

# **Social protection of migrant workers in Ukraine: striving towards European standards under crisis**

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## **Abstract**

*The article aims to analyse the state of social protection for migrant workers in Ukraine. We investigated the legal status of migrant workers in Ukraine and carried out a comparative analysis of national and European experience in the area of protection of migrant workers' rights. The author provides grounded support for a set of administrative measures aimed to implement the rights of migrant workers as a part of Ukraine's international and European commitments. The practical significance of the article lies in the evaluation of Ukraine's readiness to ratify Article 19 of the European Social Charter (revised) "The right of migrant workers and their families to protection and assistance". The author analyses the influence of the socio-political and economic crisis in Ukraine on the processes of external and internal migration, and on the social protection policies in the area of forced migrants. Also, the study assesses the social assistance provided to internally displaced persons. Finally, it suggests complex measures designed to counteract the negative migration trend.*

**Keywords:** migrant workers' rights, social protection, migration policy, crisis, migration trends

## **1. Introduction**

The desire of individuals to improve their level of welfare and provide better conditions of life for their families encourages them to explore new places and conditions of employment, including other states. Increased globalisation has significantly intensified, in recent decades, migration processes in the world, in Europe and in the post-Soviet states. Human resources flows between countries largely contribute to a significant transformation of the existing factors of economic development, mechanisms of cooperation and competition on resource and consumer markets and consumer demand and production conditions. Meanwhile, international migration puts forward new requirements

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for the settlement of national and international interests of businesses, especially in terms of providing fundamental rights and freedoms. Social protection and assistance rights play a leading part.

Having an important geopolitical position in Central Europe, Ukraine has become, after the declaration of independence and the liberalisation of state border crossing procedures, one of the leading transit and donor countries for the EU workforce. In times of crisis, under conditions of sharp decline in living standards, Ukrainian massive emigration started and, in the second half of the 90s, reached about 100 thousand people annually. The development of new forms of interstate relations and “open borders” policy, in the nineteenth century, led to a significant increase in the inflow of various categories of foreigners to Ukraine, which changed the balance of migration from -33 thousand people in 2002 to +31 thousand people in 2013. The level of employment of foreigners in Ukraine also increased, up to 7.5 thousand in 2013, which accounted for the largest share of citizens from Russia and Belarus, as well as Europe (Turkey, Poland, Germany and France) and Asia (China and Vietnam).

Despite the active involvement of Ukraine in the international labour migration, state policy on migrants has been haphazard and fragmented in all its areas. Thus, the long-term lack of clear legislative regulation of all relationships that arise when crossing the state border of Ukraine enrooted the phenomenon of illegal immigration and transit. In the period 2005-2011, the number of detainees for violations of rules of stay on the territory of a foreign country amounted to an average of 12-14 thousand people (International Organisation for Migration Mission in Ukraine, 2013, p. 13). Moreover, there has been a delay in the government’s ensuring the internationally defined rights of migrant workers. It has led to a decline in confidence in foreigners both in the media and also in the legislation of Ukraine. In 2011, human rights protection organisations reached the conclusion that unnecessarily strict law regulating entry and stay of immigrants had been introduced and the significant narrowing of their rights and freedoms had been legalised in Ukraine (Ukrainian Helsinki Human Rights Union, 2012, p. 318). The research of the Kiev International Institute of Sociology shows a widespread xenophobia in Ukrainian society: 19.4% of respondents would prefer not to give permission to immigrants from poor countries to live and work in Ukraine. Such sentiments have a negative impact on the international reputation of Ukraine and are unacceptable from the standpoint of international norms and agreements on the legal status of migrant workers.

The process of international labour migration, demographic and socio-economic profile of migrants, issues of design and implementation of state migration policy in Ukraine have been intensively studied and discussed by economists, demographers, sociologists, lawyers, managers and practitioners. A series of migration studies have been conducted during the last decade in Ukraine. They investigated the position of labour emigrants and immigrants,

reasons of their movement and conditions of their current life. Complex studies on foreign migration in Ukraine revealed the existing migration trend, its scales and structural transformations. A number of researchers report negative trends in foreign labour migration in Ukraine, among which the most alarming were the spread of illegal labour migration and mass outward foreign migration of Ukrainians (Pyrozhev, Malynovskaya and Khomra, 2003; Khomra, Ozhevan, Petrova, Nagornyi and Prymak, 2006; Tyndyk, 2009; Iuskiv, 2009; Ptoukha Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine, 2010; Kukurudza and Romashchenko, 2012; Humenyuk, 2013). Ukraine heads the list of European countries in terms of quantity of emigrant workers (Pozniak, 2012). These processes are usually intensified in times of crisis (Tyndyk, 2009; Malynovska, 2011) when real income sharply declines and self-employment opportunities decrease, whereas government focuses on solving current problems of state budget deficit.

Experts also pay much attention to the assessment of external migration potential outcomes for the economic development of Ukraine (Tyndyk, 2009; Malynovska, 2011; Humenyuk, 2013). It has been proved that the social consequences of European integration of Ukraine in the area of migration processes would include the improvement of living standards of Ukrainian workers in the EU member states, growing foreign currency transfers to Ukraine (Pozniak, 2012). It is argued that implementing the Deep and Comprehensive Free Trade Agreement between Ukraine and the EU would not result in further growth of labour migration from Ukraine to the EU (Pozniak, 2012). At the same time, the leading national experts in demography conclude that the most probable demographic trends would include the reduction of the country's population, as well as the destruction of its ethnic structure (Ptoukha Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine, 2010).

Experts in Public Administration emphasise the inconsistency and fragmentation of state migration policy in Ukraine. They support the need to adapt the existing migration legislation to the standards of international law (Hnybidenko, 2009; Kukurudza and Romashchenko, 2012; Humenyuk, 2013) and to develop a new State migration policy concept (National Institute for Strategic Studies, 2015).

A wide range of issues related to the efficient operation of the social protection system for workers have been investigated in Ukraine (Centre of Public Expertise, 2009; Kochemyrovska and Pyshchulina, 2012; Onikiienko, 2013). The minimum subsistence level, the minimum-wage and social assistance schemes available in Ukraine, which should have been defined starting from the minimal consumption needs of the citizens, have been viewed as inconsistent with the European practices (Centre of Public Expertise, 2009; National Institute for Strategic Studies, 2012). Persistent deficiencies in the state budget and social

funds (providing social aid to the general population) are the most frequently cited reasons for the above mentioned inconsistency. Numerous studies claimed that the low level of wages and social benefits not only resulted in a high level of poverty in the country, but also forced people to seek jobs abroad (Kochemyrovska and Pyshchulina, 2012; Onikiienko, 2013). Such processes aggravate the negative outcomes of the crisis in the economic and social areas.

Migration studies conducted in Ukraine were largely focused on emigration processes, wrongfully leaving aside the characteristics of immigration. There were only a few specific studies focused on the legal status of immigrants in Ukraine (National Institute for Strategic Studies 2012; Ukrainian Helsinki Human Rights Union, 2012). Also, studies on the social security system for working immigrants in Ukraine have not been conducted at all. However, this field has recently become more challenging, as Ukraine took steps for European integration and changed its foreign policy vector from a pro-Russian to a pro-European orientation. The latter requires the implementation of European social security standards for working migrants. Additional attention should be paid to current critical situation in Ukraine that has given birth to a new category of migrants in the country – the internally displaced persons. The military conflict in the East of the country aggravates the financial crisis, this in turn leading to a sharp growth in internal migration flows. Social protection for this category of migrants has major drawbacks and requires further research.

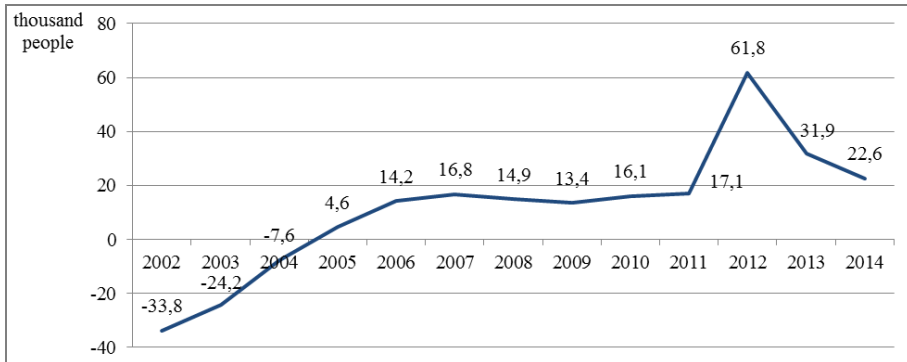
The issues of adaptation of Ukrainian legislation, defining the rights of migrant workers and their social protection, to the requirements and standards of international instruments adopted by the Member States of the Council of Europe are now poorly explored. In order to ensure the rights of foreign citizens in Ukraine and to consider the need to guarantee the interests of Ukrainian immigrants, a comparative study of national and European practices in the area of social protection for workers should be carried out. It is also important to establish the causes of their impropriety. In this regard, the purpose of this article is to evaluate the state and quality of social protection of migrant workers in Ukraine and to suggest measures needed to ensure their protection and assistance rights in accordance with European regulations.

## **2. The transformation of labour migration level in Ukraine**

After acquiring independence in conditions of crisis and sharp decline in living standards, Ukraine became a country of massive emigration and this process has particularly escalated since 1994. However, the size of population declined sharply in the early 2000's due to migration. During the last decade, the total level of migration turnover, i.e. entry and exit flows, decreased in Ukraine. In 2013, the number of arrivals was 1.5 times lower than in the early 2000's and reached 54 thousand people. In addition, the migration balance has rapidly changed. Thus, in 2002 Ukraine had considerable migration loss (-33 thousand

people) and after 2005 migration balance turned positive and in 2013 reached the level of 31 thousand people (see Figure 1).

**Figure 1. Balance of external migration in Ukraine**

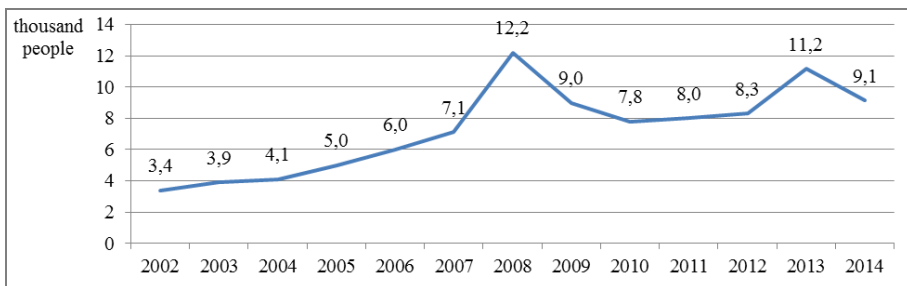


Source: State Statistics Service of Ukraine (2015)

Statistics of external movement provided by the State Border Guard Service of Ukraine show that private trips were the main channel of foreign citizens' entry to Ukraine during 2006 - 2013. They provided about 90% of foreign citizens' inflow. Immigration to Ukraine for employment and permanent residence provided 0.11-0.38% of the total inflow.

The total number of foreign migrant workers in Ukraine, according to the State Employment Office of Ukraine, is insignificant but tended to increase. The extent of temporary employment of foreigners in Ukraine during the 2000's grew steadily, reaching the level of 12.4 thousand people in 2008 (see Figure 2). During the global financial crisis, the number declined but it later gained positive dynamics and in 2013 amounted to 7.5 thousand people.

**Figure 2. Number of migrant workers, registered in Ukraine**



Source: State Employment Office of Ukraine (2014)

According to the State Employment Office of Ukraine, the most numerous migrants were citizens of Russia (over 1.6 thousand people), Turkey (over 1.6 thousand people), Poland (0.5), Belarus (0.4), Germany (0.3), and France (0.25). The majority of migrant workers in Ukraine were male (85%). Most of the foreigners having work permits in Ukraine were employed as office managers, professionals and employees, whereas low-skilled employment is very rare. More than 19% of migrants are employed in their field of expertise. Their highest concentration is observed in the city of Kiev and the Kiev region (over 50%). Also they were employed in Donetsk, Lviv, Odesa, Dnipropetrovsk and other regions. The data of the State Employment Office of Ukraine also shows that the largest group of immigrant workers are employed in trade, repair of motor vehicles, household goods and personal consumption (21.7%), construction (17.5%) and manufacturing (17.0%).

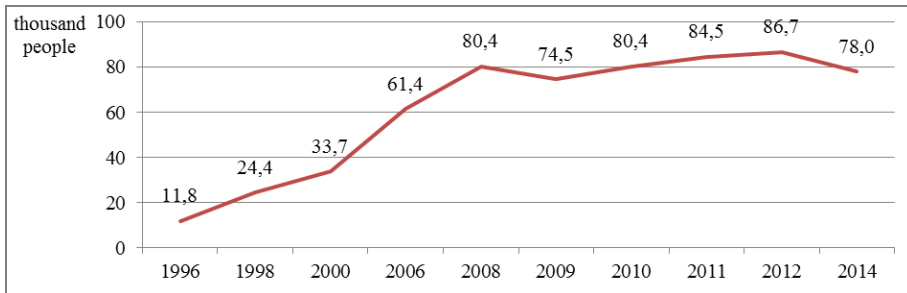
According to foreign migration survey conducted in 2013 by the Mission of IOM in Ukraine and the Delegation of the EU to Ukraine (IOM Mission in Ukraine, 2014), about 80% of resident migrants were employed. However, only 36.2% of the respondents were working according to their educational qualification and only 39.7% of the employed respondents were employed officially. The average period of job search of respondents was of about 12 months.

The level of labour emigration from Ukraine is ten times higher than immigration. Under conditions of deep economic crisis of the 1990s, external labour migration has become an important means of survival for many citizens of Ukraine. In the initial stage, it mainly included migrating to neighbouring countries for the purpose of retail commerce; later on, however, it facilitated the entry of Ukrainian citizens to the international, and particularly, European labour markets. During the period between 1991 and 2012, about 2.9 million people emigrated from Ukraine. About 2.2 million people moved to post-Soviet countries, whereas the rest (700 thousand people) chose other countries. The share of people emigrating from Ukraine to other than post-Soviet countries had been growing: in 1994 it was about 20% and in 2012 it already exceeded 60%.

In recent years, about 15 thousand emigrants have been recorded annually. According to data by intermediation firms, the amount of foreign employment facilitation services granted to citizens of Ukraine is constantly growing: the number of Ukrainians employed abroad grew from 11.8 thousand citizens in 1996 to more than 86.7 thousand in 2012 (see Figure 3). However, many of the Ukrainian labour migrants work abroad informally and are not statistically recorded. A number of alternative migration surveys uncover much more intense processes in Ukraine. In 2008, the State Statistics Service of Ukraine together with the Ukrainian Centre for Social Reforms conducted a national sample survey on labour migration of households (State Statistic Service of Ukraine, Ukrainian Centre for Social Reforms, 2009). The survey polled more than 22

thousand households, containing 48 thousand working age people. From the beginning of 2005 to 1<sup>st</sup> of June, 2008 more than 1.5 million Ukrainians (5.1% of the working age population) travelled abroad for employment at least once.

**Figure 3. Number of Ukrainian citizens temporarily employed abroad (employment by entities licensed by the Ministry of Social Policy of Ukraine)**



Source: State Employment Office of Ukraine (2014)

The other national migration survey conducted by the State Statistics Service of Ukraine together with the Ptoukha Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine (IDSS), in 2012, revealed that 1.2 million citizens aged 15-70 years (or 3.4% of the age group) were working or looking for work abroad from January 1, 2010 to June 17, 2012 (International Labour Organisation, ILO Mission in Ukraine, 2014). The share of working-age population amounted to 4.1% in this period. The survey found that the majority of migrants were working abroad as employees. The foreign sectors employing the largest share of Ukrainian workers were constructions (45.7% of the total labour emigrants from Ukraine) and household services (18.3%). Other popular areas of labour migrants' employment were agriculture (11.3%) and trade (9.1%). A lot of Ukrainian migrant workers (20.4%) are working abroad illegally or without proper permits.

Eastern European countries are the most attracting employers for Ukrainians: Poland (14.3% of labour migrants from Ukraine), Czech Republic (12.9%), Italy (13.2%), Germany (2.4%), Spain (4.5%), Hungary (1.9%), and Portugal (1.8%). Among the rest of the world's largest recipients of Ukrainian labour force are the Russian Federation (43.2%) and Belarus (1.8%).

Despite the fact that Ukraine is mainly an emigration country, demographic forecasts of IDSS reveal a high probability of shifts in migration balance in Ukraine. At the beginning of 2061, the share of population aged 20-64 (most economically active population group) will decrease by one third from the current level of 29.5 million people (Ukrainian Centre for Social Reforms, 2006). At the same time, labour demand is estimated to be 20.4 - 20.9 million

people. The annual number of economically active population should amount to 21.5 million people, the unemployment remaining at the normal level. However, in the recent years, the number of economically active population has been 77% of the permanent population aged 20-64, which is about 22 million people. Therefore, even if the current socio-economic situation persists, labour force shortages will only be felt in 8-10 years in Ukraine, due to unfavourable demographic dynamics. The most promising way to reduce this shortage is to attract migrants. The socio-economic conditions in Ukraine being better than in most developing countries, an increase of immigration in Ukraine should be expected. Thus, according to demographic experts, Ukraine is about to abandon the status of migration donor, turning into a country of migration inflow (ILO, IOM Mission in Ukraine, 2014).

Active labour migration processes, as well as their potential changes trigger a number of demographic, social, economic and psychological threats. Developing measures to counter, prevent or adapt to such challenges requires the implementation of a social protection system for migrant workers.

### **3. Implementing the rights of migrant workers to social protection and assistance in Ukraine**

Ukraine's accession to the major international agreements in the area of civil rights started in 1997 with the ratification of the European Convention on Human Rights. It is a fundamental international treaty adopted by the Council of Europe in 1950 and designed to ensure for everyone within the jurisdiction of the European countries the support and development of human rights and fundamental freedoms in accordance with the requirements of the Universal Declaration of Human Rights (1948).

Human rights, as defined in this Convention, have been included in a number of international instruments of the Council of Europe and are aiming to regulate the legal status of specific categories of people. One of these documents is the European Convention on the Legal Status of Migrant Workers and Members of Their Families (Council of Europe, 1977). It states that each member state is bound to ensure the legal status of the migrant workers who are on its territory. The regime is as favourable, in all aspects of living and working conditions, as the one for workers who are nationals of the receiving state. Specifically, it promotes the improvement of social protection for migrant workers and their families, other rights and privileges granted to the citizens of the countries which have ratified it. The working conditions and social security include social and medical care, access to housing and rents, tax revenue, etc. The Convention also includes guarantees for family reunion of migrant workers in the state of employment and re-employment opportunities in the event of dismissal.

In 2007, Ukraine joined the European Convention on the Legal Status of Migrant Workers and Members of their Families, which was an important step



for ensuring adequate legal protection of migrant workers. One of the positive outcomes was strengthening the protection of Ukrainian citizens engaged in economic activity in the Council of Europe member states. Numerous claims received by the Ombudsman show that there are serious problems in ensuring these rights on the territory of the EU member states (Karpachova, 2006).

External labour migration will remain one of the determining factors of economic and social life of Ukraine for a long time, directly affecting the observance of civil, political, social, economic and cultural rights of its citizens. So, to achieve a higher level of integration into the European society, Ukraine needs to strengthen the legislative protection of the social rights of migrant workers and their families, mentioned by the European Social Charter (revised) (Council of Europe, 1996). This document is the Council of Europe Treaty proclaiming human rights and freedoms and establishing a control mechanism of ensuring their observance by member states (adopted in 1961 and revised in 1999). The rights that it guarantees affect each individual's everyday life: housing, health, education, employment, legal and social protection, freedom of movement, prohibition of discrimination, etc. Regarding foreign workers, the Charter specifies that they have the right to be engaged in any profitable occupation on the territory of the state, on the basis of equality with its citizens, taking into consideration the restrictions, based on cogent economic or social reasons. Most provisions of the Charter were ratified by Ukraine in December 21, 2006. The government, however, has not taken any commitments regarding the implementation of a number of articles in connection with a significant discrepancy between the national legislation and the above mentioned standards. This refers especially to Article 19 of the Charter "The right of migrant workers and their families to protection and assistance".

Settlement of rights for migrant workers and their families in Ukraine is based on more than 60 domestic legal documents, including the Constitution of Ukraine (1996), Laws of Ukraine such as "On Border Control" (2009), "On Freedom of Movement and Choice of Residence in Ukraine" (2003), "On Immigration" (2001), "On the Legal Status of Foreigners and Stateless Persons" (2011), "On Principles of Prevention and Combating Discrimination in Ukraine" (2012), "On Employment" (2012), "On Social Services" (2003), as well as the Concept of State Migration Policy (2011) and Action Plans for its implementation, numerous regulations, rules and procedures that govern separate areas of the life of foreigners.

Despite a number of legislative acts on regulation of labour migration, Ukraine's legislation does not provide clear criteria for identifying people who may be defined as objects of migration policy, including "migrant workers". Ukrainian laws define only the related concepts, such as "a foreigner" – "a person who is not a citizen of Ukraine and is a citizen (national) of another state or states" (according to the Law "On the Legal Status of Foreigners and Stateless Persons"

(Verkhovna Rada of Ukraine, 2001)). A “stateless person” is defined as a “person that no state, according to its legislation, considers it to be a citizen” (according to the Law “On the Legal Status of Foreigners and Stateless Persons” (Verkhovna Rada of Ukraine, 2011)). An “immigrant” is “a foreigner or stateless person who received an immigration permit and arrived to Ukraine for permanent residence, or stays in Ukraine on legal grounds, having obtained an immigration permit and remained in Ukraine for permanent residence” (according to the Law “On Immigration” (Verkhovna Rada of Ukraine, 2001)). According to the European Convention on the Legal Status of Migrant Workers and Members of Their Families, the term “migrant worker” means “a national of a Contracting Party who has been authorised by another Contracting Party to reside on its territory in order to take up paid employment” (Council of Europe, 1977). The lack of a clear definition for the migrant worker in the Ukrainian legislation is a major obstacle for developing an effective public provision of social rights.

The study of the implementation in Ukraine of the rights to protection and assistance of migrant workers and their families provided by the European Social Charter (revised) showed that its provisions are not fully ensured. In particular, this applies to conditions of employment and access of migrant workers and their families to housing, social assistance and social services, as well as their languages and ethnic traditions promotion.

The rights of migrant workers and their families to protection and assistance are defined by Article 19 “The right of migrant workers and their families to protection and assistance” of the European Social Charter (revised). It contains 12 provisions accepted by parties, including information for workers on emigration and immigration, sanitary and health services, facilitation of their entry and exit, equality in wages, trade union membership, access to housing, income taxation, justice, money transfer and implementation of self-entrepreneurship, promotion of international cooperation, facilitating reunion of migrant workers’ families, teaching of national and native languages, as well as preventing groundless expulsion of migrant workers from the country.

We conducted a comparative analysis of European standards regarding the rights of migrant workers in accordance with Article 19 of the Charter and the practice of Ukraine in this area (see Table 1).

**Table 1. Provisions of Article 19 “The right of migrant workers and their families to protection and assistance” of the European Social Charter (revised) and their implementation in Ukraine**

The parties undertake	Implementation in Ukraine
1. To maintain or satisfy themselves that adequate and free services are provided to assist such workers, particularly in obtaining accurate	General principles for providing and protection of the official information for migrant workers have been identified and appropriate steps against misleading propaganda related to emigration and immigration have not been established. Free

<b>The parties undertake</b>	<b>Implementation in Ukraine</b>
information, and to take all appropriate steps, so far as national laws and regulations allow, against misleading propaganda related to emigration and immigration	services for helping migrant workers are aimed to spread true information on migration and support in solving problems. The network of such services includes only state and local governments as well as counselling centres set up by IOM Mission in Ukraine.
2. To adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate health services, medical attention and good hygienic conditions during the journey	The list of documents required for entry to Ukraine and departure (visa, residence permit, immigration permit) has been created. Sufficient financial support for staying in the country is a must. Measures to facilitate travel are provided only for refugees and persons who need additional protection, and do not include migrant workers. The access of foreign workers to health care is difficult due to the need to pay for the treatment and low involvement of foreigners to health insurance.
3. To promote adequate co-operation between public and private social services in emigration and immigration countries	The governing bodies signed and ratified a significant number of bilateral and multilateral agreements; however, they do not fully cover the country's largest arrival of migrant workers, including East Asian countries (China, Vietnam) and Turkey. Cooperation between private social services is neither regulated nor encouraged by law.
4. To secure for such workers, lawfully within their territories, in so far as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect to the following matters: a. remuneration and other employment and working conditions; b. membership of trade unions and enjoyment of the benefits of collective bargaining; c. accommodation	Laws proclaimed the equal treatment of migrant workers in terms of wages and working conditions. However, there is a restriction on their access to the official labour market as employers need to obtain a foreigner work permit.  Membership of migrant workers in trade unions and privileges of collective bargaining are not restricted, however it is forbidden to create their own unions. Access of migrant workers to housing is not discriminated; however, there is no regulation of migrant workers housing. Owners often refuse to provide for foreigners renting houses.
5. To secure for such workers, lawfully within their territories, treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect to employed persons	There is a unified approach to the income taxation of working foreign nationals and citizens of Ukraine. Equality and non-discrimination of migrant workers is ensured by establishing uniform tax rates and personal income, social contribution, as well as by opportunities to use tax benefits.
6. To facilitate as soon as possible the reunion of the family of a foreign worker permitted to establish himself in the territory	It is possible to get a long-term visa for people who arrived to Ukraine for family reunification. This right is set for the closest relatives (husband / wife, children and disabled parents). Measures to provide housing for other workers engaged in family reunification are not provided. Limitation of foreigners' entrance in Ukraine for health concerns refers only to chronic diseases caused by bad habits and dangerous infections.
7. To secure for such workers, lawfully	Right to judiciary and judicial protection are guaranteed

<b>The parties undertake</b>	<b>Implementation in Ukraine</b>
within their territories, treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article	equally both to migrant workers and to citizens of Ukraine. It is provided with a single approach to obtain free primary legal assistance and the ability to use the language they speak. Free secondary legal aid is provided only for refugees and persons in need of an additional protection.
8. To secure that such workers, lawfully residing within their territories, are not expelled unless they endanger national security or offend against public interest or morality	Foreign workers living on the territory of Ukraine legally can be forcibly returned to the country of origin (or other) if their actions: break the law, are contrary to the interests of national security or public order, have led to their conviction and imprisonment, or if it is necessary for the health and human rights protection of Ukrainian citizens. If they did not fulfil in due time the decision on their return, they can be forcibly expelled from Ukraine. This decision may be appealed but does not stop its functioning.
9. To permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire	It is possible to transfer income and savings of migrant workers to other countries in national or foreign currency. Transfer of cash through the international system is limited to 15 thousand UAH in one working day. Transfer of funds through current accounts of individuals can be carried out without any restrictions.
10. To extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply	There is an equal treatment of migrant workers engaged in self-employment, as well as of other categories of foreign workers. The same rights and duties as to citizens of Ukraine are established for migrants. In particular, they are free to choose the legal area of employment and pay the same taxes and fees. However, if they need to hire workers from a number of other foreigners, they must obtain government permission for their employment.
11. To promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families	The mandatory study of the Ukrainian language in all state schools is foreseen. There is a General National Standard of the Ukrainian as a Foreign Language. Adaptation care centres include the assistance in language learning for refugees. Other measures that facilitate learning of the state language for migrant workers are not envisaged.
12. To promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker	The assistance for children of migrant workers in studying their native language is provided by a network of cultural and educational centres. There are preparation tutors for teaching languages of national minorities, as well as their attraction from the countries of origin of foreign workers.

*Source:* own research

The organisation of free services to migrant workers in obtaining accurate information (Art. 19 Paragraph 1 of the Charter) is based on the citizen's constitutional right to appeal to the state and local governments. However, according to the Law of Ukraine "On appeals of the citizens" (1996), this right is granted only to citizens of Ukraine, while foreigners are not given this right. Publication of information concerning employment of foreigners is provided by the State Migration Service of Ukraine, Ministry of Social Policy of Ukraine and

the State Employment Office of Ukraine. Free help and humanitarian support for workers is carried out by the IOM Mission to Ukraine which has been operating in Kiev since 1996, heading the network of Centres for Migrant Advice (CMA's).

Measures fighting the spread of false information on emigration and immigration were also implemented. The Law of Ukraine "On Information" (1992) provides free access to information resources, establishing at the same time a disciplinary, civil, administrative or criminal liability for violation of the legislation on information.

State Employment Office of Ukraine using social advertising and mass media consistently explains the benefits of legal work, the need for implementation of labour legislation and the risks of illegal migration. However, human rights organisations' studies (Ukrainian Helsinki Human Rights Union 2012, p. 295) show that examples of manipulation using statistics through the media, imposing xenophobic caveats and the sense of distrust towards immigrants are not rare in Ukraine. An artificial negative image of immigrants as potential criminals, carriers of infectious diseases or competitors for jobs and housing is being formed. Lack of measures to fight xenophobia leads not only to a rapid spread of various kinds of domestic phobia against foreigners from the Caucasus, Africa, Central and Southeast and Central Asia, but it also encourages discriminatory and radical attitudes.

Another problem in Ukraine is connected to the access of migrant workers to information in their own languages (Art. 19, Paragraph 1 of the Charter), the necessity of which is stressed by the explaining document (Committee of Ministers, 2001). Nowadays, information on legal support for immigration is provided by public authorities only in Ukrainian, which prevents the access of immigrants to legal employment facilitation services. According to foreigners' questionnaire survey, carried out in different regions of Ukraine in 2013 (IOM Mission to Ukraine, 2014) about 34% of respondents did not apply to the State Employment Office of Ukraine as they did not know about the existence of such a possibility. The interviewed staff of the employment service organisations, however, reports a language barrier problem as one of major obstacles in communication with different migrant categories.

Ukrainian legislation sets a number of administrative formalities for the entry and exit of foreigners to the territory of the country; however, it does not include effective measures to facilitate these processes (Art. 19, Paragraph 2 of the Charter). Law of Ukraine "On Legal Status of Foreigners and Stateless Persons" requires obtaining the visa (except refugees), the certificate of permanent/temporary residence and the proof of the sufficient financial status of each immigrant. If a person visits Ukraine legally, he/she has the right to leave it. However, in certain circumstances the term of migrant's stay in Ukraine may be reduced and the person may be returned, extradited or forcibly expelled

beyond the borders of the country. According to the Law of Ukraine “On Immigration”, for permanent residence of foreigners and stateless persons in the country, they are required to obtain a permit to immigration, which is issued within the immigration quota, the long-term visa and a residence permit. There are also cases in which an immigration permit may be revoked, which serves as a ground for deportation of the person from the country.

Describing the administrative formalities for a foreigner’s entrance to and exit of Ukraine, it is necessary to identify the existing problems revealed by studies of human rights organisations (Ukrainian Helsinki Human Rights Union, 2012, p. 295). Officials of the regional divisions of the State Department of Citizenship, Immigration and Registration of Persons are not entitled to renew the term of stay in Ukraine for certain categories of immigrants. Such divisions, nevertheless, may renew the temporary registration only for the immigrants who arrived to Ukraine on a private trip, but for a period not exceeding 180 days from the date of last entry. Other categories of immigrants are required to visit the regional centres of the Departments, spending their own time and funds.

The organisation and operation of medical and healthcare services, which provide assistance to migrant workers (Art. 19, Paragraph 2 of the Charter), is regulated by the Laws of Ukraine such as “Ukraine’s Legislative Fundamentals on Health Care” (1992), “On Emergency Aid” (2012) and “On Insurance” (1996). Foreigners and stateless persons temporarily staying in Ukraine are required to pay for medical assistance, including emergencies. They are entitled to the same insurance coverage as the citizens of Ukraine and may enter into healthcare insurance contracts. However, the poll of foreigners carried out in 2013 in Ukraine (IOM Mission in Ukraine, 2014) revealed that healthcare services are used by over 66% of the respondents and 40.3% of them had health insurance. 85% of the respondents concluded health insurance contracts with public healthcare institutions, whereas dentistry was the only popular service among private clinics. Among the consumers of healthcare services, 27.5% reported problems with the application, including the requirement to pay for services (registration, doctor’s fees, etc.), and distrust towards medical staff and their unethical attitude.

In order to promote cooperation between public and private social services in emigration and immigration countries (Art. 19, Paragraph 3 of the Charter), Ukraine signed bilateral cooperation agreements with a number of CIS countries (Russian Federation, the Republic of Azerbaijan, the Republic of Belarus and the Republic of Moldova) and other European states, including the Swiss Confederation (on exchange of trainees), Republic of Austria (on cooperation in the field of social policy), the Kingdom of Belgium (on cooperation in labour), the Republic of Bulgaria (on cooperation in social policy), the Slovak Republic (on cooperation in labour, employment and social policy), the Czech Republic (on cooperation in labour and employment), the Portuguese Republic (temporary

migration), the Republic of Poland (on mutual employment of workers on cooperation in labour and social policy), the Republic of Lithuania (on mutual employment of citizens, on cooperation in social and employment policy), the Republic of Latvia (on labour activity and social protection), Georgia (on cooperation in labour and social security).

Ukraine's network of private social services is providing paid assistance to migrant workers. It covers a number of recruitment agencies and training centres (courses, institutes), which provide competencies and qualifications necessary in the country. Nevertheless, this study did not find any specific measures aimed to ensure international cooperation of private social services.

The laws and regulations acting in Ukraine do not fully ensure equal treatment of migrant workers in comparison to nationals in the area of remuneration and other employment and working conditions. This contradicts the requirements of Paragraph 4 of the Article 19 of the Charter. The Law of Ukraine "On Legal Status of Foreigners and Stateless Persons" stipulates that foreigners who permanently reside in Ukraine have the right to work in enterprises, institutions and organisations or engage in other employment on the grounds and in the manner prescribed for the citizens of Ukraine. However, employers may hire foreigners under an employment contract only based on special permission. The Law of Ukraine "On Labour" (1995) prohibits any reduction in wages, including that based on race and ethnic origin. Also, according to the Law of Ukraine "On Trade Unions, their Rights and Guarantees" (1999), foreigners cannot form but may join trade unions. This is in line with the requirements of Paragraph 4 of the Article 19 of the Charter.

A survey of foreigners in Ukraine (IOM Mission in Ukraine, 2014, p. 36) found that 80% of resident workers were employed, however only 42% of them were working according to their educational degree. The dominant areas of migrant workers employment in Ukraine are trade (38% of all respondents), services (17.8%) and constructions (16%). Among the foreigners hired workers represent 66.8%, the share of the self-employed is 27.1% and employers' share is only 6.1%. At the same time, only 39.7% of the employees are legally employed and 56.5% of the entrepreneurs have official permits for their occupations. The survey also points to the migrant's employment problems in Ukraine. They include among others a low level of official employment, difficulties with acquiring business licenses and low awareness about the services provided by the State Employment Office of Ukraine, the difficulties in finding vacancies, especially the highly-paid ones, lack of social security guarantees, as well as the language barriers. 45% of foreigner respondents believe that their salaries do not differ from those of the similarly employed Ukrainians, but 24% hold to the opposite opinion. In addition, 65% of respondents agreed that it is more difficult to find a job for a foreigner than for a

national, and 40% of the respondents believed that it was more challenging for them to conduct business in comparison with the native population.

The access of foreign workers to housing is not limited in Ukrainian legislation. Specifically, foreigners are not prohibited to buy apartments or houses. At the same time, there are no special measures ensuring their adequate housing or exclusion of discrimination against them in terms of access to social housing, as required by the Paragraph 4 of the Article 19 of the Charter. Public activities in the field of housing of immigrants are directed mainly at refugees. In 2012, the Parliamentary Commissioner for Human Rights received six foreigners' complaints on the violations of their right to housing, four complaints of violations of the rights to register, and two complaints of violations of the right of free choice of residence. The major problems of housing discrimination identified in the six cities were connected with the refusal to provide housing for rent, based on the owners' racial prejudice, and higher rental costs of housing for foreigners (Ukrainian Helsinki Human Rights Union, 2012).

Migrant workers and their families have the same regime as nationals in terms of paying taxes, duties or contributions, defined by the Tax Code of Ukraine. This meets the requirements of the Paragraph 5 of the Article 19 of the Charter. At the same time, measures to facilitate family reunion of the foreign worker in Ukraine, provided for by the Paragraph 6 of the Article 19 of the Charter, are not duly pursued. Reunification in Ukraine of the foreign workers' families is possible only for a period of their employment. Employment and housing of such people are provided on a general basis.

According to the Charter, foreign workers should enjoy the same benefits of judicial assistance, as the nationals do (Art. 19, Paragraph 7). This provision is included in the Law "On the Judicial System and the Status of Judges", which states that foreigners, stateless persons and foreign legal entities have the same right to legal protection as the citizens and legal entities of Ukraine. Also, it stipulates that everyone has the right to legal assistance, which in certain cases may be provided free of charge.

The Charter imposes commitments to prevent migrant workers' expulsion, residing legally in the member states, unless they endanger national security or offend state interests or public morality (Art. 19, Paragraph 8). This requirement is fully ensured in Ukraine according to the Law "On Legal Status of Foreigners and Stateless Persons". The Court's decision on forced return and expulsion of foreigners or stateless persons from Ukraine may be appealed. However, human rights organisations' studies (Ukrainian Helsinki Human Rights Union, 2012) indicate that it has become a common practice for some police departments to deprive the foreigners from some "disadvantaged countries" of the right to extend their stay in Ukraine. In practice, the use of the right to appeal against the refusal of renewing a migrant's stay in Ukraine is impossible. Generally, the



immigrant has almost no time to prepare the necessary documents for the appeal and submit them to court for consideration; therefore, after a refusal to extend the period of his/her stay in Ukraine, the worker is immediately recognised as an illegal migrant and is subject to expulsion from the country.

Migrant workers in Ukraine have the right to transfer unlimited amounts of their income and savings from their current accounts to other countries or the equivalent of 15 thousand UAH in one business day without opening any current accounts. This right is provided by the National Bank of Ukraine Resolution № 496 and it complies with the provisions of the Charter (Art. 19, Paragraph 9). Cross-border transfers in Ukraine are provided by the international money transfer systems, in which more than 150 banks, the Ukrainian Financial Group and USEP “Ukrposhta” are engaged.

As for the provision of protection and assistance to migrants engaged in independent business activities (Art. 19, Paragraph 10), the legislation of Ukraine does not distinguish any difference on the right to assistance and protection from the one granted to the employed foreigners and stateless persons. Foreigners and stateless persons engaged in an independent business activity are not singled out as a separate group and have the same legal status as the employees. The Law of Ukraine “On Employment” rules that these individuals have the right to carry out investment in Ukraine, international, as well as all other activities in accordance with the law. Other provisions of the Ukrainian legislation determining the benefits or restrictions for foreign migrant workers were not found. At the same time, the survey of foreigners in Ukraine (IOM Mission in Ukraine, 2014) showed that among the licensed entrepreneurs every third migrant (31%) reported the complexity and duration of the authorisation procedure for entrepreneurs.

In order to encourage and promote the study of Ukrainian language by foreign citizens, immigrants and refugees (Art. 19, Paragraph 11 of the Charter) the government has approved the Action Plan to implement the Concept of State Migration Policy and the Action Plan for the integration of refugees and persons in need of additional protection in Ukrainian society for the period until 2020. Obligatory study of Ukrainian language is organised in all public secondary and higher educational institutions. Courses for refugees, in order to study Ukrainian as a foreign language, history, culture and the national political system, have been set by the educational institutions of all regions. In addition, in various regions of Ukraine, there are about 170 private companies engaged in teaching Ukrainian for foreigners.

Studies on foreign migrants’ discrimination in Ukraine (IOM Mission in Ukraine, 2014) identified a number of barriers to their equal access to education, including the difficulty of obtaining a medical certificate of vaccination, low adaptability of the educational process in schools for the social integration of migrants, lack of specialised textbooks and teaching methods. The necessity of

linguistic adaptation of foreigners in Ukraine is justified by the fact that only one tenth of them are fluent in Ukrainian, one fifth of them understand it and can express their views, but most of the immigrants can understand but do not speak Ukrainian. However, about a quarter of the survey respondents do not understand Ukrainian language. The survey also revealed that 37.2% of foreigners studied Russian in the country of their origin, 62.1% did it in Ukraine, and only 0.7% developed their linguistic skills in other countries. At the same time, almost every migrant (97.3%), who speaks Ukrainian at least on the initial level, studied the language in Ukraine and only 2.7% of them did it in the country of their origin.

Ensuring the rights of migrant workers in terms of granting their children the right to study their native language (Art. 19, Paragraph 12 of the Charter) is carried out through the network of cultural and educational centres of ethnic minorities in Ukraine. In 2013, 366 cultural centres, including Saturday and Sunday schools, were operating in Ukraine. In addition, secondary school teachers of Ukrainian, Russian, Moldovan, Crimean Tatar, Hungarian, Polish, Romanian, Slovak and Bulgarian languages are trained in Ukraine.

#### 4. Social protection of migrant workers: Challenges of the Ukrainian crisis

Under crisis, the migration process has intensified both internationally and inside separate countries. Table 2 shows the impact of crisis on the migration processes changes in Ukraine. Since 2012 economic growth has stopped in Ukraine. If, in 2012 the GDP grew by 0.2%, in 2013 it did not change and in 2014, it decreased by 6.8%. Meanwhile, the real average wage declined during 2014 by 6.5%, consumer prices rose by 12.1% and the unemployment rate increased to 9.3%.

**Table 2. Economic and social indicators of the Ukrainian crisis**

Indicators	2010	2011	2012	2013	2014
Gross domestic product (at prices of the previous year), % of the previous year	104,1	105,5	100,2	100,0	93,2
Rate of unemployment (age 15-70), % of economically active population	8,2	8,0	7,6	7,3	9,3
Real average wage, % of the previous year	110,2	108,7	114,4	108,2	93,5
Consumer price index, % of the previous year	109,4	108,0	100,6	99,7	112,1

Source: State Statistic Service of Ukraine (2015)

The fighting in the area of ATO and the annexation of the Crimea in 2014 provoked an increasing flow of refugees from Ukraine. Journalistic research (Korba, 2015) showed that, if during 2011-2013 Ukraine was not included even in the top thirty of asylum seekers in the EU, in the years of crisis, it became among the leaders, taking the 13th place in the number of applicants in 2014,

and it occupied the 9th place in the second quarter of 2015. Most Ukrainian people are applying for asylum in Germany, Poland, Italy, France and Sweden. And it is not only the refugees from the East. Most of the refugees are actually hiding from mobilisation. Other categories are becoming labour migrants trying to use the war for selfish purposes.

According to Eurostat, 126 thousand citizens of Ukraine received a residence permit in the EU in 2011, about 303 thousand people in 2014, and more than 825 thousand people for the last four years, which is the highest figure compared to citizens of other countries. For example, the Americans who took second place in 2014 ranking, managed to get three times fewer documents, and the Chinese - 44% fewer (see Table 3).

**Table 3. Dynamics of external migration to the EU (by country of origin), in thousand people**

Country of migrants' origin	Years				Total 2011-2014	Growth rate (percentage change) 2014/2011
	2011	2012	2013	2014		
Ukraine	125,8	160,2	236,5	302,8	825,2	140,8
USA	190,6	199,4	171,9	199,2	761,2	4,5
China	154,3	159,9	165,4	169,7	649,3	9,9
India	173,7	157,6	200,7	134,9	666,9	-22,4
Morocco	121,2	102,0	102,0	96,3	421,5	-20,6
Syria	9,0	24,0	41,6	81,9	156,5	809,7
Belorussia	15,4	29,3	767,7	80,4	892,8	423,3
Russia	60,3	65,6	72,8	73,8	272,6	22,4
Brazil	599,9	57,1	55,0	57,1	769,1	-90,5
Turkey	52,1	59,1	59,7	56,3	227,2	8,1
Total	2176,8	2096,6	2356,5	2305,8	8935,7	5,9

Source: Eurostat, 2015

In fact, Ukraine faces a new wave of migration from the country. Most Ukrainians move to the EU to work. In 2014, according to this item, 70% of the total number of residence permits were issued. The refugees and the middle class have joined the traditional migrant workers. According to the survey, prepared by GfK Ukraine for the IOM (GfK Ukraine, 2015), in 2015 about 3 million Ukrainians (8% of the population) are planning to find a job abroad in the nearest future, 34% of residents do not mind working abroad, but this is still the subject of their consideration. The survey also showed the sharply increased proportion of those working abroad informally – from 28% in 2011 to 41% in 2015.

The fighting in the area of ATO and the humanitarian catastrophe phenomena that take place in parts of Luhansk and Donetsk regions also led to a

significant increase in Ukraine's internal migration. People were forced to change their places of residence in search of safe living conditions. According to the Ministry of Social Policy of Ukraine (November 2, 2015), 1.5 million people (1.2 million families) from the Donbas and Crimea have been registered (see Table 4). Among them, there are about 20 thousand immigrants from Crimea and over 1.070 thousand people who were displaced from the East of Ukraine. About 60% of internally displaced people are pensioners, 23.1% are able to work persons, 12.8% children and 4.1% disabled persons. As the process of establishing the centralised registration system is still going on, the real number of displaced persons within the country is unknown and can be higher.

**Table 4. Forced internal migration in Ukraine**

	2014	2015		
	July	January	July	November
Number of internally displaced people, thousand people	110	838.3	1391.2	1563.5
The proportion of internally displaced persons in the total population, %	0.3%	2.0%	3.3%	3.7%
Number of internally displaced persons, who have received address assistance, thousand families	-	176.5	421.5	537.3

*Sources:* Ministry of Social Policy of Ukraine (2015); State Statistic Service of Ukraine (2015); own calculations

At the beginning of November 2015, the share of forced internal migrants in Ukraine was more than 3.7% of the total available population against 2.0% at the beginning of the year. As a result, according to UN estimates (Solodko and Doroniuk, 2015, p. 3) Ukraine currently ranks 9<sup>th</sup> in the world by the number of internally displaced persons. As an example for comparison, the share of internally displaced people in Syria is 33.3% of the total population, in South Sudan - 13%, in Colombia - 11.9%, in Somalia - 10.5%, in Iraq - 9.8%, in Afghanistan - 2.2% and in Turkey - 1.3%.

With the aim to socially support IDPs, the Government of Ukraine introduced for them a monthly targeted assistance for covering living expenses, including housing and utilities. It is financed from the state budget reserve fund and funds received by the state budget as a charity or international aid (Cabinet of Ministers of Ukraine, 2014). At the beginning of November 2015, such assistance was provided to 537.3 thousand families, while in January 2015 the number of families receiving this assistance amounted to 176.5 thousand families (see Table 4).

A sharp increase in the number of internally displaced persons during the war caused growing state budget financial expenses. The total funding of monthly targeted assistance for covering living expenses, including housing and utilities, raised from 0.36 UAH billion in January 2015 up to 2.79 UAH billion in

November 2015 (see Table 5). However, the prescribed amount of such assistance, which is differentiated for able-bodied, under working age and disabled, cannot be considered effective from the standpoint of social protection of forced migrants.

**Table 5. The monthly targeted assistance to internally displaced people for covering living expenses, including housing and utilities in Ukraine**

	2015		
	January	July	November
The total amount of paid targeted assistance, billion UAH	0,36	1,63	2,79
Size of targeted assistance per capita:			
for not of working age, UAH	884	884	884
<i>% Of the subsistence minimum in this category</i>	93%	93%	93%
for disabled, UAH	949	949	1074
<i>% Of the subsistence minimum in this category</i>	100%	100%	100%
for able-bodied, UAH	442	442	442
<i>% Of the subsistence minimum in this category</i>	36%	36%	36%
The maximum amount of assistance per family, UAH	2400	2400	2400
<i>adjusted for the price index for housing, water, electricity, gas and other fuels, UAH</i>	2400	1080	1053
The maximum amount of assistance per family, EUR	125	102	95

Sources: Ministry of Social Policy of Ukraine (2015); Verkhovna Rada of Ukraine (2014); Cabinet of Ministers of Ukraine (2014); own calculations

Firstly, the size of targeted per capita assistance is only a part of the subsistence minimum. Especially, the amount of assistance for the able-bodied people is 36% of their subsistence minimum and 93% for the under working age people. Secondly, the government did not adjust the amount of assistance for the forced migrants in response to increasing prices. In November 2015, the prices on housing, water, electricity, gas and other fuels increased 2.3 times compared to January 2015. Taking this into account, the real value of the highest size of targeted assistance that was paid at the beginning of November 2015 was not UAH2400, but UAH1053 (in the prices of January 2015). In addition to inflation, the depreciation of targeted assistance was also affected by the devaluation of the hryvnia, because in case of individual renting the price increases in correlation with the currency exchange rate. As a result, according to our calculations, the highest amount of assistance that can be received by a forced migrants family decreased from 125 EURO in January 2015 to 95 EURO in November 2015.

In addition to cash payments, forced migrants are granted consultative, psychological, medical assistance, as well as assistance with settlement. According to the State Emergency Service of Ukraine (dating July 3, 2015), with the beginning of ATO from Donetsk and Lugansk regions, more than 30.8 thousand citizens of Ukraine have been moved and resettled. Given the

humanitarian situation in the areas affected by the conflict, a daily amount of displaced forced migrants is 1500-1750 people.

Also, the level of insuring the rights to social protection and social security of the forced migrants is insufficient due to a number of organisational difficulties:

- delays in obtaining benefits and pensions (about 2-3 months);
- inability to find employment, especially in underdeveloped regions,
- difficulty in obtaining unemployment benefits;
- low wages that do not cover the cost of rental housing, especially in places that offer state employment centres;
- discrimination when seeking employment due to political reasons;
- high proportion of informal employment offers on the labour market with the wages below market.

## **5. Conclusions**

The legal status of migrant workers in Ukraine coincides with the national regime. The scope of rights and obligations of these people is narrower than that of Ukrainian citizens, but generally they enjoy the same rights and have the same obligations as the Ukrainian nationals. The provisions of the Constitution and other laws of Ukraine, rules on hygiene, fire safety, public order, use of vehicles, entrance and exit are compulsory for foreign citizens and stateless people. These individuals, however, are not entitled to exclusive rights and duties of the Ukrainian citizens, among which: the right to vote, the right to serve in the armed forces, etc. Enterprises, institutions and organisations shall obtain a permit for the employment of foreigners and stateless persons on the territory of Ukraine. In some cases, restrictions may be imposed to protect the interests of the state and society, when granting separate rights is incompatible with the purposes and duration of stay of foreigners in the country.

The socio-political and economic crisis poses major threats both to the demographic situation and the migration processes in Ukraine. First of all, such threats comprise:

- economic stagnation;
- growing unemployment;
- unstable political and geopolitical situation;
- military operations in the East;
- declining real income.

As a result, we observe the outflow of domestic labour abroad, increasing the number of internal refugees in the country, a significant reduction of the native population's share in the domestic population of Ukraine, and their replacement by the representatives of the Eastern states. The biggest issue for the country is created not only by the departure of employees, but also by the outflow of the middle class – educated, creative representatives of SME's, IT-

sector and other categories, for which a state border is not an obstacle to a successful professional career. It is the loss of these people that affects our country's economy and most of all its investment attractiveness. Economic crisis, devaluation, unpredictable business environment and poor government policies are the factors stimulating migration outflows from Ukraine.

The impact of the crisis sharply affects migrant workers and their families. First, the reduction of employment in construction, retail trade, tourism, banking and manufacturing will result in the reduction of wages and social security payments leading altogether to the decrease of the living standards of migrants. Secondly, in our view, manifestations of xenophobia and discrimination against migrants of nationals will be more frequent, reflecting the beliefs that migrant workers could take their jobs. Thirdly, an increase in illegal immigration, including human trafficking, is being registered. Fourth, the crisis entails the strengthening of gender inequality among migrants. Male immigrants will face the negative impacts, as the demand for domestic service and nursing staff (traditionally feminine sphere of employment) remains fairly stable.

In order to integrate immigrants in Ukraine, "The plan of measures to integrate migrants into Ukrainian society for 2011-2015" was implemented and based on which standardised programs have been developed. They comprised the study of the Ukrainian language, history, culture, political system; qualification requirements for people who apply for the citizenship of Ukraine, especially in terms of the level of the Ukrainian language knowledge; training programs and courses for migrants' children; providing re-emigrants with information on employment, business activity, social security and healthcare.

However, today's government policy on employment, adaptation, social protection and securing the rights of migrant workers is imperfect and needs urgent reform. Despite the rapid reforms in the legal framework, in recent years, and the definition of strategic goals on the state-level, the unresolved problems in implementing migrant workers and their families' rights to social protection and assistance remain:

- contradictions in the legislative documents;
- problems of statistical recording of migrants;
- unresolved issues of brain drain;
- the virtual absence of a mechanism encouraging the return of emigrants in order to use their experience and savings for the economy;
- high number of illegally employed immigrants;
- the virtual absence of an implementation mechanism for the arrived immigrants.

The problem of eliminating the legal and real discrimination against migrant workers and their families is still unresolved in Ukraine. The European Committee of Social Rights, which is a unit of the Council of Europe, assesses the laws of the countries that have ratified the European Social Charter (revised),

periodically gives them guidelines to ensure full implementation of the Charter. Following its recommendations for Georgia and Poland (European Committee of Social Rights, 2012), we believe that in order to provide full value and equal rights to migrant workers and their families in Ukraine, it is necessary to ensure:

- the organisation of free advice on migration, providing accurate information in foreign languages, as well as the elimination of racism and xenophobia, and women trafficking;
- assistance at the entrance, exit and reception, including the placement and integration in the workplace, overcoming the problem of short-term accommodation, illness, shortage of money and adequate health measures;
- facilitate adaptation to the new environment and help in maintaining their relationship with the families who remain in their country of origin;
- providing opportunities for professional training on the job;
- access to administrative positions in trade unions;
- access to subsidised housing purchase or through participation in preferential credit programs;
- possibility to refuse entry for health reasons only if the disease (in accordance with international health regulations) establishes quarantine;
- the establishment of such a level of sufficient financial security to enter the country, which should not prevent the reunification of families;
- access to education and social protection;
- recognition of qualifications and employment according to education and skill level; training followed by employment in accordance with labour market needs;
- courses for studying Ukrainian, as well as the law, culture and history of the country.

Taking into consideration all the measures which have been implemented and planned for further assurance of integration of immigrants to the Ukrainian society, and the fact that in 2007 Ukraine ratified the “European Convention on the Legal Status of Migrant Workers”, the regulations that are consistent with the rights of immigrants identified by European Social Charter (revised), we consider that these are sufficient grounds for further activities on the ratification of Article 19 “The right of migrant workers and their families to protection and assistance”.

During the crisis management of migration, IOM provides the states with the opportunity to rely on four important directions that are important both for workers and for citizens of the recipient countries (IOM, 2008): (1) it is necessary to pay special attention to social area; (2) to develop clear comprehensive political measures; (3) solidarity of donor and recipient countries; (4) measures to stimulate the economy must take into account the migration factor as an important part of modern world economy.



Taking into consideration the impending demographic situation in Ukraine and mass migration flows, it is necessary to take a number of measures to counter depopulation and to secure the social rights of migrant workers:

- employment assistance to emigrants abroad;
- establishing relationships with Ukrainian migrants in other countries;
- social protection of refugees and facilitation of their integration into society;
- stimulate the return of emigrants and their reintegration;
- increase the level of education of the arrived persons;
- encourage immigration from abroad to increase human resources and integration of newcomers into Ukrainian society;
- negotiate with recipient countries of Ukrainian labour as for expanding employment channels for the Ukrainians in their territory, guarantee of their rights;
- development of national social protection of immigrants, guaranteeing their rights and freedoms in accordance with international standards.

These recommended measures of state policy represent only its targeted regulatory priorities, requiring the development and implementation of management measures related to the improvement of internal and interagency organisational work of state bodies, setting their close cooperation with associations of national minorities in Ukraine, foreign representative offices of Ukrainian migrants, governments and international institutions, as well as provision of transparent information on the rules and procedures of migrant workers. Additionally, measures of state migration policy should be consistent and supported by progressive reforms in social and labour fields of Ukraine aimed to increase real wages, reduce illegal employment, and social protection of working citizens, in accordance with modern European practice.

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