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Editors: Wojciech Lorenz (Managing Editor)

Jarosław Ćwiek-Karpowicz • Anna Maria Dyner • Aleksandra Gawlikowska-Fyk
Dariusz Kałan • Patryk Kugiel • Sebastian Płóciennik • Patrycja Sasnal • Marcin Terlikowski

Ukraine: A Migration Corridor with Half-Closed Doors

Piotr Kościński

At a time when many European countries are strengthening border protection (including building walls), migrants will seek new avenues to Europe. In this context and of particular importance will be the policy of the authorities of Ukraine, which currently, and despite the still unstable situation in the country (war in the east and economic problems) could become the country of choice for migrants. Another problem for Kyiv may be internal migration. Both forms increase the risk of migration to EU countries such as Poland, Hungary, Slovakia and Romania, which are neighbours of Ukraine. In this situation, additional EU assistance to the authorities in Kyiv will be necessary.

Refugees in Ukraine

According to the Migration Policy Centre (Italy), Ukraine served as the second-largest migration corridor in the world (after U.S.-Mexico). Since 1991, this country has gradually become a major transit state for reaching Western countries because of its long borders.¹ Poland's eastern neighbour remains one of the main countries of origin for victims of trafficking. It's estimated, that 110,000 Ukrainian citizens have become trafficking victims since 1991 (average of 5,500 a year). Numerous new trends are emerging, including an increase in labour exploitation, expansion of the risk group for trafficking from young women (15–24) to women and men of all ages, a rise in the number of identified, trafficked children, and an increasing number of trafficked foreigners.² Moreover, with the still fragile political situation in Ukraine, it is not certain whether even in the current situation the country's authorities can cope with a sudden influx of refugees such as those from the Middle East.

The first refugees arrived in Ukraine during the conflict in Transnistria in 1992 (although the majority of them later returned to their homeland). Then, others began to reach the country, especially from Asia and Africa. Paradoxically, the best situation involved newcomers from Afghanistan, many of whom had studied at universities in Russia or Ukraine.³ In 1996–2012, Ukraine received a total of 27,297 asylum applications

¹ "Migration Profile (MPC)," Ukraine, www.migrationpolicycentre.eu/docs/migration_profiles/Ukraine.pdf.

² "Migration in Ukraine. Facts & Figures," IOM, www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Ukraine/Migration-in-Ukraine-Facts-and-Figures.pdf.

³ E. Ivaschchenko, "Asylum Seekers and Refugees in Ukraine: Recognition, Social Protection and Integration," CARIM-East, August 2013.

and granted refugee protection to 6,147 people. Recognition rates were higher in the early years, but have steadily declined since 2000.

However, Ukraine has not turned out to be a hospitable country for refugees. As indicated by the UNHCR:

“Ukraine is both a country of destination and transit for asylum-seekers. It is a country of destination in particular for asylum-seekers who have strong communities (e.g., the Afghan community) or linguistic/cultural ties (e.g., persons from Commonwealth of Independent States countries) in Ukraine. However, many asylum-seekers may view Ukraine primarily as a country of transit. This phenomenon relates both to push and pull factors. Asylum-seekers face numerous challenges in Ukraine (...) and given the limited chances of being recognized as a refugee, (...) as well as the sometimes insurmountable obstacles in attaining self-sufficiency, many asylum-seekers choose to move on to third countries in search of international protection.”

Ukraine offers very modest support for refugees, who receive a one-time allowance amounting to a few U.S. dollars. It has also for a long time been criticised by human rights organisations. Amnesty International stated in 2013 that “(t)orture and other ill-treatment remained widespread, and impunity for such acts continued. Failings in the criminal justice system led to lengthy periods of pre-trial detention, and a lack of safeguards for detainees. Refugees and asylum-seekers risked detention and forcible return to countries where they faced human rights violations. The rights of LGBTI individuals were at risk.”

Looking at data for 2010–2015, a moderate upward trend in the number of immigrants is visible. In 2010, some 1,500 people asked for asylum, most of whom came from Afghanistan (74%), with the rest mainly from Belarus, Iran and Iraq. In 2011, it was 890 people, mainly from Afghanistan (75%), but also from Palestine and Somalia. A year later, the number of refugees from Afghanistan decreased; out of 1,860 people, only 35% came from that country, and others were mainly from Somalia, Syria and Iraq. In 2013, mostly Syrians came to Ukraine: out of 1,310 registered refugees, those from Syria were the biggest group (49%), with some Afghans (22%) as well. That continued in 2014: 1,173 people from Syria (55%) and others mainly from Afghanistan (24%). During the first six months of 2015, 630 people asked for asylum and came from Afghanistan (35%), Somalia (11.1%), Syria (9.5%), Russian Federation (7.3%) and Iraq (4.1%). As noted earlier, just a few were accepted: only 24 people were recognised as refugees and 65 as in need of complementary protection.⁴ The number of officially registered refugees has not increased, which is not surprising given the very limited care given to them (a refugee gets a one-time payment of UAH 17, or €0.65, for an adult and UAH 10.20, or €0.38, per child and no additional help is provided).⁵

According to UNHCR data, at the end of October 2015, there were 3,219 refugees in Ukraine and 5,908 asylum-seekers; there were also 35,335 stateless people, which together with internally displaced persons formed a “population of concern.”⁶

Refugees are only part of a greater number of immigrants. The total number of immigrants registered by the Ministry of Internal Affairs of Ukraine is around 200,000; 5.3 million residents of Ukraine were born abroad, according to the 2000 census, with 92% originating from the post-Soviet area and 85% born before the USSR breakup.⁷ The real number of immigrants is probably bigger.

These facts indicate a wider problem: although Ukraine is not a friendly country for refugees, asylum-seekers are still arriving. The relatively small number of refugees from other countries appearing on the Ukraine-Poland border (as will be shown later, it amounts to only a few dozen people) indicates that this “migration corridor” is not very active now. However, even if there are further negative developments in conflict areas—whether in Donbas or in the Middle East—it is unlikely that the number of people wishing

⁴ “Asylum statistics in Ukraine, 2010–2015,” UNHCR, <http://unhcr.org.ua/en/resources/statistics>.

⁵ “Bizhi, bizhentsu, bizhi,” KHPG, <http://khp.org/index.php?id=1403208270>.

⁶ “2015 UNHCR subregional operations profile—Eastern Europe,” UNHCR, www.unhcr.org/pages/49e48d4d6.html.

⁷ “Migration in Ukraine, Facts & Figures,” IOM, *op. cit.*

to obtain refugee status in Ukraine will significantly increase. They would rather make the effort to reach the EU.

There is a number of factors that would facilitate such a trend. Although Ukraine has tightened its borders, it is not possible to do so fully for various reasons. First, Ukrainian visas are not obligatory for citizens of several countries, including the former Soviet republics of Armenia, Azerbaijan, Georgia, Kazakhstan and Uzbekistan, as well as Russia (which might change, according to announcements by Ukrainian authorities) and Mongolia (although usually with certain restrictions). It should be noted that citizens of Georgia also have non-visa regime with Turkey, which is the source of many immigrants to Europe at the moment. This, of course, does not mean that there will be a surge of people from all of these countries, however, the potential exists. Second, the border with Russia is not fully monitored and neither is the border with Transnistria (although the latter is more and more carefully watched). Therefore, an uncontrolled influx of foreigners to Ukraine is still possible. Third, if the conflict in Donbas flares up again, then the situation would be even more difficult and refugees (and other foreigners living in Ukraine) may try to reach the EU. Fourth, there is the possibility that the huge wave of refugees from the Middle East could be diverted to Ukraine, where they could then travel to the European Union, namely to Poland, Hungary and Slovakia. All this shows that although the current migration situation in Ukraine is stable, it could change rapidly.

Internally Displaced People (IDP)

A much bigger challenge than the arrival of migrants and refugees is the war in the east of Ukraine. At the moment in the country there are about 1.5 million internal refugees⁸ from Donbas and Crimea,⁹ the latter numbering about 20,000.¹⁰ The authorities in Kyiv argue that they do not constitute any danger to other countries, with fewer than 1% of the displaced people having asked for refugee status in the EU (or about 14,000 people).¹¹ These are mainly people who fear future developments in the country and have decided to leave, probably permanently.

However, this internal migration constitutes a serious problem for Ukraine and further reduces the possibility for it to address the needs of refugees from abroad. To support the internally displaced population (half a million people have asked for financial help), Ukraine in 2015 will spend over UAH 3.4 billion (\$142 million). Under the law they are entitled to cash benefits for accommodation, amounting to UAH 884 (\$40) for disabled people and UAH 442 (\$20) for those able to work. Help for one family cannot exceed UAH 2,400 (\$100) and is only paid out for six months. In total, the payments are a big expense for a country struggling with severe economic problems, but comprise modest help for the people in need.

NGO representatives argue that the government has not sufficiently provided for people from Donbas and the legal basis is also insufficient. Moreover, there is no money for centres where refugees live, which has resulted in protests, most recently by people from Donbas and Crimea who blocked the Kyiv City Council building because electricity at their centre had been shut off.¹² The lack of resources for internally displaced people may exacerbate the problem of outside refugees.

⁸ Formally, we should use the description “internally displaced people,” but for the purposes of this paper, the author uses “internal refugees” to describe people who have fled Donbas and Crimea.

⁹ According to the Ministry of Social Policy, the figure was 1,517,116 people in 1,192,377 families as of 2 October 2015. See: www.mlsp.gov.ua/labour/control/uk/publish/article?art_id=183714&cat_id=102036.

¹⁰ It should be also noted that according to the Russian side, over a million people have moved to Russia from southeastern Ukraine since the beginning of the armed conflict, and about 600,000 of them have decided never to return home. About 114,000 refugees took part in a Russian government resettlement programme in which they received material aid and were short-tracked for Russian citizenship.

¹¹ “Menshe 1% pereselentsiv z Donbasu zvernulasia za statusam bizhentsa do ES—nardep,” UNIAN, 30 November 2015, www.unian.ua/society/1198018-menshe-1-pereselentsiv-z-donbasu-zvernulisya-za-statusom-bijentsya-do-es-nardep.html.

¹² “Pytannya pereseletsiv maksimalno ikboruyetsia v ukrayini—Oleg Saakyan,” Hromadske Radio, 30 November 2015, <http://hromadskeradio.org/na-svizhu-golovu/pytannya-pereselenciv-maksimalno-ignoruyetsya-v-ukrayini-oleg-saakyan>.

The aim of the authorities in Kyiv is to help Donbas residents return to their places of residence. However, as Ukrainian media note, Donbas refugees who have recently returned to their homes live in extremely difficult conditions. ICTV television reported on 1 December 2015, that in many villages and small towns in the region, there are shortages of water, electricity and coal, used to heat houses.¹³ So, the chances that others will return are very low.

A separate problem for Ukraine is the Crimean Tatar population, which constitutes a significant portion of the refugees from Crimea. In Donbas, there is the chance to regain some control, if not total control, by Kyiv over the territory, or at least for a freezing of the conflict and therefore the reconstruction of destroyed settlements, which could lead in turn to the return of some internally displaced people. In Crimea, which was annexed by Russia, the situation is fundamentally different. Those who fled the peninsula include mainly the elite of the Crimean Tatars, but also politically engaged Ukrainians, and thus a different motivation to leave than those in the east of the country. In Donbas, people fled the war, whilst from Crimea they escaped possible political repression. As a result, the chances of the latter returning are slim.

The numbers of internally displaced people will continue to highly burden the state budget. The basic assumption is that those who fled Donbas will benefit from state support only for a short time. They are expected to find employment and housing. In practice, this may prove to be unfeasible and state spending for them may not decrease. Potentially, if the conflict in the east of Ukraine is exacerbated, this large group of people may be forced to look for better living conditions in the European Union.¹⁴

Potential Threats

Meanwhile, foreigners are still heading for Ukraine to obtain asylum, or—probably more likely—to get into the EU. Ukrainian media have reported many such examples, for instance, in Zakarpattia, since the beginning of 2015, about a hundred foreigners have requested asylum, mainly people from Afghanistan, Syria and Somalia.¹⁵ On 10 August 2015, 11 Afghans were stopped near the Ukraine-Hungary border.¹⁶ On 16 September 2015, in Nizhni Vorota (Zakarpattia), a van was stopped and found to have come from Lviv Oblast. In it, the authorities found six citizens of Afghanistan, including two women and three children. They are reported to have said, in Russian, that they were escaping the war in Afghanistan.¹⁷ At the beginning of December 2015, 10 illegal immigrants were detained at the border with Romania, in Chernivtsi Oblast.¹⁸

Although these are not big numbers, they indicate that migrants from Central Asia and potentially also from the Middle East and Africa, may not be discouraged by the unresolved conflict in eastern Ukraine, especially considering that in Afghanistan, Somalia and Syria the situation is far worse and more dangerous than in Ukraine. Perhaps also they simply do not know what is happening in Ukraine and have been wrongly informed, perhaps by their guides (human traffickers). It is also possible that, while the migrants know they want to get to the EU, they may not know where they really are.

¹³ "Bizhentsi na Donbasi mozhut' ne perezhity zymy," Fakty ICTV, 1 December 2015, <http://fakty.ictv.ua/ua/index/read-news/id/1568488>.

¹⁴ It also has to be noted that many Ukrainians—mostly for economic reasons but also out of fear of the war—in recent years have left for destinations abroad. One such destination is Poland. It is estimated that there are now (legally or illegally) 500,000-700,000 Ukrainian citizens living and working in Poland; they are considered economic migrants and students, not refugees or asylum-seekers, but remain potential refugees. Poland is definitely not concerned about an influx of immigrants from Ukraine. What's more, it supports the abolition of Schengen visas for citizens of Ukraine. However, the Polish authorities always also emphasise the potential results of a possible escalation of the situation in eastern Ukraine.

¹⁵ "Naybilshe do migratsinikiv Zakarpattya zvertayutsia bizhentsi iz Afganistanu, Syrii ta Somali," Uzhgorod, www.uzhgorod.net.ua/news/85014.

¹⁶ "V Zakarpattye pogranychniki zaderzhali 10 afgancev s rebyonkom," *UA Reporter*, <http://ua-reporter.com/novosti/175880>.

¹⁷ "Na Vikivechchini zatrzymali vinogradivtsia, yakiy perevoziv nelegaliv," PMG, <http://pmg.ua/crime/38873-na-volovechchyni-zatrzymaly-vynogradivtsya-yakyy-perevozyv-nelegaliv>.

¹⁸ "10 nelegaliv zatrzymali na kordoni z Rumuniei. Bizhentsi z Afganistany namahalysya potrapyty do Evrosoyuzu," ACC, 3 December 2015, <http://acc.cv.ua/chernivtsi/4854-10-nelegaliv-zatrimali-na-kordoni-z-rumuniei-bizhentsi-z-afganistanu-namagalysya-potrapiti-do-evrosoyuzu>.

It also suggests that Ukraine to a limited extent is able to cope with the current flow of illegal immigrants, since they are reaching its western border, namely Lviv Oblast, which borders Poland, Zakarpattia, which borders Slovakia and Hungary, and Chernivtsi, which is near the border with Romania. The special services and border guards admit they stop the migrants there but leave them free to roam elsewhere in Ukraine. The situation may worsen if the number of such people increases considerably.

Although the Ukrainian authorities' representatives assure others that the country "is not a migration risk for Europe,"¹⁹ this may be true only with regards to the current situation. The potential for it does exist, primarily for those connected with the situation in Ukraine. A big flow of refugees—citizens of Ukraine—to the EU's borders would occur if the conflict in the east of the country flares up again to a large scale or in the event of a major Russian military offensive against Ukraine. A second risk is that the influx of refugees from other countries could shift to Ukraine if the current corridors to the EU through Greece and the Balkans are blocked.

In the latter case, it is highly likely there would be an increase in the number of refugees appearing at the Ukraine-Poland border. There are a number of foreigners already trying to reach it and then intending to apply later for refugee status, although the figure is relatively low. In the part of border controlled by the Bieszczadzki Unit of the Polish Border Guard in the period 1 January 2015 to 29 October 2015,²⁰ 54 people (not Ukrainians) asked for asylum. Among them, 13 were from Georgia, 10 from Kyrgyzstan, eight from Uzbekistan, four from Tajikistan, two each from Pakistan and Congo, and one each from Jordan, Russia, Syria, Senegal, Yemen, Belarus and Ghana. Of a total of 1,028 foreigners who applied for refugee status on the territory of Poland at border crossing points with Ukraine in a similar period,²¹ 61 foreigners were citizens of other countries.

Recommendations

The problem of internally displaced people and refugees may be solved or at least reduced if the situation in eastern Ukraine radically changes for the better, social stability improves, and prospects for economic recovery increase. Thus, it is obviously advisable that there be general EU support for the authorities in Kyiv. Moreover, the EU countries have to recognise the possibility of new migrant corridors. That is why it will be important to prepare an analysis with the participation of Frontex and migration experts of the potential of a change in migration from the Turkey-Greece-Balkans route to Ukraine-eastern EU countries.

It will be also necessary to strengthen the parts of the EU border with Ukraine that can now be penetrated by small groups of migrants but which in the future could be breached by a larger wave of refugees. Moreover, it should be determined within the EU what procedures may be used in case there is a surge of refugees through Ukraine, particularly how border countries such as Poland, Hungary, Slovakia and Romania should properly cope with it.

It is also necessary to sort out to what extent Ukraine's border guards can effectively perform their tasks and what additional support the EU could provide, such as training and equipment. Ukraine's border guard force has 50,000 people and protects a 7,000 km border, of which about 2,000 km is with Russia, 975 km with Belarus and 1,222 km with Moldova (including 452 km with Transnistria). For comparison, Poland's force numbers about 18,000 people who guard a 1,163 km border of the EU with its neighbours: Ukraine (535 km), Belarus (418 km) and Kaliningrad (Russia, 210 km), as well as the maritime border on the Baltic Sea. EUBAM (European Union Border Assistance Mission to Moldova and Ukraine) already is assisting Ukraine with establishing Integrated Border Management. This programme should remain a priority project. The European Union should also support border protection with Ukraine in Poland, Hungary, Slovakia and Romania.

¹⁹ "Ukrayina ne stvoryuye migratsiinykh ryzykiv dya Evrosoyuzu—Herashchenko," Espresso TV, 30 November 2015, http://espreso.tv/news/2015/11/30/ukrayina_ne_stvoryuye_migraciinykh_ryzykiv_dlya_yevrosoyuzu_geraschenko.

²⁰ According to the Bieszczadzki Unit of the Polish Border Guard.

²¹ According to information from the Headquarters of the Polish Border Guard, for the period 1 January 2015 to 25 October 2015.

It should be emphasised that the EU's non-visa regime for Ukrainian citizens should not increase the number of refugees from that country, because asylum-seekers are not required to have such a visa. Obtaining a Schengen visa or a national visa to an EU country (e.g., Poland) for a Ukrainian citizen is not very difficult. However, refugees from Africa or the Middle East may be led to think they can get to Europe through Ukraine without a visa. It is not necessary, though, to link the visa for Ukrainians to the need for controlling migration of nationals from other countries or even to the possibility of an increase in the number of asylum-seekers from Ukraine.