings are not planned and held on a regular but rather on ad hoc basis.

Migration-related issues are not specified in Ukraine's national development strategy, the "Ukraine 2020" Strategy of Sustainable Development". Selected migration-related issues – predominantly related to automation of migration procedures and of the work of the concerned authorities - are reflected in the medium-term priority Action Plan of the Government for the period up to 2020 but not mentioned in the Government's Agenda.

## 3. Engages with partners to address migration and related issues

### 3.1. Migration Governance: examples of well-developed areas

While not a member of any regional agreements promoting labour mobility – the Association Agreement with the European Union (EU) endorses bilateral labour agreements only with member states – partnerships form an integral part of Ukraine’s migration policy.

At the bilateral level, Ukraine’s government agencies have memoranda of understanding (MOUs) with government agencies responsible for migration in other countries. An MOU between Ukraine’s SMS and the Migration Department under Lithuania’s Ministry of Interior lays the basis for cooperation and information exchange. Ukraine’s MSP has an MOU with the Russian Federation’s Federal Migration Service on regulating labour migration. Bilateral labour agreements have also been concluded with many post-Soviet, European, African and Asian states, such as Libya, Portugal, the Czech Republic, Azerbaijan, Belarus and Vietnam. Further bilateral negotiations in the field of migration are under way.

Nationally, the Government of Ukraine partners with civil society, the academic community, and diaspora communities in the formation of migration policy through dedicated consultative bodies. The regulations on the functioning of the Cabinet of Ministers of Ukraine provide space for consultations with social partners in the preparation of proposals for legal acts, including those related to migration. Within the framework of the Public Council and the Scientific-Expert Council under the SMS, the representatives of the government agencies channel in the insights received from civil society and the academic community on migration policy. Specifically, the Public Council, composed of representatives of civil society organizations, consults the SMS on migration-related legislation and ensures the Service’s transparent functioning. The Scientific-Expert Council, made up of experts and academics, analyses existing legislation and proposes new legislation to the SMS.

The country is represented in the governing bodies of the International Organization for Migration and the UN Refugee Agency, UNHCR, as well as in the Global Forum on Migration and Development and several regional consultative processes, providing it with experience and advice in the formation of migration policy.

### **3.2. Areas with potential for further development**

There is no specific forum for engagement with the private sector on migration issues. There is, however, evidence of ad hoc cooperation, including agreements between the MFA and mobile operators Vodafone, lifecell, Kyivstar regarding Ukrainian nationals in difficult situations abroad. In accordance with the agreements, mobile operators assist the MFA in informing citizens in affected areas about possible threats through short text messages to the phone numbers held by the diplomatic mission in the country.

## **4. Advances the socioeconomic well-being of migrants and society**

### **4.1. Migration Governance: examples of well-developed areas**

Ukraine takes into account immigrants’ skills and qualifications when deciding whether to admit them. A list of professions and specializations – the need for which may be satisfied through immigration – is published annually by the Government. In addition, there are special immigration quotas for persons whose immigration corresponds to Ukraine’s interests and highly qualified specialists who benefit the country’s economy, as well as for persons employed in the fields of science and culture.

As a signatory of the Hague Convention of 1961, which abolishes the need for the consular legalisation of foreign public documents, Ukraine accepts apostilled documents issued by other signatories, including educational credentials. Ukraine has a procedure for recognition of higher education qualifications (formerly nostrification) in accordance with the Convention on the Recognition of Qualifications concerning Higher Education in the European Region. A number of bilateral and multilateral agreements also support the direct acceptance of international qualifications. In addition, the MSP and the Ministry of Education and Science of Ukraine have a mechanism for the formal confirmation of the informal vocational training in blue-collar

professions. The country does not yet participate in any international schemes with common qualification frameworks, although accession to the European Qualifications Framework is a long-term goal.

Bilateral labour agreements are in place with a number of states, although many of these, such as Libya and Vietnam, are not typical destinations for Ukrainian migrants or countries of origin of labour migrants in Ukraine. In addition, the agreements' application is limited by complex procedures; migrants are often employed in accordance with national regulations, which in many cases are more favourable for employers in destination countries. The European Convention on the Legal Status of Migrant Workers, to which Ukraine is party, guarantees access to social security for labour migrants on a par with own nationals. Bilateral labour agreements, as well as a number of domestic laws, provide similar guarantees for the rights of Ukrainian nationals working abroad. The protection of labour migrants' rights is a fundamental task of Ukraine's diplomatic service, too.

## **4.2. Areas with potential for further development**

Although Ukraine allows access to paid tertiary education for international students which is on a par with own nationals, tuition fees at public universities are considerably higher than for Ukrainian citizens. International students are not allowed to work during their studies, nor is there a scheme allowing them to stay and work after graduation. The Action Plan for the implementation of the State Migration Policy Strategy adopted in August 2018 aims to address these shortcomings.

Ukraine has no measures aimed specifically at the ethical recruitment of migrants, although the Constitution guarantees proper working conditions, remuneration and protection from forced labour to nationals and migrants alike. Similarly, gender equality is promoted among all of the country's residents in line with Ukraine's Law "On ensuring equal rights and opportunities for women and men", but there are no measures aimed specifically at migrants.

Data on migration and the labour market is somewhat fragmented; there are no unified statistics on the labour market that are disaggregated by migration status. Instead, data published by the State Statistics Service looks at the labour market in a comprehensive manner, while data published by the State Employment Service looks specifically at the number of foreigners temporarily employed in Ukraine based on the employment permits.

## **5. Effectively addresses the mobility dimensions of crises**

### **5.1. Migration Governance: examples of well-developed areas**

In times of crisis, migrants enjoy the same rights and bear the same obligations as Ukrainian nationals. This is set out in Ukraine's Civil Protection Code, which regulates crises such as environmental emergencies, armed conflict, or mass revolt, but which does not address migration-related issues in particular.

Diplomatic missions of Ukraine keep records of Ukrainian nationals who permanently reside or temporarily stay abroad. In 2017, the MFA developed the System for Voluntary Registration of Ukrainian Citizens while traveling abroad. This smartphone application was created for warning, search and provision of assistance to the citizens of Ukraine in emergencies abroad.

In line with the Law "On refugees and persons in need of complementary or temporary protection", Ukraine also admits refugees and persons in need of complementary and temporary protection: those who arrive because of threats to their lives, security or liberty, and those who seek protection from armed conflict or natural disasters.

Due to the challenge from internal displacement after the annexation of Crimea and the armed conflict in eastern Ukraine, internal displacement is accounted for in national policy. A "Strategy for the Integration of Internally Displaced Persons and the Implementation of Durable Solutions Regarding Internal Displacement

for the Period up to 2020” is in place. Its aim is to provide durable solutions for the protection of the rights, freedoms and interests of internally displaced persons, to increase their independence and self-sufficiency, and to work with local government in assisting them.

## **5.2. Areas with potential for further development**

Ukraine’s core law for crisis management, the Civil Protection Code, does not address migration issues or crisis-related displacement. Neither is there a disaster risk reduction strategy or a strategy to address migratory movements caused by environmental degradation.

The national development strategy does not address displacement issues, although a separate targeted strategy is in place for the integration of internally displaced persons.

There is no contingency plan to manage large-scale population movements, particularly inbound cross-border movements, in times of crisis (even though the legal basis for such a plan is created by the Law “On refugees and persons in need of complementary or temporary protection”).

# **6. Ensures that migration takes place in a safe, orderly and dignified manner**

## **6.1. Migration Governance: examples of well-developed areas**

The SBGS is a law enforcement agency responsible for the state border security and border control. Border guards are regularly trained. Courses include language training, and cooperation with the EU in the area of the training of border guards is foreseen by the Association Agreement between the EU and Ukraine.

Ukraine operates a mixed online- and paper-based visa system. Foreign nationals and stateless persons can apply for a Ukrainian visa through Ukraine's diplomatic missions and visa centres. In certain cases visas can be issued upon arrival at the border crossing points. Foreign nationals of 52 countries can be issued electronic visas. The MFA’s website clearly outlines visa options in Ukrainian and English.

There is an established system to monitor visa and visa-free term overstays. Control over adherence by foreigners and stateless persons to the defined term of stay in Ukraine is carried out by the SBGS and the SMS. The maximum term of stay based on visa or under the visa-free regime as well as the rules for calculating the already utilized duration of visa-free stay are regulated by the relevant legal acts. Overstaying the defined term of stay is an administrative offence.

Ukraine conforms to international standards in its efforts to combat human trafficking. The country’s strategy to combat human trafficking, the “State Social Programme for Countering Human Trafficking for the Period until 2020”, aims at the prevention of and the elaboration of effective responses to human trafficking, as well as protecting the rights of victims. Annual reports on the Strategy’s implementation are published by the MSP.

## **6.2. Areas with potential for further development**

There is no all-encompassing programme aimed at attracting return of own nationals who have migrated abroad. Creating conditions for the return of Ukrainian emigrants is designated as a policy goal in the State Migration Policy Strategy (regarding all emigrants), but not yet elaborated in the programme documents, and the Law “On External Labour Migration” (regarding labour migrants only).

As for the reintegration of those who decided to return, Ukraine has an action plan for the reintegration of only one category of such returning migrants, i.e. labour migrants and their families.

The document only briefly mentions creation of favourable conditions for return to Ukraine and reintegration of academic and cultural figures, qualified specialists and workers required by the national economy.

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