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Manufactured in Ukraine

**UKRAINE:
PROBLEMS OF EXTERNAL MIGRATION**



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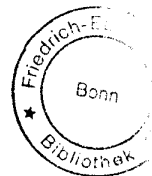
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FOREWORD

In the last decade of 20th century post-USSR territory has become one of the most dynamic regions as for the movement of the population. Millions of people fled from their homes and began to seek new places for residence. There are several reasons for such dynamic movement. First of them — collapse of the USSR and development of the new independent states — is great historic event, the consequences of which are not completely comprehended by the humankind. It caused mass movement of people between the new states. The total amount of the migration movements in the region is estimated as approximately 9 million of people. (See Journal of the Conference on CIS countries. 21 June 1996. Geneva. IOM. OSCE-HCR) Every new state proclaimed its nationality. But the conditions of its obtaining differed greatly in all countries. In some of them, as for example in Ukraine, terms and procedure of obtaining citizenship are truly liberal, in some other there are strong restrictions and not each person can obtain the citizenship of the country of his or her permanent residence.

The second reason of high mobility of population is ethnocratic policy of some post-Soviet states. Both stateless status and aggressive nationalism of the major ethnic group pushed large groups of people to flee from the places of their permanent residence, gave rise to immense migration flows. Ethnic conflicts and civil wars began in several regions — Nagorny Kharabach, Fergana, Dushanbe, Osh, Trans-Dniestria, South Osetia, Abkhazia, North Osetia and certainly Chechnya.

The third reason is the decision of many people to reunite with their families, relatives, who appeared to be in foreign states.

The fourth reason of activation of the movements of the population is restoration of historic justice for illegally deported peoples, full rehabilitation of their political and human rights.

The fifth reason of the active migration flows is the inequality of exercising of economic and political reforms in post-Soviet states, differentiation of the living standards in them. Consequently the direction of migration flows has already changed to opposite for the last five-six years. If in 1991-1992 more people had been coming to Ukraine, than leaving it, then from 1994 more people have been moving from Ukraine.

Types of migration flows to Ukraine

It is easy to find out that there are too many reasons of migration at the post-Soviet territory. That is why the problem of its classification is rather difficult. And this classification is not purely gnoseological problem. Mostly it is the practical task, because the regulation of migration processes presupposes their systematization, classification and definition. Respective groups of migrants (that is classes or types) are subjected to the administrative management by the state authorities, as well as political and legal categorization by the national legislation. That is why clarification of this issue is very important. The migrants in Ukraine may roughly be divided into following categories:

- 1) internal migrants;
- 2) external migrants.

We will not consider the problems and characteristic features of the internal migrants in this work and will pay attention only to the problems of external migrants. The latter can be divided into:

- a) Individuals born in Ukraine who return to the homeland from the territory of ex-Soviet republics (repatriates);
- b) Individuals illegally deported from Ukraine on the ethnic base and their descendants;
- c) Migrants from the ex-Soviet republics forced to leave the state of residence (but not the former residents of Ukraine);
- d) Foreign nationals or apatrides, who stay legally at the territory of Ukraine;
- e) Refugees;
- f) Illegal migrants (including transit migrants).

Repatriates

The extent of emigration from Ukraine within the borders of USSR was considerable in the post WWII period. The authorities planned most of these migration flows, and only some of such actions resulted from the individual decisions.

But during last ten years the movement of the population acquired new quality and this new wave of migration can be called ethnic. The following processes taken places in the Soviet Union in the time of "perestroika" and post-perestroika period caused it:

- 1) Intensification of the ethnic problems in social life, increasing of the level of ethnic self-identity of the population;
- 2) Exasperation of the inter-ethnic relations and emergence of local ethnic conflicts;
- 3) Collapse of USSR and development of new independent states.

People scattered earlier all over the domain of the former Soviet Union started to return to the places of their origin. Former residents of Ukraine came back and are still coming back to the homeland after years of staying out of its borders. Some of them were sent to other republics of the USSR via so called organized labour levy, others worked there after the

graduation high schools, others served in the army, etc. It should be mentioned that former residents of Ukraine are not only ethnic Ukrainians, some of them are Russians, Moldavians, Jews, Belorussians, Poles and others.

Many Ukrainians and residents of Ukraine, who lived in the Soviet times out of Ukraine in other republics of USSR, felt direct or hidden pressure in the first years of perestroika, and then, after the proclaiming of new independent states, apparent ousting from the social niches, former taken by them. People felt themselves uncertain – they had dwelling but were not sure about their job. Meanwhile many new independent states built their politics based upon the national staff, those, who know national language, etc. Former residents of Ukraine viewed no perspective for education of their children. Ties of the relatives were also posed under threat – as families found themselves separated by the borders of two or even three newly developed states.

New laws on nationality also forced them to leave. One had to decide for himself – the national of what state he or she wanted to be. A certain category of the people emerged – those ones who had no right for nationality at all – neither in the country of present residence nor in Ukraine. The problem of choice of the nationality in many new independent countries emerged not only on the reason of increasing of the ethnic self-identity. Partly it was initiated from the outside in the cases when the national belonging of the person having become the obstacle either for professional career, or for the education of the children or for achievement other life goals. Without any perspectives to get the nationality in the country of residence, the person started to recall the historical, ethnical motherland, and then came to the conclusion that it is necessary to move there. Thank God, it did not happened in Ukraine. All the permanent residents of Ukraine to the day of adoption of the Law on nationality in October 1991 were recognized to be its nationals.

Thus, abovementioned reasons raised people, pushed them to leave. The ethnic migration wave raised by the collapse of the USSR in the late 1991 was especially visible. The highest point of the repatriation processes in Ukraine was 1992-1993. Referring to the data of the Ministry of Statistics of Ukraine 828000 came to Ukraine in this period from the countries of CIS and Baltic States. 377000 of them were Ukrainians (45.5%). In the same period 468000 left Ukraine, including 140000 of ethnic Ukrainians (30%). Thus, during these two years the amount of Ukrainians in our country increased for 237000. Unfortunately there are no data available on the age distribution of all newcomers and of Ukrainians in particular.

But the conclusion that after the collapse of the USSR positive migration balance prevails in Ukraine would be false. The sharp deterioration of the economic situation in our state immediately influenced to the migration flows. Thus, from the beginning of the 1994 the opposite tendency emerged. Only in the first half of the 1994 131000 of people left Ukraine for CIS and Baltic States and only 84000 arrived to Ukraine. That is negative balance made up 47000.

In 1994 total negative balance for Ukraine made up 150000. It was negative in most of the oblasts of Ukraine. The greatest lost of the population took place in the densely inhabited industrial oblasts close to

Russian Federation – Dnipropetrovsk, Donetsk, Zaporizhya, Lugansk, Kharkiv. It was 1994 when for the first time more Ukrainians left Ukraine than came to its territory.

The immigrants are mostly people of active age, highly qualified workers, specialists, and scientists. It is the most valuable part of the working force, its' intellectual and professional potential. At the same time temporary labour emigration for earning became wide spread. Surveys data (May 1994) report that approximately 20 percent of labour force periodically leave the country and 5 percent do it permanently. The population of oblasts situated near the borders is mostly involved into season shuttle and other types of labour migration.

The emigration from Ukraine to non-former USSR countries also remains considerable. In 1992-1994 it stayed within the number of 45000-50000 annually. Ethnic migration also can be clearly traced in this area. In particular one can define emigration of Jews, Germans, and Greeks. 230000 of people left for Israel in the period of 1987-1993. 20500 moved to Germany in the same period. 59000 departed to USA. Qualitative characteristics of these people – that are educational, professional, ages – are also much higher than average. One can also make a conclusion that particular ethnic groups, which have been living in Ukraine for centuries, are catastrophically decreasing.

We can not fully comprehend the consequences of this process. These data should be analyzed within the context of high mortality and low birth rate in Ukraine. Within last 5 years, that is 1991 – 1996, depopulation of Ukraine made up 1 mln. of people.

Besides registration and analysis, forecast of ethnic situation in Ukraine is also important. First of all, with the improvement of the economic situation in our society one could expect new wave of immigration of ethnic Ukrainians from CIS countries. Among them are those who works in the oil and gas fields of Tumen, mines of Yakutia and waits when the situation will improve. Unfortunately these people will come to Ukraine in the age of retirement or pre-retirement-age.

Secondly, if the approaches to nationalities in Latvia and Estonia do not change, the flow of repatriates from these countries would not stop. Nowadays 80% of Ukrainians living in these countries (150000) do not obtain nationality of the country of residence.

Thirdly, more 200000 – 230000 of Crimean Tatars, thousands of Armenians, Greeks, Germans will come from Uzbekistan, Kazakhstan and Russia. As for Greeks and Germans who might come to the places of their traditional residence in Ukraine, this question is too complicated, though is determined by a lot of reasons. The migration intentions of Greeks and Germans in CIS countries, where they or their parents were deported, should be studied specially.

Return to Ukraine of persons formerly deported for the reason of ethnic origin

Second, specific group of repatriates is the group of persons, deported from Ukraine in 1940-s and 1950-s for reasons of ethnic origin and members of their families, descendants. After the political rehabilitation, proclaimed in the Declaration of Supreme Council of the USSR "On recognition as illegal and criminal of the repressive acts towards the peoples, subjected forcibly displacement, and securing of their rights" on 14 December 1989, they got the opportunity to return to their homeland. Crimean Tatars, Germans, Armenians, Greeks, and Bulgarians obtained such opportunity. At the beginning of 1997 more than 250000 of Crimean Tatars and approximately 12000 of Armenians, Greeks, Bulgarians, Germans have come to Crimea. The immense task of their settlement, rendering assistance in building dwellings and employment has risen before state and society.

In 1991-1994 approximately 2000 of ethnic Germans came to Ukraine (besides those who returned to Crimea). Many people believed in political declarations of Ukrainian state leaders in 1991-1992, that Ukraine is ready to invite some hundred thousand of ethnic Germans. It appeared that most of those who came to Ukraine had no historic links to it. They are not descendants of those Germans who resided in Ukraine before WWII and were deported during the war to other regions of the USSR. Though it is way of their presentation in mass media. The truth is that they are formerly deported persons for reasons of ethnic origin, but deported not from Ukraine. In this regard they had some difficulties in obtaining of Ukrainian nationality, that is, they have no rights on preferential obtaining of Ukrainian nationality. Thus, it is the specific group of migrants, which cannot be considered in the category of formerly deported from Ukraine people on the reasons of their ethnic origin.

Many people from this category, suffering from economic crisis in Ukraine wish to leave for Germany. Taking into account, strengthening of the immigration requirements in the German legislation, decreasing of the annual immigration quota for ethnic Germans and also the fact that Ukrainian party together with German one are building housing for this group of migrants, one can express a hope, that they will settle in Ukraine.

Crimean Tatars constitute great migration group. Their return was swift and spontaneous. Due to the data of census of 1989 there were less than 50000 of Crimean Tatars, then today there are more than 280000. Thus more than 230000 of people returned during last 5 years. The population of Crimea increased for 10 per cent, large ethnic group, people appeared, or better to say, renewed itself at the peninsula.

Such situation has its historic roots. It is known that Crimean Tatars were not allowed to settle in Crimea. Even in the second half of the 1980-s so called A.Gromiko Commission refused them in the right of return. And only the following process of democratization, further weakening of the central authorities of the USSR and than creation of the independent Ukraine allowed Crimean Tatars to realize their goal – to return to Crimea. As Crimean Tatars were not fully certain that no obstacles, restrictions of return would appear, as they did not believe in the authorities guarantees,

consequently they did not agree on planned gradual resettlement, with preliminary building of housing, social and technical infrastructure.

One should separate one more group of formerly deported people, Turks-Meskhetians. They are not historically linked to Ukraine. But due to certain circumstances large group of Turks-Meskhetians settled in Ukraine in last years.

There is no certainty on the ethnic and cultural roots of this people. The disputes about their origin have both scientific and political character. Some researchers consider them to be ethnographic group of Georgians, which profess Islam. (See S.I. Bruk. Population of the world. Ethno-demographic reference book. Moscow. Nauka, 1986, p.164). Others, including nowadays leaders of their public and political organizations, prefer to regard them as specific ethnic group, with its own origin, culture and religion.

In 1944 they were displaced from Georgia together with Kurds, Hemshils, Azerbaijanians. Most of the Turk-Meskhetians resided at the special settlements in Uzbekistan. Despite the fact that were not more attached to this special settlements and released from administrative control in 1958, they did not get the permission to return to the homeland and kept living in Uzbekistan. In 1989 in Fergana (Uzbekistan) armed ethnic conflict occurred. Turk-Meskhetians and Uzbeks were involved in the conflict. As a result several people were murdered. The danger of escalation of the conflict and total extermination of Turk-Meskhetians emerged. In these circumstances Moscow authorities decided to resettle them into the central oblasts of Russia. They were evacuated in some days and proposed to settle in Nечernozemya region of Russia, in rural areas.

Then many families began to move to other regions. In particular, many Turks-Meskhetians settled in Krasnodarskiy kray. Majority of Turk-Meskhetians came to Ukraine in 1989-1991. There are no official data on their quantity. According to the data of Turks-Meskhetians' society "Vatan" there are 5000 of them in Ukraine (according to other data 10000). Their biggest community lives in Donetsk oblast. For example, according to the data of state administrative bodies in Slovyansk and Artemivsk regions of Donetsk oblast, there more than 1000 of Turk-Meskhetians. The most compact settlements of Turk-Meskhetians are located in Mykolaiv, Kherson, Dnipropetrovsk and Cherkassy oblasts.

Asylum seekers from CIS countries

Recent wave of external migration to Ukraine is caused not only by events of the past. As it was mentioned above, numerous factors of today's life push people to migrate (mostly negative ones). Inter-ethnic conflicts in Georgia, North Caucasian Republics of Russian Federation, Moldova, armed conflict between Armenia and Azerbaijan, civil war in Tajikistan, violation of human rights on ethnic base in some former Soviet republics forced people to move into more favorable for them places. Indeed every conflict at the territory of former USSR pushed into Ukraine a new wave of migrants.

While deciding to migrate, nationals of new independent states, former nationals of the USSR, mainly arrive to Ukraine, Belarus, and central regions

of Russia. This fact can be explained first of all by the transparency and easiness of crossing borders between countries. Secondly, they can adapt themselves there quite quickly in the terms of psychological environment. They have no language barrier, they get used to the lifestyles of the inhabitants of these regions. In many cases such migrants have already resided in the place of new settlement permanently or temporarily (studied at the universities, worked on the assignment, had training course, served in the army, etc.), have there relatives, friends.

By the way, the fact of preliminary adaptation of former nationals of the USSR plays negative role in terms of legal bases. These people do not fill in full extent that they came to the foreign state, are not its nationals. That is why they behave as if they ordinary nationals of Ukraine, but not the foreigners, do not register themselves in the bodies of internal affairs. The evidence of this is the fact that the nationals of CIS countries persecuted 55 percent of 80,000 crimes committed by foreigners in 1996. (V. Chikalin Barrier for illegal migration// Uryadovy Courier, 16 January 1997).

Taking into account high rate of multi-ethnicity of Ukraine, unevenness of settling of ethnic groups in the regions of Ukraine, alternation of spots of compact and disperse residing of these groups, the map of the location of migrants on the territory of Ukraine would be of immense practical and political interest. Though migrants bring with themselves their languages, culture, traditions, confession and other ethnic and cultural peculiarities of communities of their previous residence. According to statistical data, migrants prefer industrially developed regions, with mixed ethnic structure. Mono-ethnic regions adopt comparatively less part of ethnic migrants. It means, therefore, that the structure of multi-ethnic regions becomes more complicated, while others are not subjected to any considerable changes.

Migrants from other than CIS countries

The change of social and political order, orientation of new independent state towards democracy, implementing into the everyday practice of the right to choose freely the place of residence and freedom of the movement promoted the intensification of the external migration to Ukraine. The order of border crossing was changed; the regulations for entry into this new independent country were facilitated.

Thus intensification of migration flows to Ukraine coincided with sharp increase of migration from far-site countries of Southeast Asia, Africa, Middle East. We would not consider those persons, who cross Ukraine legally. It is a huge quantity of persons, appr. 10 million per year. We would not consider also those people, who came to Ukraine on business, private affairs etc. Their quantity is around half a million a year. We will describe only those persons, who stay in Ukraine illegally.

Some of these people are planning to stay in Ukraine for permanent residence. Others stay here temporarily. Ukraine for them is just a point of transit migration root. Majority of these people has no legal permission for staying in Ukraine. Some of them came here illegally. Others, while coming legally, have already lost their right to stay. All together they constitute the category of illegal migrants. This category of migrants has sharply increased in the last years.

Special category, which partly also can be classified as a category of migrants, consists of foreign nationals, or stateless persons, who on different reasons settled in Ukraine, but have no legal grounds for residence. Among the members of the group are many former foreign students, who have graduated universities, military schools, and for some reason or another do not want to come back to the homeland.

Refugees

The last from the above-mentioned categories is a refugee. This category of migrants, who according to the Law of Ukraine "On refugees" include foreigners (foreign nationals and apatrides) who owing to well founded fear of being persecuted for reasons of race, nationality, religion, citizenship, membership of a particular social group or political opinion, are outside of the country of their nationality (or territory of their permanent residence) and are unable, or owing to such fear, are unwilling to avail themselves of the protection of that country.

Given category of migrants is defined, registered and separated from the general migration flow through formal obtaining of the refugee status. Meanwhile there are great judicial obstacles existing in Ukraine which concerns obtaining refugee status. That is why, in practice, there were no officially registered refugees in Ukraine until spring 1996. Potentially such category existed. Many migrants wanted to get this status but mechanism and procedure of its obtaining did not exist.

That is why stay of foreigners without visa, any other document certifying legality of their stay in Ukraine was widely spread. In these circumstances UNHCR Office in Ukraine took the role of the certain "registrar" it issued its own identity papers which served as kind of document, legalizing stay of foreigner in Ukraine. Though such documents had no legal effects for their bearers but they demonstrated that their owners didn't want to hide, conceal their status in Ukraine.

First identity cards of refugees were issued by the state agencies of Ukraine in spring 1996 in Kyiv. From that time such category of migrants as refugees began its official existence in Ukraine.

CLASSIFICATION OF MIGRANTS AT THE POST-SOVIET COUNTRIES REFERRING TO THE DOCUMENTS OF THE GENEVA 1996 CONFERENCE

Categories of migrants, taken from international instruments

Spontaneous migrations and forcible displacement in the CIS countries are not only mass events but also complicated phenomena, which have their peculiarities in every country. Such conditions considerably complicate the possibility of elaboration of universal categories, which could be used for classification and definition of various kinds of migration. That is why representatives of international organizations, CIS and neighboring countries for 18 months (from December 1994 till May 1996) have been working over the definitions of respective categories of migrants. The documents adopted at the regional Conference (Geneva 30-31 May 1996) on issues of refugees, involuntary relocated persons, other forms of involuntary displacements and repatriates in CIS and respective neighboring countries, resulted from these efforts. In particular working definitions of several categories of migrants were adopted. First of all, three universal definitions accepted in all regions of the world, were used. These definitions were not worked out but accepted from other international instruments. Thus the definition of refugees was used in accordance with Article 1, paragraph A(2) of the Convention relating to the Status of Refugees (1951). "Refugees are persons who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, are unable or, owing to such fear, are unwilling to return to it". Given definition is practically in line with definition of refugees adopted in the Law of Ukraine "On refugees".

The second definition accepted from already existing international instruments is definition of internally displaced persons. This working definitions was used by the Representative of the UN Secretary-General on Internally Displaced persons (Document No. E/CN/4/1995/50 of 2 February 1995.). This definition is formulated as follows: "Internally displaced persons are persons or groups of persons who have been to flee their homes or places of habitual residence suddenly or unexpectedly as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters and who have not crossed an internationally recognized State border". This definition is not used in Ukrainian legislation. And in real life of our country such category of migrants does not exist. One can suggest that persons, who suffered from Chernobyl disaster, can be referred to this category. But to our mind this category of migrants should be placed in the category of ecological migrants.

Third universal definition used at Geneva Conference is the definition of illegal migrants. This definition is based upon the Programme of action of the International Conference on Population and Development (Document A/CONFERENCE.171/13 of October 1994.). "Illegal migrants are persons who are in an irregular situation not fulfilling the requirements concerning

entry, stay and exercise of an economic activity established by the state where they are present. The term "illegal migrants" is used without prejudice to refugee status determination." This term is widely used in the practice of state bodies dealing with external migration – border guards, clerks of migration service agencies of internal affairs, etc. Journalists, specialists in the sphere of demography, sociology, also use this term.

Definitions of the categories of migrants applying to situation in post-Soviet countries

Besides three above-mentioned universal definitions for the specific purposes of the Conference five more working definitions applying to situation in CIS countries have been developed. These definitions do not carry a universal or binding character.

First such definition is "Persons in refugee-like situation" They are "the persons who fled their country of citizenship or, if they are stateless, the country of their permanent residence, as a consequence of armed conflicts because their lives, safety and freedom were threatened. These persons are in need of an international protection but may not all covered by the 1951 Convention and its 1967 Protocol. (Geneva regional Conference on issues of refugees, involuntary relocated persons, other forms of involuntary displacements and repatriates in CIS and respective neighboring countries, Geneva 30-31 May 1996. Annex 2. Working definitions). As for Ukraine, it is possible to include to this category those persons who stayed in Ukraine during the armed conflict in Trans-Dniestria. But these persons were defined in Ukrainian state documents as refugees. It is reflected for example in the regulation of Cabinet of Ministers of Ukraine #378 of 20 June 1992 "On ratification of the temporary status of refugees from Republic Moldova and rendering assistance to them". As it is known there were 62 thousands of such persons. This document means also that state officials-authors were hardly acquainted with migration issues and used term "refugees" not in legal meaning but in everyday life understanding. Such state of affairs was caused firstly, by the circumstance that Ukraine faced such event first time for many decades, and secondly, the law on refugees has not been adopted yet in Ukraine.

Second definition in this range is repatriates. "Repatriates are persons, who for economic, social or personal reasons, have voluntary resettled in the country of their citizenship or origin for the purpose of permanent residence"(Ibid). Such category of migrants is not included into Ukrainian legislation. Non directly it is mentioned in the Law of Ukraine «On refugees». It envisages facilitated obtaining of Ukrainian citizenship for this category. Though this category of migrants by itself is widely represented in practice. Since 1991 approximately 1 mln. of persons have come to Ukraine. Most of them can be defined as repatriates.

Third category — "Involuntary relocating persons are persons who are forced to relocate to the country of their citizenship as a result of circumstance endangering their lives, such as armed conflict, internal disorder, inter-ethnic conflict or systematic violations of their rights and who are in need of assistance to resettle in their countries of citizenship" (Ibid). This term also is not used in Ukraine. Although some part of Ukrainian

nationals was forced to resettle to Ukraine from CIS countries because of ethnic conflicts there. But this term is also used for internal re-settlers, who on the same reasons move from the places of their permanent residence. Fortunately the practice of Ukrainian life did not produce the need of using this term. In the legislation of Russian Federation such category is defined as "forced migrants".

Next one is "formerly deported peoples, who are peoples who were deported from their historic homeland during the Soviet period. Some of the persons belonging to this category may be stateless"(Ibid). In Ukrainian legislation and also in some State documents this term is used quite frequently. In particular, it is used in the law of Ukraine "On national minorities". But in this instrument it is used in its short variant — "deported peoples". We should mention that in the legislation of Russian Federation it is used less adequate term — "repressed peoples".

The last, proposed by the Conference definition is "ecological migrants". "Ecological migrants are persons who are obliged to leave their place of permanent residence and who move within their country and across its borders, due to severe environmental degradation or ecological disasters"(Ibid). More specific and the same time more wide term is used in Ukrainian legislation "persons, suffered from Chernobyl disaster". This term includes those who had to change the place of residence after the catastrophe. But it also includes those who did not change the place of residence, that is includes a large part of non-migrants. As for more general term, referring to those who suffered from ecological catastrophes and accidents, Ukrainian legislation does not use it. That is why one should clearly understand the differences between the national legislation and working definitions of Geneva conference. Besides we should note that the category of migrants who relocated as a result of Chernobyl disaster, showed itself as the category of internal migrants. That is why we are not going to consider it this report.

Thus legal terms worked out and proposed at Geneva conference, considerably enrich and specify our concepts of a number of groups, types of migrants, who emerged in the last years at the post-Soviet territory. These definitions serve as useful landmark for deepening and specifying of the national legislation concerning migration, in particular Ukrainian legislation.

LAWS OF UKRAINE WHICH REGULATE ENTRY, DEPARTURE AND STAY OF THE FOREIGNERS.

To understand legal status of different categories of migrants in Ukraine, one should briefly review the laws, which regulate this area of social life in Ukraine. It would be reasonable to start study of these legal instruments from the Constitution of Ukraine. But historically Constitution was adopted later than a number of laws, which regulate status of different groups of migrants. After the collapse of the USSR and proclaiming of independence, our state did not have laws, regulating external migration processes. And they were adopted urgently before elaboration and adoption of the Constitution.

The Law of Ukraine "On nationality"

After the collapse of the USSR the fact of the lost of previous nationality and getting of the new one was of great surprise for most of the people. The situation was paradoxical because unlike in traditional situation, when a person leaves the nationality of his country, in this case on the contrary country disappeared in one night and left its nationals. The realizing of the fact of mass lost and getting of the nationality is not immediate act but long-term process, which still has not ended.

The extraordinariness of the period produced new and sometimes extraordinary problems. Almost all new independent states within the territory of the former USSR worked out and adopted new laws on nationality. Their implementation put into being categories of people with new legal status (who previously had one common status — the national of the USSR):

- 1) Persons with new nationality;
- 2) Stateless persons, who in their turn can be divided into:
 - a) persons, who want to obtain the nationality but cannot in accordance with new legislation
 - b) those who still do not determine their nationality

The Law about nationality was adopted among the first in Ukraine right after the proclaiming of the independence. This Law was adopted by the Supreme Rada of Ukraine and entered into force in October 1991. It ascertains permanent legal relations of the individual with Ukrainian State. All former nationals of the USSR, who permanently reside on the territory of Ukraine at the moment of adoption the Law about nationality, got Ukrainian nationality. Such liberal principle of determination of Ukrainian nationality promoted stability and peace in the society, excluded the appearance of the apatrides, did not provoke new wave of migration.

Such evaluation concerns internal part of the Law. But it has also external aspect, that is mechanisms and procedure of obtaining and renewing of the nationality. The conditions of obtaining the nationality for migrants non-nationals of Ukraine are quite strict:

- 1) Denouncement of the previous nationality or absence of foreign nationality.
- 2) Permanent residence on the territory of Ukraine for recent five years.

- 3) Knowledge of Ukrainian language in extent sufficient for communication.
- 4) Availability of legal sources of living.
- 5) Recognition and execution of the Constitution of Ukraine.

Five years of practice showed some gaps of this law. First of all, it was the requirement of permanent residence in Ukraine. Many of those who wanted to obtain Ukrainian nationality could not get it because they did not permanently live in Ukraine. Especially sensitive to this requirement are former residents of Ukraine, who live now in Baltic States. Deprived of the right to obtain the nationality of the countries of their recent residence, they would like to get Ukrainian nationality. But in order to obtain it they have to move to Ukraine for permanent residence. But they are not able to do it because they have not housing in Ukraine. And to exchange housing between Ukraine and Baltic States is impossible. So they have no way out. And the only possible solution for them is obtaining Russian nationality because Russian Federation does not require permanent residence for its nationality.

The second shortcoming of implementation of the Law "On nationality of Ukraine" is obtaining of the nationality by the persons formerly deported from Ukraine for ethnic reasons and their descendants. Law did not envisage the privileged variant for this category of people.

The complexity of the issue of obtaining the nationality of Ukraine for the persons formerly deported from Crimea consists also in the fact that Crimea was not the part of Ukraine in the time of deportation, and they were not the nationals of Ukraine. It means that obtaining of the nationality by the persons formerly deported on ethnic reasons could not be considered as renovation of the nationality. The negative consequences of these articles of the law, that was in force till 22 May 1997 will be reviews in the part "Adaptation and integration of migrants in Ukraine". These shortcomings of the Law «On nationality» were frequently criticized by the representatives of the former deported people, researches, members of the NGOs. Upon the adoption of the new Constitution the necessity of the changes in some articles of the Law became more visible. Supreme Rada hold the discussion on this issue and adopted revisions and amendments to the Law «On nationality». The nature of the Law became more liberal. First of all, the procedure of the obtaining Ukrainian nationality by the persons earlier deported from the territory of Ukraine on the reason of national origin is radically changed. In the current edition they have not to obtain the nationality of Ukraine but are proclaimed the nationals by the Law. Part 3 of the Article 2 of the Law says that nationals of Ukraine are «persons, who were born or permanently reside on the territory of Ukraine and also their descendants (children, grandchildren), if they resided out of the borders of Ukraine on 13 November 1991, do not belong to the nationality of other state and submit the application on the determination of his or her belonging to Ukrainian nationality in the order appointed by the given Law». Secondly, the Law does not demand from the deported persons and their descendants the knowledge of Ukrainian language as the condition of restoration of Ukrainian nationality. (Articles 2 and 16). Now it is necessary to make sure that administrative regulations do not distort the spirit of the Law.

The Law of Ukraine "On refugees"

Later on after implementing of the Law on nationality of Ukraine Supreme Council of Ukraine adopted other Laws to regulate stay of external migrants in our country. Thus, the Law on refugees adopted on 24 December 1993 determined legal, economic, organizational guarantees of the protection of those persons who were induced to leave the country of their nationality or country of its permanent residence.

This law defined the term "refugee", and thus considerably facilitated the work of border guards, employees of the agencies of internal affairs, migration service, customs officials, etc. The term "refugee" given in the respective Ukrainian Law is defined very closely to the definition of this term in the Convention relating to the Status of Refugees (1951). The Article 1 of the Law of Ukraine On Refugees says as follows: "The term "refugee" refers to the person who, owing to well-grounded fear of being persecuted for reasons of race, nationality, religion, citizenship, membership of a particular social group or political opinion is outside the country of his nationality and is unable or owing to such fear, is willing to avail himself of the protection of that country; and in the order and on conditions determined in this Law, was granted the refugee status."

Secondly, the Law On refugees determines the conditions of granting or refusal in granting the refugee status. The reasons of refuse in granting the refugee status are the following:

- 1) The authorities of the state of residence of the person recognize and exercise the rights and duties of the person, referred to the nationality of this state.
- 2) It was ascertained that the person committed the crime against peace, military crime or crime against humankind and humanity, as they are determined in the international law.
- 3) The person committed grave crime of non-political character outside of Ukraine before his entry to the territory of Ukraine.
- 4) The person before his entry to Ukraine stayed in the country, where he could by established order get asylum or refugee status.

The practice of implementing the Law shows that many problems appear in the cases of stay of asylum seeker in the third country. Often asylum seekers come to Ukraine through CIS countries, where they could ask for refugee status, but because of transparency of its borders and geographical closeness of Ukraine to West countries, they prefer our country.

Thirdly, this Law determines the authorities of the executive agencies concerning refugees. Central body of the state executive authorities in these issues is State Committee on nationalities and migrations. Some issues concerning refugees are solving by State Committee on borders, Security Service, Ministry of Internal Affairs, Ministry of Labour, Ministry of Foreign Affairs.

Fourthly, this legal instrument determines legal status of refugees in Ukraine, their rights and duties. Refugee is granted by the wide range of rights: wage-earning employment, acquisition of property, health care, welfare, pensions, education, public relief, etc. in order accorded to the foreigners by the legislation of Ukraine. The same time refugee ought to respect

Constitution and laws of Ukraine, orders and decisions of the bodies of state executive authorities and local self-government.

Fifthly, the adoption of the Law on refugees initiated the migration service of Ukraine development. 22 July 1994 Cabinet of Ministers adopted the order #428 "On development of the migration service in Ukraine". It envisaged the increasing of the number of migration service officials in Autonomous Republic Crimea, oblasts, Kyiv and Sevastopol. This decision also envisaged the establishment of regional accommodation centers.

The Law of Ukraine "On legal status of foreigners"

The Law of Ukraine "On legal status of foreigners", adopted in February 1994 is substantial within the context of migration processes. It preorders the rights, freedoms and duties of foreigners, who reside or temporary stay at the territory of Ukraine. Foreigners are defined as nationals of other countries and stateless persons (apatrides). They have equal rights with Ukrainian nationals and duties with the exception of some cases. Ukrainian legislation grants foreigner in Ukraine the right of investment, international enterprising and other types of activities. The Law does not prescribe any limitations for these activities. Foreigners have the same rights as Ukrainian nationals. The same equality of the foreigners, who reside in Ukraine and Ukrainian nationals are in the areas of employment, social security and health care, education, culture. The legislation of Ukraine guarantees to foreign national personal immunity, respect to his home and his correspondence, personal and family life.

Some limitations are posed on the foreigners as for the participation in political parties; they can not elect or be elected into the bodies of state authority and local self-government, they are not subjected to general military duty.

Foreigners who stay in Ukraine should register in the units of internal affairs. Their stay is considered as temporary, so on the expiration of the term of stay determined in the documents, they have to live the country. If they change the place of residence within Ukraine they should inform the units of internal affairs, where their passport is registered.

The legislation also prescribes equal responsibility of foreigners and Ukrainian nationals. Specific penalty for foreigners is the reduction of the term of temporary stay in Ukraine. Such decision is made by units of internal affairs. It is used as a rule in the cases of small violations of the Law, which do not envisage administrative and criminal responsibility.

One more specific penalty for foreign nationals is expatriation out of Ukraine. Foreign national can leave the territory of Ukraine by himself in the term defined by the decision of the units of internal affairs. If a foreigner does not execute this decision he can be expatriated from Ukraine by force.

The given Law also determines the order of entry in Ukraine and departure from Ukraine of foreigners. As for the rules of the crossing state border of Ukraine, regime of the points of border crossing and also responsibility for violation of the state border, they are determined by the Law on border guard.

The specification of the provisions of above-mentioned Laws is contained in the decision # 1074 of the Cabinet of Ministers of Ukraine, 29 December 1995: "The rules of entry, departure and transit crossing of Ukraine by foreigners". It provides details of the order of entry of foreigners into Ukraine, types of the documents, which allow legal entrance into the country, the order of transit crossing of Ukraine by different kinds of transport. This document specifies what a foreigner should do in the case of emergency — calamity, disease, reparation of the vehicle, etc.

The given decision of the Government determines the order of the registration of passports of all categories of foreigners coming to Ukraine, case of the release from the registration, rules of the prolongation of the term of stay of the foreigner in the country. It also determines the order of movement of the foreigners within the territory of Ukraine and responsibility of the foreigners, legal and physical persons, who render or use their services, violation of the legislation of Ukraine.

Constitution of Ukraine on entry, exit and stay of foreigners in the country

New Constitution of Ukraine open wide legal perspectives for migrants, creates background for regulation of various internal and external migration processes. Articles of the Constitution, corresponding migration processes, are truly liberal, and accords with the recommendations of United Nations, Council of Europe, OSCE and other international organizations in this area. Many provisions devoted to the freedom of movement were for the first time formulated in Ukraine on the constitutional level.

The issues of migration were not included into the Constitution of Ukrainian SSR. Only after adoption of the new Constitution in 1996 these problems received constitutional status. The Article 33 of the Constitution of Ukraine says: "Every person who is present within the territory of Ukraine on a legal basis is guaranteed freedom of movement, free choice for place of residence, and the right to leave the territory of Ukraine, except for the limitations established by law." These rights are complemented by the rights and duties named in the Article 26: "Foreigners and stateless persons who reside in Ukraine on a legal basis enjoy the same rights and freedoms and have the same duties as citizens of Ukraine — except in cases prescribed by the Constitution, laws, or international treaties of Ukraine. Aliens and stateless persons may be granted asylum according to the procedure prescribed by law."

This article guarantees, first of all, freedom of movement and choice of place of residence within Ukraine. These articles are truly liberal but it is difficult to implement them into practice. The problem is not only famous "propiska". Substitution of propiska to any other kind of registration would not solve the problem. Today it is impossible to refuse from the regulation of flow of the population to cities, as living standards and possibilities of self-realization of personality differs greatly in different types of settlements of Ukraine. Maybe in 10-15 years, after changing of structure of the forms of property in Ukraine and forming of rich market of housing, stabilization of economic situation, and putting into being other economic reforms, full execution of this Article of the Constitution will be achieved.

Article 33 also contains principal provisions on the right of the person to leave Ukraine freely, without any limitations, and also the right for the nationals of Ukraine to return in Ukraine. Hence, here are formulated the freedoms of nationals of Ukraine on free entry and leaving the country.

By the way, the Constitution of Ukraine takes into account of bitter experience of forcible expulsion of the nationals from the country. In order this experience never to be repeated, the Article 25 says: "A citizen of Ukraine may not be deprived of citizenship or of the right to change citizenship. A citizen of Ukraine may not be expelled from Ukraine or surrendered to another state. Ukraine guarantees the protection and defense of its citizens abroad."

Returning to the Article 33, we should mention that this article does not say anything about foreigners directly. They are not mentioned, when the Article says about movement within the country, choice of the place of residence and leaving the country. As for the entry of the foreigners into the country it is implicated in the phrase "who are present ... on a legal basis". This aspect of migration, that immigration, is described in the Constitution most briefly and abstractly. Saying strictly, the term «immigration» is not used in the Constitution at all.

Even Article 26 devoted to the stay of foreigners in Ukraine in fact does not add anything about the order of entry of the foreigner in Ukraine in comparison with the Article 33. The same phrase is used here: "reside in Ukraine on legal basis".

The full formulation of the Article is as follows «foreigners and stateless persons, who legally stay in Ukraine, have the same rights and freedoms as Ukrainian nationals on the exceptions, envisaged by the Constitution, Laws and international treaties of Ukraine. Foreigners and stateless persons can be granted the asylum in the order envisaged by the Law».

Item 26 of the Article 106 says more concretely about those, who make the decisions concerning the granting citizenship and the termination of citizenship as well as granting of asylum; This right belongs to the President of Ukraine.

These Articles contain the provisions, which will be developed and concretized in referring laws. This must be done as legal context of the regulation of various aspects of the behavior of foreigners and apatrides in Ukraine.

Important new provisions included to the Constitution are the provisions of the items 2 and 10 of the Article 92, which declare that "citizenship, legal status of citizens, the status of foreigners and stateless persons" is determined solely by the laws of Ukraine", and also "the fundamentals of regulation of the demographic and migration processes". We should draw attention that term "migration processes" are for the first time used in the Constitution of Ukraine. Moreover, this article also uses the term "migration regime" different from common one, in the item 8 of the second part of this article. The implementation of this regime is envisaged in special zones.

Thus, items 2 and 10 of the first part of the Article 92 and also item 8 of its second part mean that key issues, concerning various aspects of migration processes, relationship of state and external migrants, refugees, are

considered not on the level of departmental instructions but on the level of Law.

Establishment of the post of Authorized Representative of the Supreme Rada of Ukraine on Human Rights is also new provision for Ukraine within this context (Articles 101, 85 item 17). No doubt securing of the human rights of all the categories of migrants, including asylum seekers and refugees will be the issues within his competence. We hope, that problems of migrants, refugees will be part of his annual report on the situation of protection of human rights and fundamental freedoms in Ukraine. The point is not only in the including of the problems of migrants into annual report. The point is also that every person can appeal to him. Third part of the article 55 says: "Every person has the right to appeal for the protection of his rights to the Authorized Representative of the Supreme Rada of Ukraine on Human Rights".

Respectively, Authorized Representative of the Supreme Rada of Ukraine on Human Rights has the right to address a petition concerning the correspondence (constitutionality) of a certain issue to the Constitution of Ukraine to the Constitutional Court of Ukraine.

For the first time the term "deported peoples" has become the term of the Constitution. It is used in the Chapter X of the Constitution of Ukraine, devoted to the Autonomous Republic Crimea. Item 9 of the Article 138 says that Autonomous Republic Crimea has the jurisdiction to participate "in the development and fulfillment of programs for the return of deported people." Certainly it is considerable progress in the legislative recognition of this problem, as problem of state concern. Meanwhile the clearness of the formulation can become the subject to the discussion. As it is known Crimean Tatars insist that the term "people" can be applied only to them, but not to all the persons deported from Crimea, though they were deported altogether, the whole ethnic group was deported. That is the lawfulness of the use of the term "deported peoples" in the multiple, according to mentioned point of view. But if this term is not precise, the question arises, by what it can be substituted.

We performed the analysis of articles of the Constitution which directly deals with migrants. But the Constitution contains also articles that can be applied to certain categories of migrants not directly. For instance, fifth part of the Article 54 can be applied to the deported persons, their historical treasures. It says, "the State ... takes measures to return to Ukraine the national cultural treasures which are located beyond its borders." As it is known, in the times of deportation and after it many cultural treasures were relocated from the territory of Crimea - various masterpieces, libraries, exponents of museums, archives, etc. of Crimean Tatars, Bulgars, Armenians, Greeks, and Germans. After the collapse of the USSR they appeared to be in the foreign states. The state should promote the return of these treasures of cultural heritage.

One more Article of the Constitution can be nondirectly applied to migrants. It is Article 16, which reflects the problem of ecological migrants, namely those, who suffered from Chernobyl disaster. This Article says: "Ensuring ecological security and maintaining the ecological equilibrium throughout the territory of Ukraine, overcoming the consequences of the Chernobyl catastrophe - a catastrophe of global significance, and the preservation of the gene pool of the Ukrainian nation is the responsibility of the State".

Overcoming of the consequences of Chernobyl catastrophe includes also resettlement of the people from the spoiled territories.

As analysis has shown the Constitution of Ukraine reflects various aspects of migration processes. It also gives ground to the fundamental provisions of the regulation of these processes by the State. Meanwhile some categories of migrants are poorly covered by the Constitution. In particular, Constitution does not provide any ground and rules for immigration.

Gaps in the legislation

Many problems of illegal migration in Ukraine are connected with imperfection of legislation. The most important shortcoming is the lack of the law on immigration. The absence of this law complicates the legal categorization of foreign nationals, situated on the territory of Ukraine and clarification of their legal status. The project of this law has been working out for more than three years, but on various reasons its passing of Supreme Rada of Ukraine has been delayed. It was buried within the Cabinet of Ministers. Many Articles of the Constitution are senseless without it. And its absence causes spontaneous entry of the foreigners into the country and unregulated changes in the structure of population (ethnic, cultural, language, confessional, and demographic).

In this particular area Ukraine is far behind of some post-Soviet countries. For example, Georgia established the annual quota for immigrants, which is adopted by the Parliament. The entry of 150 foreigner is envisaged for 1997. And in 1996 only 67 persons received the status of immigrants to this country. (See: Georgia is protecting itself from the crowd of immigrants in advance // Den, 6 February 1996).

The adoption of the Law on immigration will complement the group of laws, which regulate stay of foreigners and apatrides in Ukraine. On its adoption our legislation will be close to the legal coverage of practically all categories of migrants.

It is necessary also to make some amendments in the current legislation. In particular, the Code of Ukraine on administrative infringements of the law should be supplemented with the Article about responsibility for complicity in illegal crossing the state border, for giving of job and lodging to illegal migrants. Nowadays such crimes of Ukrainian nationals are widespread. In 1996 more than 5000 of Ukrainian nationals were arraigned for complicity in violation of legal status by the foreigners. But the fee envisaged for such violation of the law is so miserable that it can not be compared with benefits of this «illegal business». Today the fee makes up 15 hryvnas. The same time such crimes are punished by much more serious penalties. In France, for example for attempt to render illegal services, the person would be punished either by the imprisonment from 2 months to 5 years or the fee from 2 to 200 thousand franks. Rather big fees (\$500) are envisaged by USA legislation for the violation of the border, this crime is strictly punished in FRG. (See Volodymyr Chikalin Barrier for illegal migration // Uryadovy courier, 16 January 1997)

The issue of granting to the frontier guard the right to consider the cases of administrative infringements of the law at the frontier and frontier zone and

to impose an administrative penalty is also have to be considered urgently. The issue of prohibition of departure from Ukraine and entry in Ukraine of the persons, who has broken the laws while crossing the border of Ukraine, is also still undetermined.

One more gap that Ukraine still has not clear scientifically and politically grounded immigration state policy. Sometimes it seems that the existence of immigration processes is completely unknown or forgotten in Ukraine. Even the Concept of the National Security of Ukraine does not mention this issue. It stresses the danger of departure, "uncontrolled flow of intellectual, material and financial resources from Ukraine", and necessity of the counteraction to such flow. But creators of the Concept and lawmakers do not notice the danger of uncontrolled by state arrival.

REGISTRATION AND CALCULATION OF MIGRATION

Problem of migrants calculation

It is not only absence of long-term state immigration policy in Ukraine that complicates the work of state agencies. The second reason — problems of immigration is within the competence of several Ministries and agencies: State Committee of migration, State Committee of Borders, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Justice. As a result, country does not have comprehensive systematic calculation of migrants.

The problem of the calculation of persons, who arrive and depart from Ukraine, has not been solved. Our country still has not elaborated concept of migration control, hence the stations of migration control are not established at the check points of border. Partially, the units of border guard perform these functions. They note the number of foreign nationals coming to Ukraine and leaving it. But they do not undertake any qualitative analysis of visitors.

For instance, according to the data of the border guard, 18.2 million of foreigners entered to Ukraine in 1995. And only 17.4 million left the country. 800 thousand of foreigners stayed within the country. 400 thousand of them registered in the units of internal affairs, and more 400 thousand stayed in Ukraine without legal permission (See: Shirochenko Vladimir, Next stop — "State Ukraine" // *Vseukrainskie vedomosti*, 9 July 1996). But nobody can provide the information about the duration of the stay of foreigner in Ukraine: how many persons stayed for a week, for a month, how many do not intend to live Ukraine at all.

In such circumstances approximate, rough figures are used instead of precise ones. They differ considerably in the estimation of different authors. Thus, according to rough estimates, about 10 thousand of illegal migrants stayed only in Kyiv in 1995. (See: *Nezavisimost*, 21 June 1995). The comprehensive number according to the estimates of experts is from 270 to 300 thousand of people (*Kievskie vedomosti*, 8 April 1995). Newspaper *Den*, also referring to experts, presents other figures. It states that 1 million of migrants reside in Ukraine, and 100 thousand of them live in Kyiv (Though newspaper calls them emigrants on some unknown reason). (See: Primachenko Oleksandr. Illegal migrants love Ukraine // *Den*, 29 October 1996).

The information both of the border guard and units of internal affairs is subordinated to the interests of these organizations and does not represent the whole situation on refugees, asylum seekers, and other categories of migrants. Special migration statistic should be established in order to receive the information on refugees, migrants, corresponding to international standards.

Temporary local calculation was established in few cases. Firstly, it was during the military conflict in Trans-Dniestria, when the main mass of refugees has fled to Odessa and Vinitsa oblasts. 20 July 1992, Cabinet of Ministers of Ukraine adopted the Resolution #378 "On assertion of the temporary status of refugees from Republic Moldova and rendering assistance to them". This resolution arranged the payment of one-time

allowances and the refugees' calculation. It appears to be approximately 62 thousand of people.

Second case was the adoption by the Government of Autonomous Republic Crimea of the resolution, dated 23 July 1993, "On measures on rendering assistance to the nationals, members of deported people, who were forced to leave the regions of military conflicts in Abkhazia and South Tadjikistan." More than 500 of people were registered that time. The calculation of the refugees from Abkhazia and Tadjikistan was not arranged in other regions of Ukraine.

Thirdly, 16 February 1995, the Cabinet of Ministers of Ukraine adopted Resolution #119 "On measures on rendering assistance to the person, forced to leave the places of permanent residence in Chechen republic of Russian Federation, who came to Ukraine." To the June 1996, approximately 1300 of people were registered. The UNHCR office in Ukraine performs its own calculation. But, taking into account the fact that Ukraine did not access to the Convention on refugees of 1951, and hence, UNHCR mission does not perform its duties in full extent, and does not possess the full information about refugees.

One more gap is that interdepartmental control over the stay of foreigners in the country is not arranged. The elaboration of the project of interdepartmental data base, to collect the information of border, migration, custom services, Ministry of Internal Affairs, other state agencies, registering the stay of the foreigner in Ukraine is not started yet.

Imperfection of the structure of state migration service

Not all the necessary components of migration service are already established in Ukraine. Migration departments function in the State Committee of Ukraine on nationalities and migrations, under the Government of Autonomous Republic of Crimea, and small ones, including 1-2 persons in oblasts. According to the Decision #428 of the Cabinet of Ministers of Ukraine on 22 July 1994, State Committee on nationalities and migration have to include 20 migration officers. The staff of migration units in the regions of Ukraine and Autonomous Republic Crimea consists of 57 persons. It is clear that such amount of workers is not able to provide routine work of the migration service of the country. The number of workers should be increased in several times in order to let migration service to perform its duties. Certainly, expenditure for these purposes also must be increased in several times. Taking into account the weakness of the state budget, one can conclude that migration service will not be established in the country in the next two or three years.

But the absence of migration service costs much more than its development. In order to ground this statement we would like to give an example. On the establishment in Russian Federation of the developed Federal Migration Service, its department consisting of approximately 100 officials was opened in Belgorod, city adjacent to Ukrainian Kharkiv. Immediately Kharkiv was flooded by Vietnamese, who felt themselves uncomfortable in Russia (Maznitza Anton. Not turn into the stockpile of illegal migrants //Zerkalo nedeli, 5 October 1996).

Migration service of Ukraine, even in its germinal stage, is subjected to regular "stresses" caused by the restructuring of central state agencies. Thus, Ministry on nationalities and migration was established in 1993, then in 1994 it was transformed into the Ministry of nationalities, migrations and cults, then department dealing with cults were separated in 1995 and it became again Ministry of nationalities and migration in 1996 and the same year had lost its status and turned into State Committee on nationalities and migration. In practice, each restructuring was accompanied by the change of top officials. It is clear, that these events did not facilitated strengthening of migration service in the country. New projects on the merge of the migration departments of the state Committee on nationalities and migration and State Committee of border and establishment of new state agency, State migration and border service are discussed from the beginning of 1997 (See: Mayboroda Oleksandr. Poor "stockpile"//Den, 20 February 1997).

System of registration of refugees

Ukraine has adopted laws and Governmental regulations, which determine the order of obtaining refugees status by asylum seekers. According to Article 2 of the law of Ukraine "On refugees", "persons, who will to obtain refugees status and have crossed the borders of Ukraine in the order determined by current legislation, must within three days address a request on obtaining refugees status to the respective unit of migration service". Those, who have come to our country illegally, must address to the representatives of migration service or representatives of border troops a request on obtaining refugees status and substantiated explanation of the way of crossing Ukrainian border.

The right of granting refugee status as well as the right of deprivation of this status is transferred to the bodies of migration service. Asylum seeker meets many obstacles on his or her way to obtain the refugee status. The first reason — the network of migration service in Ukraine is still under construction. It means that there is no representative of the migration service in the places of border crossing. Secondly, because of lack of financing, migration units in oblasts are small and inefficient. Thirdly, employees of such units have no experience in the work with asylum seekers.

That is why mass granting of refugee certificates has started only in the second half of 1996, while the Law on refugees was adopted in Fall 1993. 1661 persons obtained refugee status to the end of February 1997. 265 got refusal on the granting of such status (See: Den, 7 February 1997).

Kyiv's migration service issued the greatest number of certificates. This unit has got 984 applications for refugee status to the end of the first decade of December 1996. 361 applications on the granting of refugees status of nationals of Afghanistan and 16 applications of apatrides met positive response. 286 applicants from Chechnya and Abkhazia also obtained refugee status. 200 applicants were refused in granting of this status (See: Darenko Vadim. How many refugees came to Kyiv? // Den 20 December 1996).

The work with asylum seekers is not arranged in Ukraine in comparison with other countries. For example, Federal migration service, possessing great number of personnel both in the central service and in local ones, exists in Russian Federation. Mechanism worked out and experience gained in the granting of refugee status to asylum seekers. Meanwhile, one can note, that such progress is caused by the existence of "conflict zones" in Russia. Partially, it is the reason. But majority of migrants in Russia did not come from its conflict zones. More than 70% of migrants come from Central Asia (mainly Kazakhstan and Uzbekistan). 2.7 million of people came to Russia in 1993-1995. More than million of them got refugee status or status of involuntary relocated person. (See: Troubles pushed our compatriots to live long-occupied places // Rossiyskaya gazeta, 28 May, 1996). As for Ukraine, development of migration service in oblasts stopped soon after the first organizational push in summer 1994.

The procedure of consideration of the cases of asylum seekers is rather sophisticated. Firstly, asylum seeker has to submit application on granting refugee status and fill up special questionnaire, where he testifies his or her nationality, last place of permanent residence, place of previous to coming in Ukraine residence, working positions for last 10 years, results of the test on AIDS, routs of coming to Ukraine, reasons of departure from the country of permanent residence, etc. While considering the application, units of migration service have to take into account political situation and character of political regime at the homeland of the applicant, examine the practice of protection of human rights there, persecution on the reasons of nationality, religion, race, political or ideological opinion.

We should mention, that many of those foreigners, who reside on the territory of Ukraine for a long time, (considerable amount of them has been residing in Ukraine before the adoption of the Law on refugees) who could apply for refugee status, are not going to apply for it. According to the information of the Head of migration service of Kyiv O. Novik, only every ten of such persons applies to migration service. Nobody of two thousand of Vietnamese, who reside in Kyiv, applies to migration service. (Darenko Vadim. How many refugees came to Kyiv? // Den, 20 December 1996/ Also all Nigerians, who live in the capital, do not apply for this status.

Refugee status is granted to the applicant only for three months. After the expiration of this term he or she have to apply to migration service on the prolongation of this term. In order to prolong the term of this document refugee should present valuable arguments pro.

One more issue still is and will stay for a long time very acute, the implementation of the Article of the Law "On refugees", which envisages granting of financial support. In the circumstances of the constant delay of social benefits, deterioration of health care services and educational institutions, practical stop of rendering assistance to the persons, who return from deportation, it is almost impossible to get funding to support refugees.

The issue of pensions for retired persons is also not determined. Saying strictly, pensions for retired persons are envisaged only for Ukrainian nationals. Even if refugee status is granted to the aged person, with some perspectives to obtain Ukrainian nationality (we should recall that for this purpose person must reside in Ukraine for 5 years) he or she would not receive pension before obtaining the nationality.

Regional accommodation centers of migrants

Necessary condition of both normal life and normal functioning of state migration service is determination of the potential regions of settlement of refugees and establishment of accommodation centers. The Government of Ukraine adopted the decision on the potential regions of settlement of refugees and instruction on the regional accommodation centers for refugees.

Regional accommodation center is according to the state documents: "state unit, established for temporary stay of foreigners who came to Ukraine and applied for obtaining refugee status in the order envisaged by current legislation on refugees" (Instruction on accommodation centers for refugees

prepared by the Ministry of nationalities, migration and cults in 1995). Refugees can reside in the accommodation center for three months. Catering, social and medical services are provided by the center.

As for the establishment of the concrete regional centers, state agencies adopted decision on the only one — regional center in Trostanetskiy rayon of Vinitsa oblasts is under construction for already 2 years. But because of the lack of financing its opening could be postponed for a long time. Though not too big amount of money is needed for its completion, 260 thousand of hryvnas (See: Den, 7 February, 1997). Nowadays, all refugees, asylum seekers have to accommodate by themselves. Local authorities render them some assistance when it is possible. Thus, school #247 of Kyiv opened special class for the children of refugees (Nedopytanskyi Mykola. Refugees in Ukraine: dangerous trouble or social benefit? // Uryadovyi courier, 13 June 1996).

ILLEGAL MIGRANTS

Structure of illegal migration

The variety of illegal migrants in Ukraine consists prevalingly of migrants from outside the NIS countries. One cannot talk about single homogeneous migration phenomenon but about structured, that can be divided into following groups: 1) individuals, who have been residing in Ukraine for rather long period of time; 2) newly arrived foreigners; 3) illegal transit migrants.

Among the members of the first group are many former foreign students, who have graduated our universities, and for some reason or another do not want to come back to the homeland. For example, in 1994 265 foreigners — graduates of Kyiv higher educational establishments — decided to stay in Kyiv, despite termination of period of their legal residence in Ukraine. 114 of them did not obtain visa, 151 did not depart to the country of origin, avoided law enforcement officers. Some of former students in order to stay in Ukraine registered marriage with women nationals of Ukraine.

One more category of illegal migrants, who have been residing in Ukraine for quite long period are foreign nationals rejecting to return home on the termination of their labor contract with enterprises. Thus, approximately one thousand of Vietnamese, ex-employees of Ukrainian enterprises do not wish to return to their country and, on various pretexts, continue their stay in Ukraine. The majority of them are involved in small business — selling, merchandising, etc. Some of them hope to save up some money and to find necessary connections for safe crossing the border, and then to settle themselves in West European country.

Next category of illegal migrants explains their rejection to repatriate from Ukraine by political reasons. For example, due to the rough estimates of the public Committee of Afghanian refugees, there are more than 3 thousand Afghanistan nationals only in Kyiv. Most of them came to Ukraine in 1991-1993 from Russia, other CIS countries. According to UNHCR office in Ukraine 4425 nationals from 20 countries of the world have applied for refugee status only in Kyiv. Due to other data, 1400 persons from 20 countries of the world applied for refugee status and obtained the identification cards (See: Volodymyr Shepel. Geographic position of Ukraine attracts illegal migrants// Kievskie vedomosti, 16 September 1995). The largest groups of them consist of the nationals of Angola — 710 persons, Iraq — 443 and Sri Lanka — 173 persons.

Transit migrants constitute comparatively new problem for Ukraine. Migrants from South-East Asia, Africa, Middle East seek to reach West Europe through the territory of Ukraine. They appeared after the collapse of the USSR and used liberal border crossing regimes in its former republics. New liberalized rules of border crossing for nationals of certain countries established in some new independent states also contributed to the increasing of the number of illegal migrants. For example, liberalized rules of crossing the border exist on the Azerbaijan-Iran border and Moldova-Romania border.

Some parts of former Soviet boundary have extremely weak protection because of the military operations in the region, as for example at Tajik-Afghanistan frontier. Such situation causes favorable conditions for illegal crossing the frontier of CIS states. And then transparent frontiers of CIS countries allow illegal migrants to move through all its territory almost without difficulties.

The peculiarity of the situation on Ukrainian borders is the following: Ukraine has transparent frontiers from CIS side and strict "old" frontiers in the West, former boundaries of the USSR. Transparent borders of Ukraine attract illegal migrants. According to the statistic data, 57.8 percent of illegal migrants were arrested on the frontiers of Russia, Belarus, and Moldova. (See: Shepel Vladimir. Ukraine is communicating yard? // Novosti, 23-30 October 1995). Such situation turns Ukraine into some sort of filter of illegal migrants, their "stockpile." Being unable to cross western Ukrainian border, illegal migrants settle mainly in big cities. They keep hoping to cross the boundary later.

The result of this is the accumulation of illegal migrants in Kyiv, Odessa, Lviv, Uzhgorod, Chernivtsy, and other big cities. They settle in the students' dormitories, private lodging where their compatriots live. Their number increases from year to year.

Some mass media sources tend to the opinion that spontaneous flow of immigrants to Ukraine is caused only by its transparent borders. To our opinion, such rough representation of the problems of coming of migrants in Ukraine is false and even hazardous. Various violations of the law are mostly connected not to eastern and northern borders of Ukraine, but to the unregulated order of crossing of borders of different CIS countries. Transparency of the borders is characteristic feature of not only CIS countries. Transparent borders were established in the majority of countries of Western Europe. Seven of these countries united and established so-called "Shengen seven" (Germany, France, Spain, Portugal, Belgium, Netherlands, Luxembourg), later on Austria, Italy and Greece and also Finland, Denmark, Sweden, Norway and Island joined this union. (See: Den, 20 December 1996). Regime of border crossing embodies the trust of these states to each other, democratization of interstate relations. It is also trust to the person and development of the modern concept of human rights.

Routs of movement of illegal migrants

The majority of illegal migrants come to Ukraine from Russia. The reasons for it are obvious: firstly, Moscow is connected by air and railways with great amount of states and cities. Secondly, much more foreign nationals settled in Moscow, as former capital of the USSR, than in Kyiv and other Ukrainian cities. These circumstances make Moscow most attractive place for newcomers to the territory of post-Soviet countries. In Moscow they have better chances to find acquaintanced compatriots, nationals of their home country. Thirdly, Moscow is the place of studies of the greatest in the CIS number of foreign students, that is especially convenient for foreigner, though students can help to find the place in the dormitory avoiding contact with official authorities.

There were approximately 500 thousand illegal migrants in Russia (Izvestia, 7 July 1994). As a rule the groups of illegal migrants, crossing Ukraine are formed in Moscow. Ukraine is the most attractive route for criminal managers of migration channels. It is caused by geographic and some other reasons. Indeed Ukrainian-Russian frontier is the longest and less equipped one on the West of Russia, the most liberal and transparent. Similar condition exist at the Ukrainian - Belarus and Russian-Belarus borders. Moreover, nationals of Vietnam, North Korea, China and Mongolia have the right of free (without visa) entrance to Ukraine and their stay here is legal till the moment when they will try to cross Western border of the country.

The majority of illegal migrants come to Ukraine from Russia by air and by train. Every day Ukrainian custom officers catch in the trains at Russian-Ukrainian border from 30 to 60 persons with false passports. Majority of them intends to cross western Ukrainian border. (See: Molod Ukrainy, 19 January 1995).

They stay for a while in Kyiv or other cities. There they usually meet the members of special groups, involved in this underground business, who settle them and then help to cross the border. They move to the West borders usually by railways. Their main routs are Kyiv-Lviv and Kyiv-Uzhgorod.

Illegal migrants — violators of border

The growth of scale of illegal transit migration leads to the growth of crime rate. Only in Kyiv in 1994 23.5 thousand of foreigners and Ukrainian nationals, who helped them, were charged. 29 foreigners were deported. 584 foreigners, who illegally stayed in the country, were forced to obtain departure visa.

It is illegal migrants, which constitute the main category of violators of the border. They made up 71 percent of the violators of the border in 1994 (See: Golos Ukrainy, 19 April 1995).

Almost all representatives of this category of migrants are planning to move to one of the countries of the European Union. As a rule, they have no possibility to reach them. That is why they prefer to use various ways of illegal border crossing. The number of such violations is increasing from year to year. The number of persons, who illegally stay in Ukraine, increases annually. If in 1991 there were checked 148 persons, 1992 — 729 persons, 1993 — 986 persons, 1994 — 11 thousand persons, 1995 — 9787 (Chikalin Volodymyr. Barrier to illegal migration // Uryadovyi courier, 16 January 1997).

Many of them, being left without any sources of living, are to go into illegal business. Following figures represent the scale of such activities. 70 thousand of foreigners from more than 100 countries of the world were taken to administrative responsibility in 1995. These figures are in 4.3 times more than in 1994. Majority of violators is from the countries of South-East and Central Asia, Middle and Far East, Caucasian region.

According to statistics this tendency is not dropping. To the middle of 1996 33 thousand of foreigners were taken to court and 2.6 thousand of Ukrainian physical and legal persons for comprising violators of the law.

Some illegal migrants are arrested at the border entering or more often, leaving the country. Thus, 18997 violators of the law were detained, including 9421 illegal migrants. The most strained sectors of the border are Lviv, Mukachivo, Odessa, Ismail, Sumy plots (See: Astakhov Sergiy. What's new on the border?// Uryadovy Courier, 6 January 1996). Slight tendency of dropping the number of violators of the border, including illegal migrants, is observed. 16130 violators of the state border and half of them consist of illegal migrants in 1996. It is 3 percents less than in 1995 (See: Fil Oleksandr. Illegals move West // Den, 23 January 1997).

As a result of the absence of full-fledged migration service, border guards are involved in the work with migrants. There are no migration departments at the points of border crossing. If migrant is detained as illegal one, he turns out to be within the competence of the border guard. There are no filter centers and accommodation services for migrants. Migrant is accommodated in the premises of frontier post and gets the meal from soldiers' kitchen.

In the context of mass violations of the law by foreigners the issue of legal regulation of the expatriation them from Ukraine, determination of the sources of its financing is still unsolved. 7 thousand of persons were expatriated from Ukraine in 1993, 9950 persons - 1994. It requires considerable funding. Thus, the procedure of deporting of 10 thousand illegal migrants costs for the state 400 thousands of US dollars (See: Prykordonnyk Ukrainu, 14 January 1995).

11 billion of karbovanets were spent for maintenance and deportation of 219 foreigners in 1995. The term of stay of 260 foreigners on the reason of rude violations of the law was reduced in the first half of 1996. The whole number of expatriated illegal migrants was 2800 persons, 520 of them - by force. Expatriation cost 2 billion of karbovanets. 5 thousands of migrants were in the line for expatriation by the units of internal affairs, according to the law, in 1996. But neither violators, nor state units have money for tickets. 1 million of US dollars is needed for expatriation of this number of violators (See: Shirochenko Vladimir. Next stop state Ukraine// Vseukrainskie vedomosti, 9 July 1996; Chikalin Volodymyr. Barrier to illegal migrants// Uryadovy courier, 16 January 1997).

The fact that the violators of the Law "On legal status of foreigners" are not subjected to criminal responsibility but have to pay fee equivalent to 60-70 cents, also does not facilitate the struggle against illegal migration.

Transit migrants seek for mediators to transmit them to the countries of Western Europe. Demand produces the proposition. Criminal structures are involved in this process. They establish the groups, specialized in transportation of illegal migrants across the border. Contraband transportation of illegal migrants is the third, after drugs and stolen cars, the most profitable kind of business. According to the data of the Ministry of Internal Affairs, the cost of illegally transportation of one foreigner to the West reaches 5 thousand dollars (Chikalin Volodymyr Barrier for illegal migration// Uryadovy Courier, 16 January 1997).

The ways of crossing the border by illegal migrants

Various tricks and falsification of documents is used for "legalization" of border crossing to Ukraine and out of the country. For example, the inspection organized by the General Office of Public Prosecutor of Ukraine revealed 1.4 thousand foreigners with falsified visas and passports (See: Den, 29 October 1996). One of the most popular way of "legal" crossing of the border is creation of dummy tourist companies, joint ventures, commercial enterprises. For instance, Ukrainian-Pakistani company «Radja-enterprise» was registered in Kyiv. It dealt with falsification of the documents for migrants and further transportation them to the West. And Israel company «New World» transported illegal migrants under the cover of students of the Ukrainian Academy of Arts.

Widely spread way of transportation of migrants from Ukraine to the West is registration of them as students of Ukrainian universities. Technique of such method of transportation is following: entry of the nationals of Nigeria, Chad in some European countries, for example France is permitted only in the case if they are students of European universities. In order to reach France, special company is established for selection of students for Ukrainian universities. On selecting enough "students", who pay for some months of education in Ukraine, a trip for training course or workshop of these is organized in target country. And then these "students" disappear. (See: Maznitsa Antonina. Not to turn into stockpile of illegal migrants// Zerkalo nedeli, 5 October 1996).

Special criminal groups (gangs) are involved in the transportation of illegal migrants. These organizations are international and have complicated international network. For example, German police conducted wide-scale operation in federal lands Brandenburg, Rheinld.-Pfalz, Sachsen and Sachsen-Anhalt. As the result 5 foreigners were arrested, who are chiefs of international gangs, specializing in transportation of illegal migrants to the West and contraband of tobacco-products. Head of border crossing corridor to Poland in German town Herlits reckons that thousands of illegal migrants enter Germany through its eastern border (Tymchenko Viktor. Foreign gangs threat Germany// Den 18 January 1997).

Following data represent scale and dynamics of such kinds of activities in Ukraine. If in 1992 were exposed 5 criminal groups, involved in transportation of illegal migrants through the border, then in 1994 their number increased to 78 and in the first half of 1995 - 91 gangs were exposed (Ukraina moloda. 11 June 1995). Generally 325 channels of illegal migration were exposed and stopped on the territory of Ukraine in 1992-1995 (Primachenko Oleksandr. Migrants love Ukraine//Den, 29 October 1996). Such illegal syndicates are mostly the managers of group violations of the border. In 1993-1994 230 groups attempting to cross the border, were detained on the plots of the border with Poland and Slovakia. (See: Nezavisimost, 21 June 1995).

Illegal migrants arrive to Ukraine not only with falsified passports but also according to invitations. Criminal groups are involved in the sending of invitations abroad. Such kind of business is not dangerous as Ukrainian Law does not prescribe any responsibility for it. Even single person can establish the firm, invite 50 - 100 persons from other countries, for instance African for

"negotiations", get \$500 from each of them and immediately close the company, without any law responsibility. And "partners" increase the number of illegal migrants in Ukraine.

The inspection of the General office of public prosecutor on observance of the legislation, regulating legal status of foreigners, exposed 4 state institutions, 19 commercial companies and many private persons conducting registration of documents on entry and stay in Ukraine for foreign nationals (See: Primachenko Oleksandr. Illegal migrants love Ukraine//Den, 29 October 1996)

Foreign nationals, as a rule, from South-Eastern Asia, Middle East, Africa, intending to move to the West, come to Ukraine on invitations. All in all, nationals of 108 countries tried to reach West through Ukraine (Vseukrainskie vedomosti, 28 April 1995). Consular departments of the embassies of Ukraine grant visa on this invitations without any obstacles. This service is payable and more invitations means more profit for Foreign Service.

Many countries are concerned not only in the increasing of the number of illegal migrants but also development of organized crime connected to illegal migration. If some years ago groups of illegal migrants from the countries of Asia and Africa tried to cross the border on their own, then now such crossings are secured by criminal organizations. Illegal migration is closely connected to drug and armament trades, contraband of antiquities and raw materials, and also illegal currency transactions. States neighboring to Ukraine, concerned with organized character of illegal migration started to coordinate their actions in the struggle against these crimes. At the beginning of 1997 the workshop, devoted to this topic was held in Kyiv. Representatives of Belarus, Latvia, Estonia, and Ukraine took part in this event (Primachenko Oleksandr Eastern Europe join its effort in the struggle against illegal migration// Den, 28 January 1997)

Illegal migrants attempt to cross the border in various ways also in terms of quantity. Group crossing is the most popular. The points of crossing are official check points of border crossing and far-sited zones of the border.

In official points illegal migrants try to cross the border on falsified passports and secretly, with help of accomplices. Persons with falsified document use the assistance of gangs described above. The most popular ways of secret transportation are railway coaches and buses. The attempt of the foreign diplomat to transport a group of illegal migrants in the trailer of his car is known. Criminals inventiveness is amazing. They use more and more new methods of border crossing.

In the late 1996 the car with trailer was detained in Polish town Petru-Tribupalsky, driven by Czech national. There were 59 nationals of China in the trailer besides luggage. It revealed that sender of the load was Kyiv company "Sadeks", owned by Chinese national. The destination of the load was Germany. (See: Perchinko Igor. Ukrainian borders became transparent for Chinese// Den 31 December 1996).

Out of official points of the border crossing illegal migrants use the most primitive tools, they just cut borders enclosure. Sometimes they use really sophisticated means of transportation, for example, watering car. Military

helicopter without recognition marks was used for transportation of two groups of Asians through Polish-Ukrainian border.

Sometimes such attempts lead to tragic end. Refrigerator-car was detained near the state border in Uzhgorod neighborhood. Around 40 Chinese nationals, willing to cross Ukrainian-Slovakian border were inside. Some of them were totally frozen. Ten people were posed in reanimation (See: Ukrainian border guard detained frozen Chinese// Den, 15 January 1997).

In these terms exchange of the information about illegal migrants between neighboring countries is especially important. This problem is attract more and more attention in the international level. In the end of May 1996 IV International Conference on the problems of border guard was held in Hungarian town Shiofok. Representatives of 25 countries of Europe and America took part in it. They discussed the system of analysis and estimation of statistical data, referred to migration and violations of the law at the border. As a result of the Conference the Agreement on quarterly exchange of information on illegal migration and organized crime at the state borders of Bosnia and Herzegovina, Bulgaria, Belarus, Croatia, Estonia, Hungary, Latvia, Lithuania, Poland, Russia, Romania, Slovakia, Slovenia, and Ukraine. All member-states will send the information to Hungarian Border guard Service, where it will be processed and generalized and then sent to border guard institutions of these countries (See: Astakhov Sergiy. To create common information system // Uryadovy courier, 1 June 1996).

The problems of accommodation of repatriates

State pays attention to the problems of persons, who were forcibly deported from Ukraine in 1940-s among other categories of migrants in Ukraine. Only for them state agencies worked out special programmes to facilitate the adaptation. Other categories of migrants in Ukraine have to adapt themselves in Ukraine without any assistance of the state.

As it was mentioned above, many thousand of Crimean Tatars, Germans, Bulgarians, Greeks, Armenians, illegally deported from Ukraine in the years of WWII, came to Ukraine in the late 1980-s, beginning of 1990-s. Crimean Tatars were the largest group of the repatriates.

Many problems emerged at the first stage, when the arrival of Crimean Tatars was spontaneous, unorganized and not approved by the local authorities. The sharpest one was the delay of granting of lands to repatriates. That is why Crimean Tatars began to take plots of land on the own sake, illegally. Quite often such situations caused conflicts with local authorities. Sometimes these conflicts were escalated sharply up to the clashes with representatives of the bodies of internal affairs. Later on these plots were legalized, approved by the local authorities. The whole number of the plots given by the state in the period of mass resettlement of Crimean Tatars reached 48000 with total square more than 3 500 hectares.

Especially acute was the problem of housing of Crimean Tatars on the arrival. Though from 1989 more than 400000 sq. meters of housing have been constructed; it is just a small part of needed accommodations. The total need of Crimean Tatars in dwelling space makes up 5-6 million of square meters. 53000 families of Crimean Tatars had got "propiska" in Crimea, 25000 of them started the construction of own private houses.

But the construction of many buildings was delayed or stopped at all because of hyperinflation, lost of deposits in saving banks. 15000 families are registered in the state queue waiting of dwelling space. But their perspectives become less and less hopeful, because state construction programs has considerably dropped. Majority of people live in the condition not adapted for habitation, without elementary dwelling conditions. 180 from 240 places of compact settlements of Crimean Tatars haven't electricity, sewerage, and centralised water supply. They are supplied by water from motorized water-tanks. Telephone networks, road systems, other technical communications are not constructed. A great lack of the units of social, medical, and cultural sphere exists. There are no funds for completion of the construction of 19 schools, 4 clinics, 4 kinder gardens and hospital. There are no elementary medical units, shops in some settlements of Crimean Tatars. Most of these settlements are out of the network of public bus roots.

There are also many problems referred to an employment of Crimean Tatars. Firstly, they came to Crimea spontaneously and there were no planned working places for them. Secondly, even existing working places disappear in the conditions of hard economic crisis, deterioration of the production, conversion of war industry. Thirdly, the structure of the

professions of Crimean Tatars, who came predominantly from Uzbekistan, does not coincide with the structure of economy of Crimea. On this reason many Tatars can not find job according to their professions. They need to get new professions, to receive special training.

117 thousand of the total amount of Tatars, residing in Crimea, are workable. 74.3 thousand of them (63.5%) are employed and 42.7 thousand of people are temporary unemployed. 27.7 thousand were involved in the construction of the private housing.

Social and economic problems originate discontent among Crimean Tatars, though they understand that Ukraine is the only country to render them tangible assistance. The situation is complicated also because criminal structures try to gamble Crimean Tatars "card". This situation caused the conflict in Crimea in the summer of 1995, when two Crimean Tatars were murdered at the time of skirmishes with criminal elements. Then disorders began and two more Tatars were killed.

A number of legal regulations were adopted on the basis of the Declaration "On recognition as illegal and criminal the repressive acts against the peoples, which subjected to forcible deportation and securing of their rights". These document regulated processes connected with repatriation of the deported persons; considerable funding from the state budget were provided. In particular, state bodies of Ukraine and USSR adopted immediate objectives on the return of Crimean Tatars in 1990-1991. Only for 1991 these objectives envisaged state-centralized investments in the amount of 210 million of rubles (in the prices of 1990). 200 million were provided from the Union budget and only the rest from the budget of Ukraine.

After the collapse of the USSR the burden of the expenditures, related to the return of deported persons was posed on Ukraine. Other countries, which are legal successors of the USSR, do not realize their obligations. In the late 1991 Ukraine adopted legal regulations on the return of former deported Crimean Tatars, Bulgars, Armenians, Greeks, and Germans. In 1992 8 billion of karbovanets were provided from the state budget for the needs of former deported people, in 1993 this amount made up 75 billion, in 1994 - 807 billion.

Such growth can be explained both by the high inflation rate and also by increasing of allocations themselves. For instance, financing of the settlements of former deported last years made up approximately 5% of the investments to the social sphere in Ukraine though this category of the population constitutes only 0.5%.

Due to the decisions of the Government of Ukraine, managerial departments were established to settle former deported people, considerable budget allocations are provided, special construction companies were founded, including those, which consist only from Crimean Tatars.

The state of affairs shows that Ukraine undertakes measures, which in the conditions of favorable economic situation would allow moving forward in the settlement of former deported people. But economic crisis does not allow to obtain progress only by Ukraine's funding.

In the end of 1992, at Summit in Bishkek, Kyrgyzstan, on the initiative of Ukraine, The *Agreement on the issues connected to the renewing of rights of deported persons, national minorities and peoples* was signed up. This Agreement contains some conclusions, which would facilitate solving the problems of former deported people, national minorities and peoples on the inter-state level. But it does not include key articles, which would envisage financial assistance of CIS member-states in the programmes of the return of repatriates, cost of housing, which they leave, on fair prices. In fact, only Ukraine took real financial obligations for the mentioned in the Agreement purposes.

Crimean Tatars and other repatriates, which return to Ukraine, often have to sell their housing in other countries for next to nothing and spend all the saving for transportation of their movable property. Ukraine from its state budget repatriates the cost of removal and transportation of movable property in the amount of 3 tones per person, and pay benefit in the amount of 5 minimum wages to each member of family, but its seems to be not enough.

Resettlers used to request to remit them from leaving payment in the CIS countries, allow to remove building materials for the construction of one-family house, to start up the struggle against racket, which exists at the railroads in the removal of private luggage. Meanwhile CIS countries do almost nothing for the solving at least of these secondary issues. As a result, many well-doing Crimean Tatars, Germans and other resettlers, find themselves in Ukraine without subsistence.

Today 250 thousand Crimean Tatars have returned to Crimea. The whole number of this people in post-Soviet countries made up for different data from 400 to 500 thousand and almost all of them want to live at their homeland.

Besides, more than 12 thousand of Greeks, Bulgars, Armenians, and Germans live in Crimea. 17 thousand of Armenians, 17 thousand of Bulgars, 20 thousand of Greeks and 15 thousand of Germans are expected to return here till the year 2000. The process of the return of deported persons is permanently decreasing because of financial and economic difficulties in Ukraine. Unfortunately, from 1996 budget allocations planned for the settlement of deported are not provided in the full extent. The construction of many units, badly needed by repatriate is stopped.

The Government of Ukraine paid some attention to solving of social and economic problems of Crimean Tatars in previous years, according to the Order of the Cabinet Minister of Ukraine on 11 August 1995 "On measures on solving of legal, social, economic and ethnic problems in Autonomous Republic Crimea". It envisages the elaboration of "Primary objectives on settlement and accommodation of Crimean Tatars and representatives of other ethnic groups, who returned and reside in Crimea". Besides, the Government appointed to work out perspective "Programme of organized return, settlement and accommodation of deported Crimean Tatars and representatives of other ethnic groups in Crimea".

But year by year, on the reason of deterioration of economic situation and decreasing of the funding in state budget, assistance of the Government of Ukraine to Crimean Tatars is constantly dropped.

Political and legal problems

The autonomy of Crimea – Crimean Autonomous Soviet republic was restored in February 1991 and Supreme Council of it was established. The law on elections envisages quotas for the representative of deported peoples and ethnic groups in the Supreme Council of Autonomous Republic. The Law stresses that these guaranteed quotas are of temporary character, till the moment of the return of deported peoples to Crimea. The Supreme Council of Autonomous Republic Crimea has to include 14 seats for Crimean Tatars and 1 seat for Germans, Armenians, Bulgars, and Greeks each. Analysis of elections on national constituencies in Crimea showed up that 88% of voters voted for the list of Kurultay and 5.8% for the list of National Movement of Crimean Tatars. Unfortunately, the Law on elections to Supreme Rada of Ukraine does not envisage such quota for deported peoples.

The problem of accelerated obtaining of Ukrainian nationality by those persons who returned from deportation was not solved during 6-years period of independent Ukraine existence. On this reason 60 thousand of Crimean Tatars have not obtained Ukrainian nationality and are disenfranchised for the elections into representative units of local and central authorities. Such state of affairs causes discontent of Crimean Tatars. On this reason Medjlis appealed to boycott the elections to local Councils in spring 1995.

By the way Medjlis, as representative body of Crimean Tatars also has no legal status in Ukraine. The problem is that Medjlis is elected by Crimean Tatars over the world and they are national of many countries.

Different understanding of the status of Crimean Tatars in Ukraine by the central authorities and leaders of Crimean Tatars is also acute problem. According to the Head of Medjlis M. Djamiliov, "the movement of Crimean Tatars from the very beginning of its existence in the middle of 1950-s proclaimed the goal of full return of the native people to the homeland and restoration of national and territorial autonomy of the Republic Crimea, which existed before the deportation of Crimean Tatars" (See: *Visti z Ukrainy*, 6-12 May 1993). The Deputy Head of Medjlis of Crimean Tatars R.Chubarev expressed similar views.

One should draw attention to one more important issue. Leaders of Crimean Tatars consider that the term "deported people" can be applied only to Crimean Tatars, though "during the WWII the only people was deported, that is Crimean Tatars and also members of some other nationalities – Germans, Greeks, Bulgars, and Armenians". All deported people have the right to return and get recompense of damages. "But the issue of the return of above-mentioned ethnic groups can not be put in the same context with the issue of return to their homeland of Crimean Tatars and restoration of its statehood, as they have their own historical motherland and they are not faced to fatal dilemma; to exist or to disappear as the nation" (See: Djamiliov Mustafa: "I believe in the victory of justice..."// *Visti z Ukrainy*, 6-12 May, 1993).

Leaders of Medjlis also put on the question of the recognition of Crimean Tatars as indigenous people. They try to include the idea of the recognition

of the indigenous status of Crimean Tatars into various important instruments both within Ukraine and abroad.

Such important political and legal issue as rehabilitation of Crimean Tatars has also to be considered. This question also is constantly raised by Crimean Tatars. The essence of the problem is the following. As it was mentioned above, in November 1989 Supreme Council of the USSR adopted the Declaration on recognition as illegal and criminal of repressive acts against the peoples, which were subjected to forcible removal and securing of their rights. Russian Federation adopted the Law "On rehabilitation of repressed peoples" in April 1991, decision of Supreme Council of Russian Federation "On rehabilitation of Russian Finnish", and some other documents, which refer to former deported peoples.

Ukraine did not adopt any kind of the instrument to rehabilitate the people who were repressed on ethnic base. The Law "On rehabilitation of the victims of political repression in Ukraine" (April 1991) just was adopted. The decision of Supreme Rada of Ukrainian SSR "On the order of implementation of the Law of Ukrainian SSR "On rehabilitation of the victims of political repression in Ukraine" notes that a number of articles of this law can not be applied to repressed, forcibly deported peoples, (Crimean Tatars, Germans, Greeks, Bulgars, Polishes, Armenians, and others), as this category of nationals is covered by the decision of Supreme Council of the USSR on 14 November 1989 "On recognition as illegal and criminal of repressive acts against the peoples, which were subjected to forcible removal and securing of their rights".

Deported peoples are also mentioned in the Law "On national minorities in Ukraine". Article 10 of the Law says: "The question of the return to the territory of Ukraine the members of deported peoples is decided by the corresponding legislative acts and agreements of Ukraine with other countries".

The work on the elaboration of the draft of the law on rehabilitation of illegally deported peoples was conducted in the commissions of Supreme Rada of Ukraine in 1991-1994. The drafts of the Law "On rehabilitation and securing of the rights of national minorities, subjected to forcible removal from the territory of Ukraine" and "On the status of Crimean Tatars people (nation) in Ukraine" were prepared. In the same period Supreme Council of Crimea worked out the draft of the Law of the Republic Crimea "On the restoration of the rights of Crimean Tatars people, Armenians, Bulgars, Greeks, and Germans deported from Crimea in 1941-1944".

But Supreme Rada of Ukraine of 12 convocation (1990-1994) and Supreme Council of the Republic Crimea had not passed these drafts.

Supreme Rada of Ukraine of 13 convocation started the elaboration of respective documents. Commission on human rights held three hearings of the draft «Declaration on rehabilitation and protection of the rights of the persons, who were deported from Ukraine on the reason of the national belonging».

Ukrainian society perception of migrants' problems

The situation in certain country has its peculiarities and gets its sharp or even conflict, dramatic character not only because of presence of different categories of migrants, but due to specific combination of their problems in one particular society, in one state, and also due to the quantity, scale of these groups. For example, in Ukraine the combination of migration problems differs greatly from this in Belarus or Moldova. This particular combination makes the situation in Ukraine unique and solving of certain migration problems — whether it is problem of environmental refugees, or problem of settlement of earlier deported peoples — depend on the combination of these problems.

Complexity, difficulty of the migration problems still has no adequate cognition in the Ukrainian society, hence there are no adequate concepts and practical instruments of its solving. The latter shows itself in the absence in Ukraine of integral theory of all kinds of migration processes, taking place on its territory. Therefore, Ukraine lacks comprehensive far-reaching state program, based on the general concept of migration processes, including internal and external migration, immigration and emigration, and also the character of demographic processes in the state. And on the level of state agencies every institution acts on their own, proceeding from its own notions of the situation, without complete representation of the migration processes.

Adaptation of migrants in Ukrainian society takes place in the certain social environment, on the given stage of comprehension of these problems by public consciousness. Due to the level of understanding migration problems constitute the following hierarchy:

- 1) The problems of environmental migrants (mainly former inhabitants of the Chernobyl zone)
- 2) The problems of deported peoples
- 3) The problems of refugees, displaced from CIS states (from Nagorny Karabach, Armenia, Azerbaijan, Georgia, South Osetia, Tajikistan, Trans-Dniestria, and Chechnya)
- 4) Migrants from other states

The place of the problem in the given hierarchy corresponds to its scale. The first place belongs to the problem of Chernobyl, partly because of the number of ecological migrants produced by this disaster, the total amount of who exceeds now 500000 of people.

The second problem is the problem of former deported individuals' settlement. As a whole it covers almost the same number of people.

Third place belongs to the problem of so-called forced resettlers. Unfortunately, we do not possess the data about the number of persons, who belong to this category.

The fourth category — migrants from non CIS countries — is the smallest in amount. But it has the tendency of accelerated growth. Especially hazardous is the growth of the category of illegal transit migrants, which often turn into permanent migrants.

It's hard to define, what is primary in this hierarchy — recognition by society these problems, and consequently, impact on decisionmaking by state

agencies, or vice versa — influence on the decisions of the state agencies, hence, recognition of their importance by society. Anyway, the extent of impact of state on the solving of aforementioned problems corresponds to the notion about their importance in the public thought.

The problem of Chernobyl is recognized by society, legitimated by the state in the form of appropriate legislation and state programs, and also budget assignments for its solving.

The problem of deported people hardly, step by step, but is moving towards its legitimacy. The State program of primary measures on settlement and adaptation of former deported Tatars and representatives of other ethnic groups, who returned and reside in Crimea was worked out. New program will reflect further steps in this destination. Cabinet of Ministers of Ukraine charged to work out perspective Program of organized return, settlement and accommodation in Crimea former deported Crimean Tatars and representatives of other ethnic groups. The state budget contains some assignments though miserable, rather symbolic, for this end.

The problem of the integration of former deported peoples has already placed a certain niche in the public consciousness, is actively treated by mass media as indispensable for Ukrainian society. That is to say, objectively mass media forms common notions and positive attitude to this problem.

Ukrainian society is also acknowledged with the third problem — the problem of refugees from the CIS states. It receives the information on these issues both from domestic and foreign, Russian and Western media. But state agencies' treating of the problem is undefined, unclear. It is rather reaction to some particular events, than existence of certain position, determined strategy referring given problems, despite their long-term nature. In one form or another, these problems will appear in Ukraine.

Thus nobody in the state knows the exact number of the individual permanently or temporary residing in Ukraine, who can be included in this category, nobody provides forecasting of the potential new waves of migration in Ukraine, no appropriate facilities are envisaged (camps, temporary stations, special equipment). We can only take into account the first, being equipped for a long period of time temporary station for refugees.

The problem of refugees and possible negative consequences of state bodies' failure to resolve it still is hardly recognized by public opinion. Society is completely unaware with the future of this category of migrants, particularly, if their number increases.

The problem of migrants from non CIS countries, who for one reason or another are staying on the territory of Ukraine, is also in the periphery both of public interest and attention of state agencies (except for border guard, Ministry of Foreign Affairs and respective State Committee). This topic is not much known or is known only from one side. Mass media representation of the issue focuses on the negative and dangerous aspects of the topic so that reader/listener gets the feeling that these people bring only troubles.

For instance, Parliamentary newspaper wrote: "during the medical inspection of 35 Illegals medical workers founded 10 cases of skin diseases, and 14 cases of STDs. (See: Fesyun Ludmila "Who wants to get a pie from illegal

migrant? // Golos Ukrainy, 10 July 1996). Nobody mentioned the conditions of living of these people.

Journalists almost never show to the public the full range of problems of migrants, necessity of securing the rights of migrants, asylum seekers, refugees. And they suffer from numerous violations of the law by the representatives of state bodies. For example, General Service of the public prosecution within its control actions in 1995-1996 found out violation of the law by officers of the custom and border guard during detention and inspection of the luggage of migrants. They did not draw up detention records, did not explained they rights and duties. (See: Primachenko. Illegal migrants love Ukraine // Den, 29 October 1996). Mass media hardly present the topic of refugees and migrants in humanitarian way.

Adaptation process of migrants depends not only on the extent of social recognition of these issues, but also on the attitude of permanent inhabitants to the migrants. In the regions where the amount of migrants does not exceed the average level, the attitude to them corresponds to the attitude of the society as whole. In the major receiving regions the attitude to migrants varies from tolerant to neutral, xenophobic and even hostile.

The common for Ukraine attitude to migrants can be characterized as tolerant and neutral (as indicate the results of recent social inquests and observations of independent foreign experts, for example, ECRE).

The major receiving regions of Ukraine are Donbas, South of Ukraine (Kherson, Mikolaiv, Odessa oblasts) and Crimea. Donbas receives as a rule various categories of CIS migrants — refugees from armed conflicts' zones (Nagorny Kharabach, Azerbaijan, Armenia, Georgia, Chechnya, other Caucasian regions and Turk-Meskhetians).

The South of Ukraine received migrants from Armenia and Azerbaijan, refugees from Trans-Dniestria, ethnic Germans from Tadjikistan, Kyrgisia, Kasakhstan, and Turk-Meskhetians. Among them are individuals who have right to pretend on the refugee status and involuntary deported persons, members of the deported peoples, and involuntary relocated persons.

Crimea, as it was mentioned above, receives mainly formerly deported Crimean Tatars, and also Armenians, Bulgars, Greeks, and Germans.

Every receiving region has its peculiarities, and tolerant atmosphere characterizes all of them. But in future the situation can change depending on the level of social competitiveness of newcomers and cultural distance between them and old residents. By the way, nobody investigates changing of the attitudes of the population to the migrants. That is why the explosion of xenophobia or even hostility can emerge suddenly and unexpectedly for society and state agencies.

Not only newcomers but also old residents of the major receiving regions need adaptation. They have to become accustomed to the new conditions, that includes good-neighborly relations to migrants, tolerant apprehension of their culture, language, religion, and traditions.

Balance of inter-state migration

Constitutional provisions of free entry and departure from the country coincide the outgoing migration processes. As a result it becomes visible, which Article of the Constitution act directly, and which have to be specified in the laws and other instruments.

Let us consider the most typical tendency of external migration from Ukraine. Today interstate movements of the population are realized in three main flows:

- a) Intensive interchange of the population. It characterizes the exchange of the population of Ukraine, Russia, Belarus, and Moldova;
- b) Prevailing immigration: Transcaucasian region (Armenia, Azerbaijan, Georgia), Baltic States, and Kazakhstan. Uzbekistan has its peculiarities;
- c) Prevailing emigration: Israel, USA, Germany.

Let us review in details the types of most intensive inter-states movement of the population in 1995. The most intensive exchange of the population took place between Ukraine and Russia. 107 thousand of people came to Ukraine from Russia and 180 thousands of people left for Russia from Ukraine. Ukraine had negative migration balance and amounts to 73 thousand of people. One can make the conclusion that apparent tendency of leaving of Ukraine by its population for Russia is observed. But qualitative analysis of migration flows shows, that there are several different tendencies. The main reasons of move from Ukraine to Russia are economic crisis in Ukraine and more favorable life standards in some regions of Russia, and also desire to reunite families. From Russia to Ukraine come predominantly persons from the regions of ethnic conflicts (North Caucasus), and also families with young men, who did not want to serve in Russian army (during the war in Chechnia). The third considerable group of migrants from Russia to Ukraine are those, who wants to join their families (persons who worked at the far North, regions of gas and oil fields).

For exchange of population between Ukraine and Belarus, the main are everyday, domestic reasons. The main evidence of this is approximately equal number of those, who came (5381) and those who left Ukraine (7005). Meantime, migration balance again is negative for Ukraine (-1621).

The similar situation is observed in the exchange of the population between Ukraine and Moldova (8446 newcomers and 6593 of those who left Ukraine). Here the migration balance for Ukraine is positive (+1853).

The second type of inter-state movement of the population is prevailing immigration. Here we can distinguish several "migration pushing" regions — Baltic States, Transcaucasian regions and Kazakhstan. 2 500 of people came to Ukraine from Estonia, Latvia and Lithuania, while only 800 persons left for these countries. The main contingent of migrants from Baltic States is stateless persons without any hope to obtain nationality in the country of permanent residence. Azerbaijan, Georgia and Armenia gave to Ukraine more than 10 thousand immigrants. The major reason of such disproportion

is state of war in these countries. The majority of persons who leave for Ukraine from Kazakhstan belong to the category, which due to the Geneva conference, can be classified as repatriates. The main pushing reason for them is situation of discomfort, which was created for the members of national minorities in Kazakhstan. 8 400 of people came to Ukraine from Kazakhstan and 3000 left for this country.

We should separate a specific state of Uzbekistan among "migration pushing" countries. Saying strictly, it could not be defined the country which pushes out migrants, though people who leave Uzbekistan are mostly those who return to their historic motherland, former deported Crimean Tatars. 13 700 of people came from this country to Ukraine last year. And only 1700 people left for Uzbekistan.

The third type of interstate movement is prevailing emigration. It characterizes the inter-state exchange of the population between Ukraine and Israel, USA, Germany. The most immense migration flow is departure from Ukraine to Israel. In 1995 21 thousand of people left for Israel and only 900 came from this country. The given flow is mainly of ethnic character.

The emigration flow to Germany is close to the aforementioned one. This flow also has external ethnic background, and official motive of emigration is inclination to return to historic homeland. Though many of these people are lead by economic reasons. In 1995 9.8 thousand depart from Ukraine to Germany and 1.3 thousand moved to Ukraine. Taking into account the fact that in 1995 210 thousand of former inhabitants of USSR came to Germany (See Tymchenko Vyktor. Bureaucrats defend Germany from spar Germans// Den 17 January 1997), the share of the former inhabitants of Ukraine is too small.

In 1996 less "Soviet" ethnic Germans (only 172 thousand) came to Germany. Such situation as caused not only by the dropping of the number of those who want to immigrate to Germany, but by more strict demands of the German Government to potential immigrants among ethnic Germans, including the demand of knowledge of German language. Even more acute is the issue of immigration to Germany of the members of other ethnic groups. There are several reasons of such limitations. One of them is the increase of unemployment in Germany. In such circumstances the head of the largest labor union "IG Metal" Claus Zvikel appealed to conservative politicians of the country to impose limits on the number of working places for foreigners and hence to improve the situation at labor market, decrease social tension. Minister of Finance Theo Vaigel also supported the idea of such limitations. (Den, 28 January 1997).

The emigration to the USA has the most apparent economic character. Almost 14 thousand of people left for USA from Ukraine and only 220 persons emigrated from the USA to Ukraine. The major category of immigrants to USA consists of people somehow connected with education and science. These are young people with secondary education, university students, persons who are going to study in the USA or those who already have academic background, young perspective scientists who are going to work in universities, research institutes.

Intensive emigration sometimes does not have open economic character. For instance, many people leave homeland because of marriage with foreigner. Thus, 11 784 marriages with foreigners were registered in Ukraine in 1995. Most of just married Ukrainian nationals were females, only 1693 of them were men. (Dolina Natalia. To marry a foreigner// Den, 18 November 1996) Traditionally wife leaves for the Motherland of her husband. But this decision mostly is led by economic considerations.

Summarizing the results of the analysis of inter-state movement of the population in Ukraine in 1995, we should make the conclusion that more people leave Ukraine than come to it. Negative migration balance of the population in 1995 made up almost 95 thousand of people. The share of the developed countries (including Israel), as target countries for immigration made almost quarter of the total number of emigration cases from Ukraine and in absolute figures is approximately 50 thousand.

We should also mention the fact that official statistics, which we use, does not include the data about illegal migrants and refugees from Asian and African countries. If such data were available they would change the migration balance between Ukraine as European state and countries of these two continents.

Economic migration from Ukraine

Deep economic crisis in Ukraine has different consequences. Among them is the intensification of migration processes out of Ukraine. Considerable part of Ukrainian nationals staying unemployed or being formally employed, but in fact left without any work, and source of revenues has to find somewhere else. Negative tendencies in economy and social sphere in Ukraine do not decrease but vice versa enlarge. Thus according to the data of the Minister of Labour M. Biloblotskiy on 1 October 1996 257 thousand of unemployed are officially registered in Ukraine. In 1997 this number will increase in 5-6 times and will reach 1 600 000 (See: "I can not be the commander of the army of unemployed", Den, 13 November 1996).

People consider the employment out of the borders of Ukraine in the countries, where social and economic situation is more favorable, to be the mean of solving of their everyday problems. Absolute majority of the people do not want to leave the country forever, they prefer temporary work abroad.

According to the data of sociological and marketing service Socis Gallup (all-Ukrainian survey, sample -1200 persons) the number of those who are going to leave Ukraine is quite small. 79% of respondents of national representative poll noted that Ukraine is "my land, my fate", and are not going to move anywhere. But two figures of this survey should be taken into consideration. 2 percents of the respondents stressed that they have made the final decision to emigrate. More than 11 per cent of respondents answered that "they want to live there, where it would be better for them" (Den, 31 January 1997).

Similar results were received by the researches of the Foundation "Democratic initiatives". Their survey represents population older than 18 years and as for gender, nationality and type of the settlement. 63 per cent

of the respondents are not going to leave their settlement at all. If they decided to move, 13.3 percents of them would move to Russia, 1.2% to other former Soviet republics, 9.1% out of the territory of the former USSR and 12.3% still not determine the destination. 53.7 % would never leave their place of residence. As for the reasons of possible move from the place of residence, the most frequent reasons are dangerous for the health environmental conditions (16.3%) and desire to find new job (See: Political Portrait of Ukraine, Bulletin of the Foundation "Democratic Initiatives", No 17 1996, p. 85).

The deterioration of living standards came to the point when people are ready to work everywhere, if the work is rewarded worthily as for Ukrainian standards. Frequently highly qualified Ukrainian workers arrive abroad for temporary work and are ready to hire for rough, dirty, low-qualified work. It also relates to professionals, persons with university and special education.

Today our compatriots go for earnings to all countries of the world. Among these countries are neighboring ones as well as rich USA, Canada, Germany and exotic South Africa, New Zealand and Australia. Precise data are not available (state does not collect statistics on this issue). But according to numerous publications in press, which describe separate but typical events in this area of social life, we can note, for example, that Ukrainians often work in Russia as trolley bus drivers. Such situation is typical for big Russian cities, like Moscow or Saint Petersburg, where demand exists for such kind of workers. Ukrainians also work at the construction of houses, especially private ones, and renewing of the apartments. They work at big machine building plants. A lot of Ukrainians seek for earning in the adjacent to Russian-Ukrainian border regions. For example, many Donbas' miners work at the mines of Rostov oblast. According to member of Russian Government Viktor Krivnov, "the problem of the employment of Ukrainians in Russia does not exist, as they propose themselves for hard and non-prestige work, which is not popular among the inhabitants of Moscow. Moreover, Ukrainians are satisfied with small as for Russians salary - approximately \$100 per month." Meanwhile Ukrainians are losing their perspectives in Russia. If respective law be adopted, the number of the foreign worker will be limited to 5 per cent, and now they make up to 20 per cent of the labor force (Minakov Sergey Ukrainian loose their job. In Moscow also// Vseukrainskie vedomosti 16 July 1996)

The officially approved number of Ukrainian citizens, who work in Russia, is 94 thousands. This data was communicated by the Head of the Department of labor and employment of the Government of Moscow Sergiy Smiridovich. The majority of these persons work in Moscow. Supposedly, this figure is larger ten or more times.

One can meet Ukrainian nationals everywhere: at the collecting of citrus's in Greece, dance groups in cafes and bars of Turkey, offshore platforms of Norway, etc. Poland, Slovakia, and Czech Republic are especially popular among Ukrainians, who choose Central Europe. Our compatriots also moonlight in Hungary.

They take the less prestigious niches at the labour market of these countries. They work at the dangerous manufactures, enterprises with 24 hours cycle. Meanwhile their salary is lower than the salary of the workers - nationals of this country. Our compatriots as a rule come to the country and get a job

illegally. Being unable to support a family while working in the homeland, they agree to poorest, slavery conditions.

Our compatriots fill up black market of labour force. This market has its own orders; employers do not execute any documents with employees. Salary, which is lower than salary of legal workers, is determined on the oral agreement. Such workers do not have any social protection, and the law does not limit their working day. They can not reckon on medical services. Violating the agreement with employers they risk to be left without money and passport.

Temporary employment of our compatriots abroad in the first years of the independence of Ukraine took place spontaneously, individually, on their own risk only. Later on special companies – mediators emerged. They were involved in the search of the working places and then proposed them to Ukrainian nationals. Such business is legal and is regulated by the Law of Ukraine "On enterprising". But one should differentiate real companies, which has licenses on such kind of business activities and illegal, trickery ones. Unfortunately many private companies, which propose job abroad, are criminal, and disappear right after getting money from clients. Such organizations take people abroad get their money and then leave them without any assistance and sources for existence.

State Centers of employment also began to propose the services on the employment abroad. For instance, Sumy oblasts' Centre of employment made up the agreement with Moscow car plant "ZIL" on the appointment of the worker from Sumy to this enterprise (Nesterenko Petro. To help unemployed // Uryadovi Courier, 30 may, 1996).

Ukrainian Centers of employment started to establish relations with their colleagues in other countries. The most favorable conditions of the cooperation of the Centers of employment are constituted with those countries, which have an agreement with Ukraine on mutual employment – Poland, Czech Republic and Slovakia. According to the Agreement with Czech Republic on mutual employment, 60 thousand of Ukrainian nationals have the possibility to receive temporary job in this country every year. The advantage is given to construction professionals, workers of the light industry, and also workers for agriculture, forestry, and public catering (Karpenko Viktoria by the way...// Den, 27 December 1997).

The share of unemployed women is especially large. For example, in Kyiv women constitute 63 % of all unemployed (Lykholit Ivan. The level of employment of able-bodied Kievites decreased in 19 times// Den, 6 February 1997). Women are being fired in the first turn and have in several times fewer proposals of job and vacant places for them than men. That is why women often decide on risk combinations to find job abroad. Frequently they become the victims of cheaters of various kinds.

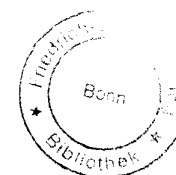
All in all, both men and women, leaving the country in search of job without strict guarantees of the employment of respectable companies, enter risk groups. 380 persons died and 700 were arrested among those who left the country for the work abroad in 1996. Altogether 2000 persons were involved into the incidents, when they have to prove their identity to the authorities of other countries. (Perelman, Olga, Golovina, Olena. Kossaks left the home for Bonn// Den, 27 December 1997).

Shuttle merchants as a specific social, economic and migration category

In the conditions of sharp economic crisis, unemployment and delays in paying of salaries people are looking for their own ways of self-sustaining. One of such ways is so-called shuttle merchandising. The meaning of these words is known to all Ukrainians. People go to other countries to sell domestic goods with profit and buy cheap foreign goods for sale at home. Today millions of people in Ukraine are involved in this kind of business.

People of different professions and levels of education are involved in shuttle merchandising. There are many shuttle merchants – highly qualified workers and even more people with university education because unemployment rate of them is higher than of the workers.

The conditions of business of shuttle merchants are complicated and dangerous. They become victims of robbery both at home and abroad. One can recall the fire in Taibay hotel in Istanbul, where 16 shuttle merchants died and 40 got wounds and burns. Among several versions of this tragedy, one is about arson, made by the racketeers, who demanded tribute from shuttle merchants.



World's experience proves that NGOs are the most effective tool to collaborate with migrants. There are plenty of such organizations in any country with long history of civil society and stable democracy, and they actively represent themselves in public life. Such organizations are now in the state of development in the post-Soviet countries. As any novelty, the establishment of this organization is complicated by a lot of difficulties. Crisis situation in the economy of Ukraine adds new complications to organizational issues. It is very difficult to involve people into public activity in the state of economic decline. Most of them have not enough means for living and look to moonlight somewhere out of permanent job.

But anyway, in spite of obstacles such organizations emerge in post-Soviet countries. For instance, their activities in Russian Federation became more visible. The Coordinative Council of the assistance to refugees and forced migrants functions in this country. It collaborates with such respective international organizations as International Organization of Migration, "Doctors without frontiers", and others. Association of forced migrants of Suzdal, community of displaced persons "Hoko" in Borisoglebsk, Association "Saratov's spring", Ural association of refugees also gained some publicity. The whole number of the organizations of displaced persons is more one hundred. Without any assistance of the state they take care of Russians, who left for residence in former Soviet republic and found themselves in difficult conditions need help (See more in Ayrapetova Natalia. Crisis of migration policy// Nezavisimaya gazeta, 18 February 1997).

The level of sensitivity of a society to immigrants issues is the indicator of the level of its development, sustainability of democracy and principles of civil society in any country. For example, 100 hundred of people participated in the meeting of protest in Paris, 23 February, 1997, before passing through French parliament of the Law on immigration, which envisaged more strict regulation for immigrants, and persons who render them assistance. It is the evidence of high political culture of French, their concern in the issues, which are related to the protection of human rights.

1. Immigration flows are not evenly located on the territory of the country. They are spontaneously directed to certain regions. Such regions are, primarily, Crimea, South oblasts and Donbas.
2. Newcomers Ukrainians, while residing out of the country for a long time, mainly lost or did not get the knowledge of Ukrainian language and are not able to speak Ukrainian. Certainly, other categories of immigrants also do not speak Ukrainian. Thus the contingent of newcomers is a source of constant increase of Russian speakers.
3. The programmes of ethnic re-identification should be worked out for those who lost their ethnic identity, ethno-cultural competence and desire to renew or strengthen it.
4. The return of deported peoples demands renewal of the whole network of culture of each of this peoples, and especially Crimean Tatars. Practically all material culture of this people was ruined and lost. It is necessary to restore archives, museums, libraries, theatres, architectural monuments, cemeteries etc.
5. Policultural structure of the country and its particular regions becomes more complicated due to migrants. It demands the elaboration of the state programme of integration of migrants into Ukrainian society. Such programmes are especially valuable for particular regions with comparatively large share of migrants in the structure of population.
6. The confessional structure of Ukraine also becomes more complicated. The process of restoration of traditional for our society religions coincides with the process of creation of religious communities of migrants, construction of their temples, religious institutions. Thus, the impact of Islam in the cultural life of the society is considerably increasing. It requires new forms of coexistence, education of new ethnic tolerance within the society.
7. We should apprehend the meaning of the lost of traditional for Ukrainian society Jewish culture. Considerable strata of Jewish intelligence, which traditionally enriched the science, culture medicine etc., is vanishing.
8. To solve satisfactory aforementioned migration problems is possible only with development of civil society in Ukraine. The state alone cannot act successfully in the sphere of migration.

Migration Balance

	Number of immigrants	Number of emigrants	Migration balance of the population
<i>States of Europe</i>	125 345	207 279	-81 934
Austria	6	52	-46
Belorus	5381	7005	-1624
Bulgaria	62	447	-385
Greece	22	282	-260
Estonia	635	127	508
Latvia	1316	226	1090
Lithuania	568	440	128
Moldova	8446	6593	1853
Germany	1266	9802	-8536
Norway	28	18	10
Poland	250	671	-421
Russian Federation	107 005	179 889	-72 884
Romania	12	15	-3
Slovakia	28	271	-243
Hungary	95	640	-545
Finland	8	85	-77
France	6	46	-40
Czech Republic	62	252	-190
Sweden	13	94	-81
Yugoslavia	25	32	-7
<i>States of America</i>	473	15 469	-14 996
Argentina	3	81	-78
Canada	38	1252	-1214
USA	221	13 752	-13 531
<i>States of Asia</i>	40 091	31 806	8285
Azerbaijan	2993	809	2184
Armenia	3385	538	2847
Israel	906	21 006	-20 100
Georgia	3729	827	2902
Kazakhstan	8423	3076	5347
Kyrgyzstan	970	446	524
Tadjikistan	2155	297	1858
Turkmenistan	1207	352	855
Turkey	72	30	42
Uzbekistan	13 674	1742	11 932
<i>States of Africa</i>	626	1300	-674
South African Republic	0	3	-3
<i>States of Australia and Oceania</i>	16	571	-555
Australia	9	451	-442
<i>From the total amount migrants of</i>			
CIS	157 368	201 574	-44 206
Baltic States	2519	793	1726
Total	182 763	277 534	-94 771

Source: Yearbook of the Ministry of Statistics of Ukraine, 1995 (page 58) Kiev, 1996

Distribution of Migrants by Sex and Nationality (1995)

	Number of those who came			Number of those who left			Migration increase		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Ukrainians	64232	35238	2894	69383	36327	-33056	-5151	-1089	-4062
Russians	63720	32423	31297	11904	55466	56438	-48184	-23043	-25141
Belorussians	2858	1426	1444	22	2312	2156	-1600	-886	-714
Uzbeks	606	395	211	353	250	102	254	145	109
Kazakhs	157	80	77	160	81	79	-3	-1	-2
Georgians	1150	831	319	377	260	117	773	571	202
Azerbaijans	1315	991	324	854	601	253	461	390	71
Lithuanians	117	67	50	150	84	66	-33	-17	-16
Moldovians	2877	1466	1411	2827	1530	1297	50	-64	114
Latvians	50	29	21	87	41	46	-37	-12	-25
Kyrgyzs	28	17	11	65	39	26	-37	-22	-15
Tadjiks	205	144	61	143	102	41	62	42	20
Armenians	4393	2827	1566	1314	850	464	3079	1477	1102
Turkmenians	82	63	19	86	59	27	-4	4	-8
Estonians	25	18	7	53	17	36	-28	1	-29
Total	159 887	85060	74827	202368	103293	99075	-42481	-18233	-24248

Source: The Ministry of Statistics of Ukraine, 1996

In what Extent you are Satisfied with Life in your Settlement?

Not satisfied at all	
Rather not satisfied	19,4%
Difficult to say, satisfied or not	23,8%
Rather satisfied	25,8%
Totally satisfied	24,4%
	6,6%
N	1800

Source: Political Portrait of Ukraine 317, 1996 (page 85). Kiev

Do you have Close Relatives out of the Country?

No	
Yes, out of the border of the former USSR	50,3%
Yes, in Russia	7,2%
Yes, in other former Republic of the USSR	34,9%
	7,6%
N	1800

Source: Political Portrait of Ukraine 317, 1996 (page 85). Kiev

Do you Want to Leave the Settlement of your Current Residence?

No	
Difficult to say	63,4%
Yes	18,4%
	18,1%
N	1800

Source: Political Portrait of Ukraine 317, 1996 (page 85). Kiev

What Reason can Push you to Leave the Settlement of your Current Residence?

Harmful environmental conditions	16,3%
Wish to find new job	9,8%
Education	1,7%
I want to move closer to relatives, friends	6,1%
I want to return to my homeland	2,9%
I want to change climate	2,1%
I'm afraid of ethnic conflicts	1,6%
Just want to change the place of residence	7,1%
Because of difficulties, related to the language	0,4%
Other	2,5%
I don't want to leave the place of residence	59,7%

N **1800**

Source: Political Portrait of Ukraine 317, 1996 (page 85). Kiev

If you Decided to Leave your Settlement, were would you Go?

To other city of Ukraine	10,4%
To Russia	13,3%
To other Republic of the former USSR	1,2%
Abroad from the former USSR	9,1%
I still don't know, where	12,3%
Never and nowhere would I leave my native town/village	53,7%

N **1800**

Source: Political Portrait of Ukraine 317, 1996 (page 85). Kiev

Migration in the CIS States

	Number of immigrants			Number of emigrants			Migration increase		
	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural
Azerbaijan	2993	2371	622	807	552	257	2184	1819	365
Belorussia	5381	3855	1526	7005	5118	1887	-1624	-1263	-361
Armenia	3385	2387	998	538	457	81	2847	1930	917
Georgia	3729	2938	791	827	645	182	2902	2293	609
Estonia	635	583	52	127	118	9	508	465	43
Kazakhstan	8423	6768	1655	3076	2545	531	5347	4223	1124
Kyrgyzstan	970	795	175	446	369	77	527	426	98
Latvia	1316	1152	164	226	203	21	1090	947	143
Lithuania	568	514	54	440	373	67	128	141	-13
Moldova	8446	5931	2515	6593	4348	2245	1853	1583	270
Russian Federation	107005	84361	22644	179889	144415	35474	-72884	-60054	-12830
Tadjikistan	2155	1983	172	297	252	45	1858	1731	127
Turkmenistan	1207	1145	62	352	330	22	855	815	40
Uzbekistan	13674	12015	1659	1742	1584	158	11932	10431	1501
Total	159887	126798	33089	202367	161311	41480	-42480	-34513	-7967

Source: The Ministry of Statistics of Ukraine, 1996



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Our main purpose is the completion of research projects by highly qualified, well grounded scholars, investigation into current problems of disarmament, conversion, the political and social development of Ukraine achieving integration into the European and World community of nations. The results are presented to the executive and legislative bodies, including the National Security and Defence Council of Ukraine, and the Foreign Ministry of Ukraine, as well as political leaders, and the public in Ukraine and abroad.

The Centre was founded in 1992. According to UNIDIR (Geneva) Repertory RN I-900 was assigned to the Centre.

Since 1993, the Centre has been cooperating with Ukrainian scientific journal "Political Thought", since 1995 - with Kyiv Institute of Humanities.

It also has fruitful contacts with Friedrich Ebert Foundation (Germany), The Olof Palme International Center (Sweden), Research Institute for International Politics - SWP (Germany), etc..

Together, with its foreign partners, the Centre has organized the following events:

- International seminar on the problems of non-proliferation of weapons of mass destruction (10-13 October 1992) in cooperation with the Monterey Institute of International Studies (USA);
- International seminar "Nuclear Weapons and Security of Ukraine" (26-28 October 1993), together with the Olof Palme International Center (Sweden) and Friedrich Ebert Foundation (Germany). Papers from the seminar were published in 1994.
- International seminar "Conversion, Civil Society and Democracy in Ukraine" (24-26 May 1997) in cooperation with the Olof Palme International Center.

Also in cooperation with Friedrich Ebert Foundation, we have prepared the following analytical reports:

- Administrative and Territorial Reconstruction of Ukraine: Ways and Prospects
- Ukrainian Experience in Human Minorities' Rights
- Conversion in Ukraine: Problems and Prospects
- Ukraine Between the East and the West: Ukrainian View
- Socio-economic Condition of Population and Potential of Conflicts in Ukraine
- Civilian Society and Human Rights in Ukraine
- Problems of the Armed Forces and the Military-Industrial Complex of Ukraine and civil control over their activities
- Ukraine in Contemporary World: The Ukrainian View
- Ukraine: Problems of External Migration

Forthcoming research projects and reports:

- Ukraine and New System of European Security
- Political Elite of Today's Ukraine
- Ukraine and Peacekeeping in Europe

Directors of the Centre - Doctor of Science (History), Prof. Olexander Potekhin
- Prof. Mykhailo Kirsenko

President - Doctor of Science (Philosophy), Prof. Olena Kotova