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POLICY BRIEF

POLITICAL REFORMS AND MIGRATION SITUATION: REGULATION MOBILITY CROSSROAD IN EaP

November 2015

EXECUTIVE SUMMARY

The Eastern Partnership (EaP) is a joint initiative of the EU and six eastern European partner countries (Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine) that aims to bring eastern European countries closer to the EU. The EaP has made a clear commitment to strengthening cooperation on justice, freedom and security. For Ukraine and Georgia the visa liberalization action plans (VLAPs), proved to be key mechanisms for implementing further structural reforms in the area of justice, freedom and security, including those aimed at strengthening the protection of fundamental rights. Progress was made on migration management and readmission policy, but the need to operate modern, effective asylum and international protection systems has yet to be acted on in most partner countries. Mobility Partnership provides a sound basis for dialogue and cooperation between the EU and Armenia. Continuous progress was made on border management. Frontex signed a working arrangement with Armenia.

The events in Ukraine since Revolution of Dignity, annexation of Crimea and hostilities in Donbass, bring new challenges to the migration agenda in EaP region. The focus moved to the following areas: better organising legal migration and fostering well-managed mobility; preventing and combating illegal migration and eradicating trafficking in human beings. Ukraine, Armenia and Georgia appeared to be the countries with the common migration challenges including internally displaced persons movement, financial constraints and armed conflict.

Policy brief analyses political reforms and changes in Ukraine, Georgia and Armenia on the way to a visa free regime and its influence on the migration situation within Eastern Partnership region.

VISA LIBERALIZATION ACTION PLAN

Ukraine made substantial progress in implementing its VLAP, speeding up its implementation and adopting a number of substantial legislative packages to fill the gaps identified. However, there are still a few outstanding issues for the completion of the first phase, in particular key amendments to anti-corruption and anti-discrimination legislation, finalising the legal framework for document security and amending the asylum law.

For Georgia visa liberalization process has become one of the most efficient tools of the EU policy in promoting fundamental reforms in Georgia in areas such as migration, human rights, freedom, security and justice. In December 2015 the European Commission has to make a political decision on the possibilities of establishment of visa-free regime between Georgia and the EU/ Schengen member states. This could only happen if Georgian authorities would manage and complete successfully implementation of the VLAP and receive positive evaluation from the European Commission by late 2015. Introduction of an efficient migration management system could contribute to success of the process.

MIGRATION MANAGEMENT

The establishment of a migration management system represents one of the most urgent tasks for visa liberalization prospects between EU and Ukraine, Georgia and Armenia.

Ukraine. The situation in eastern Ukraine and budget constraints has an impact on the implementation of migration policy in practice. Ukraine made a certain progress towards reorganization of migration management authorities. The interaction and cooperation between the State Migration Service, State Border Guards and labour agencies were set up. In accordance with the Regulation of the Cabinet of Ministers of Ukraine of 5 April 2014, the staff of the State Migration Service was reduced. As a consequence of the reorganization, a unit for combating irregular migration was established. But the gap is in migration policy concept that is still does not developed as well as number of laws that are vital for a successful migration management, such as law on labour migration and regulations on asylum seekers and refugees integration policies.

Ukraine has signed readmission agreements with the Russian Federation, Georgia, Uzbekistan, Turkmenistan, Republic of Moldova, and other countries. In total, 17 readmission agreements had been concluded as of September 2014.

Georgia. Migration management process in the country was established with the EU support. In 2010 the State Commission on Migration Issues (SCMI) and the Secretariat of the commission was created. The SCMI has developed the Migration Strategy of Georgia for 2013-2015, supported by its Action Plan. Currently, the Commission works on the development of the Migration Strategy 2016-2020 and subsequent Action Plan, with the main aim to create a unified migration management system, analyze and distribute reliable information about all kind of migration trends in Georgia, in particular to respond to the challenges of illegal migration, visa and asylum policy etc. The integrated mechanism of information exchange and migration flows management is developing to optimize activities of responsible authorities such as Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Justice and the ministry of IDPs from the Occupied Territories

Armenia. Implementation of the EU-Armenia visa facilitation and readmission agreements began in September 2014. Activities under the EU-Armenia Mobility Partnership and the 2012–2016 National action plan continued. Amendments to the law on asylum and refugees are pending at the national assembly. Amendments to the Criminal Code came into force in August, bringing Armenian law more closely into line with Article 31 of the 1951 Refugee Convention, protecting refugees and asylum-seekers from penalization for illegal border crossing. Amendments to the citizenship law, introducing provisions to prevent and reduce statelessness, were submitted to the national assembly for discussion in autumn.

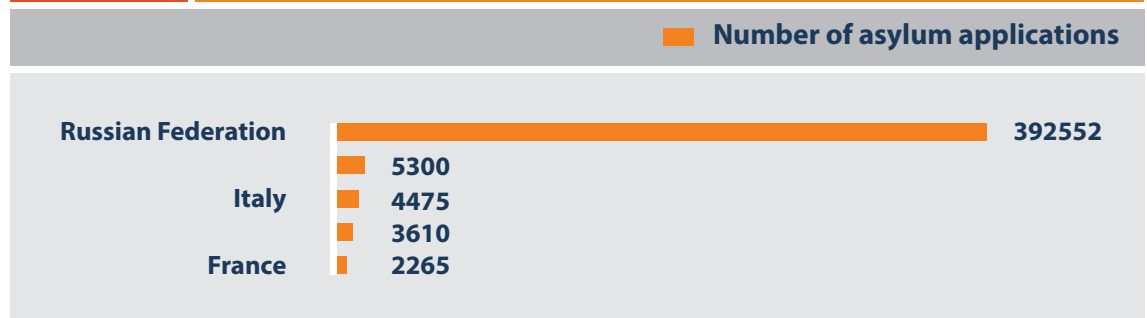
Internally Displaced Persons, refugees and asylum seekers

Ukraine. The Russian annexation of Crimea and subsequent suppression of ethnic Ukrainians and the Tatar Muslim minority resulted in significant displacement. An estimated 20,000 Crimeans had fled to the mainland, while a further 17,000 were displaced within the Crimean peninsula, according to UNHCR estimates as of October 2014. Ukrainian government authorities faced new exceptional challenge that is not regulated in any legal act, so they should react quickly and effectively to prevent chaos in the country. The Law on the Legal Regime on the Temporarily Occupied Territory of Ukraine was adopted in April 2014, though the entry and exit procedures on demarcation line are far from well established. In total, more than 1.3 million people, the vast majority from Donetsk and Lugansk, were considered internally displaced as of late June 2015, according to UNHCR and the Ministry of Social Policy. Paradoxically, the conflict in the east of Ukraine has had little impact on the migration and refugee situation in the European Union. Given the huge scale of internal displacement, the number of Ukrainians who have applied for refugee status in the EU countries (around 10,000 people in 2014, mainly in Poland, Germany and Sweden) is quite modest.

Moreover since ceasefire on demarcation line of the conflict zone in October 2015 it was recorded mass return of IDPs to their places of residence in Donetsk and Lugansk regions. In addition to internally displacement, many Ukrainians have reportedly sought refugee outside of the country. According to government figures, as of April 30, 2015 the number of Ukrainians who have sought asylum, residence permits, and other forms of legal stay in foreign countries is reported to be 822,700 with the majority going to the Russian Federation (678,200) and to Belarus (81,070). Moreover, from the beginning of 2014 till the half of 2015 there were 5,300 applications for international protection in Germany, 4,475 in Italy, 3,610 in Poland, 2,265 in France, 2,110 in Sweden, and smaller numbers in Czech Republic, Belgium, Austria (see Figure 1).

Figure 1

Main destination countries for Ukrainian asylum seekers, 2014-Q1,Q2 2015



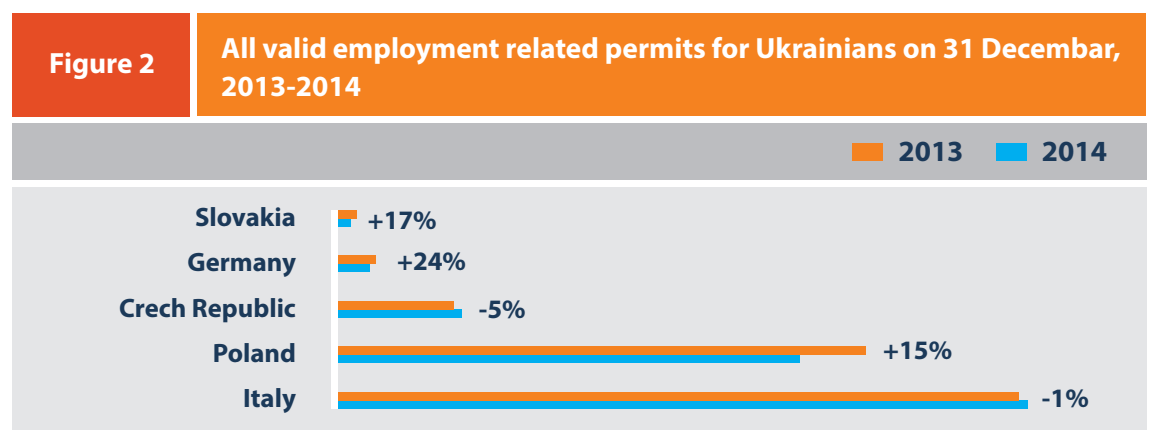
Georgia. Since the conflicts of the 1990s and 2008 August War, Georgia has experienced a high influx of Internally Displaced Persons (IDPs), which has further complicated the country's economic and social problems. Conflicts in Abkhazia and South Ossetia during the 1990s have caused around 236,000 people to become internally displaced. Later, due to the 2008 August War, 17,000 people had to flee from their homes. Moreover, there are "3,000 people who have been displaced more than once". As a result, there are 265,109 IDPs registered as of April 2012, largely concentrated in the capital (98,550) and western part of Georgia (89,538 in Samegrelo region and 25,539 in Imereti region). The Georgian government has taken many steps to improve IDP conditions, and NGOs have also stepped up to the plate, playing a critical role. The recent patterns and trends in the number of individual asylum claims from Georgia indicate decreasing dynamics in 2013-2014. Among the most popular EU member states where Georgian asylum seekers submit applications are France, Germany, Greece and Poland, according to the UNHCR Asylum Trends 2011, 2012, 2013.

Armenia. A major focus in the first migration policy frameworks of Armenia was on the refugees and the IDPs from the Nagorno-Karabakh conflict. For Armenia the refugee crisis was accompanied by the economic blockade imposed on Armenia by Azerbaijan and Turkey. 65,000 families were displaced during the 1988-1994 conflict between Azerbaijan and Armenia over Nagorno-Karabakh. The vast majority were displaced from areas near the border with Azerbaijan, mainly Syunik, Tavush, Gegharkunik, Vayots Dzor and Ararat. The majority had returned by 2005, when around 8,400 IDPs were still living in displacement. In addition to support measures for refugees, the migration policy concepts emphasized the need for preventing future massive forced migrations of Armenians from other potential hot-spot countries by establishing relations with governments of those countries and by involving Armenian organizations abroad to help prevent potential forced migrations. Since the migration crisis in Europe in 2015 Armenia appeared to be on of the country of recipients of asylum seekers from Syria. The main destination countries in UE for asylum seekers from Armenia are France, Germany and Spain. However, the vast majority of Armenians apply for asylum in Russia and USA.

Labour migration

In Ukraine's current post-revolution situation, the following factors will be crucial for further migration dynamics: the situation of Ukrainian migrants in EU countries and the country's further economic and social development.

The main destination countries of labour migrants are Russia, Poland, Italy, Spain and Czech Republic. Current number of labour migrants from Ukraine probably is higher than 1.2 million people because of socio-economic causes. One of the possible ways to track the actual number of Ukrainian labour migrants in the EU is to explore residence permit statistics. However, it is necessary to consider that not all labour migrants are working with work permits. In 2014 number of this kind of permits for Ukrainians in the EU-28 increased by 4%. In particular, more Ukrainians left for work in Poland for a short-term period (from 3 to 5 months) and in Germany, Slovakia, Lithuania and France for more than 12 months (see Figure 2).

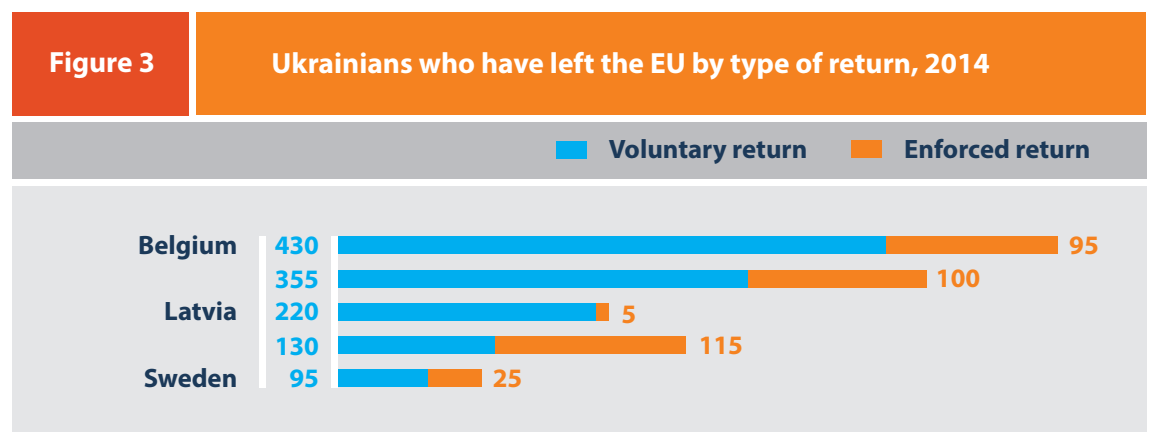


Georgia. Besides, among the other popular destination countries for Georgian citizens, according to the World Migration and Remittances Fact book 2010, are: the Russian Federation, Armenia, Ukraine, Israel, the United States, and Turkey. In general, most of emigrants from Georgia are unable to obtain official work permits in foreign countries. They mainly work in the "black" labor market because the country does not have a legislation framework that would facilitate legal labor migration. In other words, there are no bilateral agreements with those countries where most Georgian migrants live and work. Taken into account the high unemployment rate in the country, it could be assumed that labor migration might have become an essential component of Georgia's economic strategy that could contribute to the increase of country's budgetary revenues. According to the latest official statements Georgia is planning to gradually facilitate legal labour movement including agreements on labour and circular migration with the EU member states. The EU-Georgia cooperation in the framework of the Mobility Partnership, that was launched on 16 February 2010, might become a good tool to increase Georgia's capacity to manage labour migration

Armenia. Labour migration flows in Armenia have not been static and there have been several key changes in the characteristics of labour migrants. The ongoing tendency of transforming short-term migration flows into either permanent emigration or into a new phenomenon for Armenia, namely, long-term labour migration (migration for a year or more for employment reasons) can be traced during last years. The main destination countries are Spain, Poland, Czech Republic, France and Germany.

Irregular migration

Ukraine. Irregular migration (as measured by illegal border crossings) on the EU's borders with Ukraine has risen, but is still relatively low (a few thousand persons annually), and is not comparable with the situation in southern Europe (last year 230,000 people tried to enter the EU illegally via the Mediterranean Sea). Despite of recent annexation of Crimea and armed conflict in the Eastern Ukraine there is no marked changes in irregular migration movements towards the EU. For example, in the first quarter of 2015 there were detected 32 % fewer Ukrainians who illegally stayed in the EU compared to the previous quarter. Frontex experts reported that in 2014 detections for illegal border-crossing and document fraud remains insignificant along all green border section with Ukraine. The number of refusals of entry for Ukrainians in 2014 remained comparable to previous years (16380 in 2013, 16809 in 2014). Comparing to previous years in 2014 more Ukrainians were detected staying illegal in EU countries and then were effectively returned. Frontex experts believe that Ukrainian illegal stayers had entered the EU legally and overstayed or entered the EU through the abuse of legal means, such as fraudulently obtained work or business visas. According to Eurostat information on 13 EU Member States, Ukrainians mostly have voluntary returned to Ukraine (see Figure 3).



Georgia. Cooperation with Frontex (joint agreement signed in 2008) helps Georgia to work closely with the EU border security structures in the area of irregular migration, counter cross border crime. The third report on the EU commission on implementation of VLAP states that readmission procedures and the readmission case management electronic system are in place and function well. However FRONTEX Annual Risk Analysis 2015 reports that Georgian illegal migrants mostly coming to the EU from Ukraine and Belarus, take so called Eastern Border Route to Poland. In 2014 among 1,275 nationals detected at Eastern border check points number of Georgian nationals were 171 (third place after Vietnamese - 257 and Afghans - 209), which represents 13 % share in the whole number of detected illegal migrants. The highest number of immigrants from Georgia were detected in 2012, when in total 328 Georgian nationals out of 1,597 illegal migrants were detected at the Eastern borders. Since then the number has been decreasing slightly and in 2013-2014 the rate of the annual rate decrease came to -27%.

Armenia. In terms of irregular migration, Armenia is an origin country and to a much smaller extent a transit country. Emigration of Armenians based on deterioration of living standards: route leading from Armenia to the territories of the Russian Federation, Belarus, Ukraine. Among main destination countries of irregular migrants in EU are Germany, Poland and the Czech Republic (with Germany accounting for more than a half of Armenian irregular migrants – 1087 persons in 2014) as well as to the United States. The Russian Federation and Ukraine are also destination countries. Emigrants traditionally rely on the help of the Armenian Diaspora and in the majority of cases enter legally and then overstay their visas or enter on grounds of asylum seeking. Illegal entry is facilitated by smugglers and travel agencies operating on the territory of Armenia (cooperating with smugglers in transit countries and in countries of destination) who arrange for immigrants' jobs and documents.

CONCLUSIONS AND RECOMMENDATIONS

Ukraine now is facing exceptional challenges when the part of its territory is annexed and on the other part is an armed conflict with a stronger adversary. Analyzing the factors affecting migration such as Ukraine's economic conditions, labour market and social development, no easy predictions can be made. For the economy, specifically in trade, Ukraine is planning to launch a free trade zone in 1st of January 2016. Ukraine needs more resources to succeed, so, regardless of the military conflict, more efforts should be made to strengthen the democratic process, enforce the rule of law and carry out far-reaching reforms. The migrant integration legal framework should be developed supporting by the creation of the separate entity which will be in charge of IDPs, asylum seekers and other categories of migrants in Ukraine. At present there are visible signs of interregional tensions which could encourage the population from eastern or southern Ukraine to immigrate to the EU countries. The poor economic situation, the armed conflict and annexation of Crimea are all factors that make increased migration by Ukrainians into the EU more likely. However, this phenomenon has so far mainly been observed in EU countries bordering with Western Ukraine.

To prevent irregular migration and entering to EU members of organised crime groups and terrorist organisations Ukraine need to create a well-controlled zone isolating the territory occupied by the separatists. Regarding the reforms in migration management including asylum, readmission and integration policies, they should continue in a progressive manner. The related regulatory, procedural, organizational and financial components should be optimized and aligned with the European best practices. The Concept of migration policy should be developed and adopted.

Georgia. The migration related issues discussed above indicate that intensive policy and institutional reforms conducted by the government in Georgia significantly advanced its migration management system during 2010-2014. Yet, number of issues is to be addressed further in order to achieve migration management and asylum benchmarks: provide timely, internationally comparable and reliable statistical data on information relevant for migration management; Based on analyzed data regularly review and timely address all relevant issues of migration policy, including asylum policy, legal migration policy, and integration and reintegration issues in the State Migration Strategy.

Armenia. Reforms in migration sphere are implementing in the country according to the EU-Armenia visa facilitation and readmission agreements. Armenia must develop instruments curbing irregular migration of its own nationals, in accordance with international law. The more attention should be paid to issues of refugees. Armenia is engaged in emergency assistance for refugees/asylum seekers from Syria. More security and integration activities should be taken to prevent transit of refugees and asylum seekers to European countries.

Migration policy is one of those policy areas where the potential for policy reception by partner countries is relatively high. The need for collective, harmonized, coordinated action at the regional level is here rationally justified and understandable. All involved countries, including Eastern Partnership countries, favorably perceive movement towards deeper regional cooperation.

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