

UKRAINE | SECOND PROFILE 2021

MIGRATION GOVERNANCE INDICATORS



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

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

Publisher: International Organization for Migration
17 route des Morillons
1211 Geneva 19
P.O. Box 17
Switzerland
Tel.: +41.22.717 91 11
Fax: +41.22.798 61 50
Email: hq@iom.int
Internet: www.iom.int

Required citation: International Organization for Migration (IOM), 2021. *Migration Governance Indicators Second Profile 2021 – Ukraine*. IOM, Geneva.

© IOM 2021



Some rights reserved. This work is made available under the [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 IGO License](https://creativecommons.org/licenses/by-nc-nd/3.0/igo/legalcode) (CC BY-NC-ND 3.0 IGO).*

For further specifications please see the [Copyright and Terms of Use](#).

This publication should not be used, published or redistributed for purposes primarily intended for or directed towards commercial advantage or monetary compensation, with the exception of educational purposes, e.g. to be included in textbooks.

Permissions: Requests for commercial use or further rights and licensing should be submitted to publications@iom.int.

* <https://creativecommons.org/licenses/by-nc-nd/3.0/igo/legalcode>

UKRAINE | SECOND PROFILE 2021

MIGRATION GOVERNANCE INDICATORS

TABLE OF CONTENTS

OBJECTIVE // 6

INTRODUCTION // 7

CONCEPTUAL FRAMEWORK // 9

KEY FINDINGS // 10

SUMMARY OF UPDATES SINCE 2018 // 12

COVID-19 ANALYSIS // 26

KEY SOURCES // 28

ANNEXES // 32



OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.

MGI follow-up assessments identify the migration policy developments that have occurred since the countries' first MGI assessments, thus helping governments track their progress on national priorities as well as commitments taken at the regional and international levels.

The MGI can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

MGI follow-up assessments aim at showing the progress that countries have achieved in their migration governance policies since their first MGI assessment. Concretely, this report presents a summary of the main changes and achievements that have taken place in the migration governance structures of Ukraine,⁴ as well as the areas with potential for further development, as assessed by the MGI.⁵

¹ IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

² IOM Council, 106th session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ The 2019 Migration Governance Snapshot for Ukraine is available at www.migrationdataportal.org/overviews/mgi/ukraine#0.

⁵ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

At the basis of

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies**."



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 14

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 17

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 19

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 21

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 23

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 24

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.

SUMMARY OF UPDATES SINCE 2018

Migrants' rights

There has been no major change in the framework governing immigration, family reunion, education, health care and social protection since the first MGI assessment in 2018. In June 2020, the Ombudsperson established a Coordination Council for Protection of Immigrants' Rights charged with the development of legislative proposals and the provision of expert assistance on immigrants' rights in Ukraine.

Whole-of-government approach

The Inter-agency Working Group on Coordination of Integrated Border Management was established in 2019 by the Cabinet of Ministers of Ukraine in order to improve the implementation mechanism of the State policy in the field of integrated border management.

The Government of Ukraine and the Ukrainian World Congress signed a memorandum of understanding (MOU) in December 2020. Under the MOU, the parties agreed to support the development of trade and economic relations between Ukraine and diaspora host countries, attract investment in the Ukrainian economy, and build civil society in Ukraine.

In March 2021, the President of Ukraine approved two new policy strategies that account for migration issues: the National Strategy in the Field of Human Rights (2021) and the National Youth Strategy until 2030 (2021). The National Human Rights Strategy aims at protecting the rights of migrants, refugees, persons in need of complementary or temporary protection,⁶ and internally displaced persons (IDPs). The National Youth Strategy accounts for migration issues and promotes the involvement of young immigrants and internally displaced youth in the social, economic and cultural life of Ukraine. It acknowledges migration-related issues and provides for liberalization of migration policy on the official employment of foreign IT professionals.

Partnerships

In 2020, Ukraine signed an MOU with Finland that promotes bilateral cooperation on migration questions and an Implementation Protocol to the Agreement between Ukraine and the Swiss Confederation on the Readmission of Persons.

Well-being of migrants

In 2018, Ukraine signed an agreement with Lithuania on employment and cooperation in the field of labour migration, which introduced a system of labour migration monitoring between the two countries.

Since 2020, IT specialists have been included in the category of highly qualified specialists and workers that are essential for the economy of Ukraine. They can now immigrate to Ukraine for 10 years within the established quotas.

⁶ Law of Ukraine No. 3671-VI "On Refugees and Persons in Need of Complementary or Temporary Protection" of 8 July 2011 defines the term "persons in need of complementary or temporary protection" along with refugees.

Mobility dimension of crises

The State Strategy for Regional Development for 2021–2027 (2020) addresses the integration of IDPs into territorial communities by defining a comprehensive set of measures that covers employment, vocational training, accommodation, entrepreneurship incentives, etc.

The National Human Rights Strategy aims to protect the rights of IDPs by creating conditions for their integration. In particular, the Strategy addresses the IDPs' housing, employment and social security needs.

Safe, orderly and regular migration

One of the tasks of the Integrated Border Management Strategy for the period up to 2025 (2019) is to promote the practice of applying alternative methods to detention.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. Migration governance: Examples of well-developed areas

The first MGI assessment of Ukraine in 2018 identified well-developed governance areas, such as immigration regulation, family reunification, education and social protection. Over the years, these areas remained stable without significant evolution or change in legal regulation.

The immigration framework of Ukraine provides the opportunity for permanent residency to foreigners and stateless persons based on an immigration permit or a long-term visa received in foreign diplomatic missions of Ukraine or territorial bodies of the State Migration Service (SMS), as provided by Law No. 2491-III “On Immigration” (2001) and Law No. 3773-VI “On the Legal Status of Foreign Nationals and Stateless Persons” (2011). Persons holding a permanent resident status are generally entitled to equal rights and benefits as citizens of Ukraine, with a few exceptions, such as the right to vote. Law No. 693-IX “On Amending Certain Legislative Acts of Ukraine Regarding Recognition of a Stateless Person” (2020) enables stateless persons to apply for recognition and obtain a temporary residence permit, as well as a travel document, regardless of the regularity or irregularity of their migration situation.

In order to apply for Ukrainian citizenship, foreign nationals must reside in the country uninterrupted for five years or be married to a Ukrainian citizen for at least two years. In addition, such persons must also fulfil certain requirements, potentially including: the termination of other foreign citizenship or submission of a declaration of absence of foreign citizenship, if applicable; knowledge of Ukrainian language; and availability of legal sources of subsistence (not applied to refugees).

Family reunification rights are provided to all foreigners legally residing in Ukraine under the condition that they can prove they possess sufficient financial means to support the incoming family members. Ukraine further supports family reunification by allowing family members of persons recognized as refugees, persons in need of complementary protection, or those who have been granted temporary protection under Law No. 3671-VI “On Refugees and Persons in Need of Complementary or Temporary Protection” (2011) to enter the country.⁷

Non-nationals temporarily or permanently residing in Ukraine have equal access to self-employment as Ukrainian nationals as provided by the Economic Code of Ukraine (2003) and Law No. 755-IV “On State Registration of Legal Entities, Individual Entrepreneurs and Civic Organizations” (2003).

Migrants holding permanent and temporary resident status have the same access to Government-funded primary and secondary education as Ukrainian citizens. Law No. 463-IX “On Complete General Secondary Education” (2020) complements the education sector framework without amending or introducing new rights to migrants.

Children of detained migrants in an irregular situation, who are placed in temporary accommodation centres, are entitled to educational services on an individual basis⁸ according to the needs of each child. Foreigners and stateless persons legally residing in Ukraine enjoy the right to receive vocational education on an equal footing with citizens of Ukraine as established by Law No. 103/98-VR “On Professional (Vocational) Education” (1998).

⁷ Ibid.

⁸ Individual education services may entail an external form of training (externship) or pedagogical patronage, as provided by the Order of the Ministry of Education and Science of Ukraine “On Approval of the Regulations on the Individual Form of General Secondary Education” of 12 January 2016.

While the Election Code introduced in 2019 has replaced the legislation of Ukraine on the presidential elections of 1999, the right of Ukrainian citizens to vote from abroad in national elections has remained untouched. Ukrainian citizens residing abroad can vote in national elections at Ukraine's diplomatic missions.

In June 2020, the Ukrainian Parliament Commissioner for Human Rights established a Coordination Council for Protection of Immigrants' Rights. The Council consists of representatives from the Office of the United Nations High Commissioner for Refugees (UNHCR), IOM, non-governmental organizations (NGOs), members of the diaspora, and representatives of the scientific and expert community. The Coordination Council is responsible for drafting legislative proposals and providing expert assistance on immigrants' rights in Ukraine.

1.2. Areas with potential for further development

Health-care rights of migrants have not been strengthened or revised since the 2018 MGI assessment. Access to health care depends on the resident status of the person. Permanent residents, refugees, and persons in need of complementary or temporary protection enjoy free access to health care, while temporary residents or migrants in an irregular situation have free access to emergency care and receive other health-care services on a paid-for basis.

As of October 2021, Ukraine has not joined the International Labour Organization (ILO) Migration for Employment Convention (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention (No. 143), the ILO Private Employment Agencies Convention (No. 181), and the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).⁹ Ukraine is not a party to the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (No. 144), which aims to improve integration of foreign residents into the life of the community by guaranteeing the freedom of expression, assembly and association, including the right to form trade unions.

Ukrainian labour market regulation still distinguishes between permanent and temporary residents, asylum seekers, and applicants for recognition as stateless persons by placing several formal requirements on employers. These requirements include an obligation to obtain an employment permit, as well as minimum remuneration conditions. However, the Government has submitted new Draft Law No. 5795 "On Amendments to Some Laws of Ukraine on the Use of Labour of Foreigners and Stateless Persons" (2021), which aims to change the employment process for foreigners in Ukraine. If approved, restrictions on the employment of foreigners and minimum remuneration requirements will be removed, which could lead to an increase of foreign workers in Ukraine. Even though foreigners cannot undertake employment in the civil service sector, they do have access to employment in State-owned enterprises as long as the position does not specifically require Ukrainian citizenship or provide access to State secrets – for example, in the Ukrainian Railways.

Only persons residing in Ukraine on a permanent basis are entitled to pension and social protection benefits. Social security agreements concluded with the Governments of Israel (2013) and Germany (2018) have not been ratified by the Parliament of Ukraine. In 2021, the Government of Ukraine engaged in new negotiations on portable retirement pensions with Argentina, Bulgaria, Croatia, Finland, Latvia, Poland, Serbia, Slovenia, Spain and Turkey.

⁹ The list of International Labour Organization (ILO) conventions signed by Ukraine is available at www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102867.

Persons holding complementary protection status do not have access to naturalization procedures in Ukraine under Law No. 2235-III “On Citizenship of Ukraine” (2001). Moreover, there is currently no domestic legislation regulating the issuance of entry visas for family reunification purposes. This lack of legislation creates obstacles in entering Ukraine for individuals abroad who wish to reunify with their family members recognized as refugees or complementary protection holders in the country.

The fight against migrant discrimination, xenophobia, hate crimes and violence is not institutionalized in Ukraine, and the country does not have a strategy or programme on these issues. However, the State Migration Policy Strategy for the period up to 2025 (2017) defines “the inadmissibility of discrimination” and “prevention and combating all forms and manifestations of racism, xenophobia, and intolerance” as core principles. Thus, the SMS of Ukraine is responsible for organizing information campaigns to raise awareness, promote tolerance, and prevent discrimination of persons recognized as refugees or persons in need of complementary or temporary protection.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

As noted in the 2018 MGI report, migration policy in Ukraine is generally designed and coordinated by the Ministry of Internal Affairs, while the Ministry of Social Policy is responsible for designing the labour migration policy. The State Migration Service of Ukraine (SMS) is, in turn, responsible for implementing State migration policy (both immigration and emigration) and drafting proposals on the design of migration policy. The SMS shares responsibility for implementing State immigration policy as it pertains to State border security and State visa policy with the State Border Guard Service (SBGS) and the Ministry of Foreign Affairs (MFA), respectively. The Ministry of Economy is responsible for implementing the labour migration policy, while the Ministry of Education and Science determines the priority sectors for the provision of educational services to foreigners and stateless persons.

The MFA acts as the cooperation coordinator with the Ukrainian diaspora, given that there is no specialized agency responsible for doing so in Law No. 1582-IV, “On Legal Status of Foreign Ukrainians” (2004). The MFA is also responsible for ensuring the functioning of the National Commission for Matters Concerning Ukrainians Worldwide, which meets several times per year to decide on granting, refusing or terminating the status of a foreign Ukrainian.¹⁰

In December 2020, the Government signed a memorandum of understanding (MOU) with the Ukrainian World Congress (UWC). The UWC serves as an international coordination structure with Ukrainian diaspora civil society organizations. According to the MOU, the parties agreed to develop trade and economic relations between Ukraine and diaspora host countries, attract investment in the Ukrainian economy from the diaspora, and support civil society in Ukraine.

The State Migration Policy Strategy (2017) is being implemented over two stages: 2018–2021 and 2022–2025. Such cyclical implementation aims to ensure more efficient and targeted planning that takes into account the priorities of the Government, changing circumstances, new legislation and international migration policy trends. The 2022–2025 Action Plan (currently in draft) will guide the implementation of the second stage of the State Migration Policy Strategy, with a focus on reducing administrative barriers for migrants, decreasing the negative impact of emigration, creating conditions for the return and reintegration of Ukrainian migrants, promoting legal migration to Ukraine, and ensuring the successful integration of foreigners and stateless persons into Ukrainian society. The activities planned under the Action Plan are aligned with the actions of the Global Compact for Safe, Orderly and Regular Migration.

The National Human Rights Strategy approved in March 2021 is aligned with the State Migration Policy Strategy and aims to include migrants’ rights into Ukraine’s human rights priorities. Among its strategic goals is to protect the rights of foreigners and stateless persons legally residing in Ukraine, including refugees and persons in need of complementary or temporary protection (Goal 19),¹¹ as well as the rights of internally displaced persons (IDPs) (Goal 21).

The National Youth Strategy until 2030 (2021) accounts for migration issues by ensuring the involvement of young people (including young immigrants, foreign Ukrainians, and foreigners interested in Ukrainian culture) in the social, economic and cultural life of Ukraine. For example, the Strategy aims to increase the level of interaction between young people from different social groups as well as immigrants.

¹⁰ A foreign Ukrainian is a person who is a citizen of another State or a stateless person of Ukrainian ethnic origin or originating from Ukraine, according to Law No. 1582-IV “On the Legal Status of Foreign Ukrainians” of 4 March 2004.

¹¹ Some of the actions under Goal 19 cover not only persons residing in Ukraine on legal grounds, but also all categories of migrants under the jurisdiction of Ukraine.

It also provides for the reintegration of young people living in conflict-affected territories of Ukraine, including IDPs, into the cultural, informational and educational space.

The Integrated Border Management Strategy (2019) takes into consideration the challenges posed by irregular migration and aims to ensure regular crossings over the State border. One of the goals of the Integrated Border Management Strategy is the identification of migrants in irregular situations and facilitating their return to their countries of origin (Goal 8).

The Cabinet of Ministers of Ukraine established the Inter-agency Working Group on Coordination of Integrated Border Management in 2019 to improve implementation of the State policy on integrated border management. The Inter-agency Working Group holds meetings at least twice a year.

Several agencies collect and disseminate data on migration and migration-related issues on a regular basis: the SMS, State Statistics Service (SSS) and the State Employment Service. The two main publications on migration – the Migration Profile and the Demographic Yearbook – are published annually by the SMS and SSS, respectively. The SMS collects and publishes data on immigration, emigration, acquisition of citizenship, identification of migrants in an irregular situation, and asylum on a weekly and quarterly basis.¹² Apart from international migration, internal migration data is collected and published by SSS and includes migration statistics by region, sex, age groups, etc.¹³ The National Institute for Strategic Studies regularly produces analytical publications on migration and the protection of migrants' rights in Ukraine.

The next All-Ukrainian census¹⁴ is scheduled for 2023. The census programme will include an array of questions related to migration – namely, place of birth, place of residence, citizenship (Ukraine, third State, stateless), ethnic origin, place of residence since birth, other places of residence one year before the census and reasons for relocation, location of work, and reasons for emigrating from Ukraine.

2.2. Areas with potential for further development

The Government continues to enhance its migration coordination, as shown by the establishment of the Coordination mechanism in early 2020 to respond to the COVID-19 pandemic. Its participants include representatives of the Ministry of Health, the SBGS, the Ministry of Internal Affairs, the State Service on Food Safety and Consumer Protection, and the SMS – who are in touch on a daily basis due to the urgent nature of the issues at hand.

Not all the key national policy strategies comprehensively address migration issues. The State Strategy for Regional Development for 2021–2027 (2020) addresses only integration of IDPs into the territorial communities, while the National Economic Strategy for the period up to 2030 (2021) only generally acknowledges the problem of labour emigration and foresees a simplification of registration procedures for incoming IT specialists.

Achieving gender equality is a governmental effort across all sectors, as regulated by Law No. 2866-IV “On Ensuring Equal Rights and Opportunities for Women and Men” (2005). Concerning migration, the Law considers foreigners and stateless persons in the field of prevention and counteraction to gender-based violence. Per the Law, foreigners and stateless persons residing in Ukraine on legal grounds must report cases of gender-based violence that they are aware of to local authorities. Despite Law No. 2866-IV and government efforts to achieve gender equality, key national migration strategies lack specific measures to combat gender discrimination in migration.

¹² The State Migration Service of Ukraine's weekly performance indicators are available at <https://dmsu.gov.ua/diyalnist/statistichni-dani/shhotizhnevi-pokazniki-diyalnosti.html>. Statistics on the main activity are available at <https://dmsu.gov.ua/diyalnist/statistichni-dani/statistika-z-osnovnoj-diyalnosti.html>.

¹³ The State Statistics Service of Ukraine's demographic and social statistics/population and migration are available at www.ukrstat.gov.ua/operativ/menu/menu_u/ds.htm.

¹⁴ The last All-Ukrainian census was conducted in 2001 and included migration questions. The Government of Ukraine is currently studying the possibility of conducting an All-Ukrainian census in 2030 using national electronic information resources (registries).

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Ukraine has been involved in several regional consultative processes and forums on migration, such as the Budapest Process (since 1993), the Prague Process (since 2009), and the Eastern Partnership Panel on Migration, Mobility and Integrated Border Management (since 2009). In May 2021, within the Prague Process, representatives of the State Migration Service (SMS) chaired the first part of the intergovernmental consultations, together with Hungary and Poland, to update and reformulate the Action Plan for Cooperation in 2023–2027 on the questions of combating irregular migration, readmission, return and reintegration.

In 2020, Ukraine signed a memorandum of understanding (MOU) with Finland that promotes further development of bilateral cooperation on migration questions, improvement of communication, and deepened ties between the migration agencies of both countries in the areas of migration, asylum and citizenship, legal migration, and digitalization. Ukraine and Switzerland signed an Implementation Protocol in 2020 to the Agreement between Ukraine and the Swiss Confederation on Readmission of Persons. Its implementation will positively affect the development of international relations between the countries and will establish rapid and effective procedures for the identification as well as the safe and organized return of persons who do not comply with the rules of entry, exit and stay in the territories of Ukraine and Switzerland.

The Government of Ukraine continues to engage with partners on an international level, including non-governmental organizations. The SMS signed an MOU with the International Centre for Migration Policy Development (ICMPD) in 2019. The MOU lays the foundation for cooperation in the implementation of joint projects, technical support, exchange of statistical data, and organization of information and training events.

Ukraine remains an active participant in bilateral and multilateral consultations and best-practices exchanges, especially with the destination countries for Ukrainian migrants. Since the MGI assessment in 2018, representatives of the Ukrainian Government have conducted consultations with Georgia, Poland, the Netherlands, the United States of America, and Germany, along with organizations such as the International Criminal Police Organization (Interpol) and the European Border and Coast Guard Agency (Frontex).

The Government engages in both national and regional migration policy consultations with civil society on questions of citizenship acquisition, legalization of migrants in an irregular situation, and provision of access to civil documentation for internally displaced persons, among others. Moreover, the SMS signed an MOU with the analytical centre CEDOS¹⁵ in 2019, which provides for a joint effort to bring migration data in Ukraine in line with the methodological requirements of Eurostat.

The Government continues its cooperation with United Nations agencies, including IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR). As part of the project entitled “Support for Migration and Asylum Management in Ukraine” (2016–2021), IOM actively cooperated with the SMS and the State Border Guard Service to create an integrated migration management information system in line with European standards. The UNHCR Office in Ukraine provides expert assistance in improving national legislation in the field of protection of the rights of refugees, persons in need of complementary protection, stateless persons and persons at risk of statelessness.

¹⁵ Cedos (NGO Centre for Society Research) is an independent think tank and community based in Kyiv, established in 2010.

3.2. Areas with potential for further development

Ukraine is not a party to any regional agreement promoting labour mobility. However, the Ministry of Foreign Affairs (MFA) has been working to further deepen Ukraine–European Union cooperation in the field of labour migration in 2021. In particular, Ukraine co-authored the Concept for Complementing the Eastern Partnership Policy with Migration and Mobility Issues. This initiative aims to help Eastern Partnership countries intensify the dialogue with European institutions and European Union member States on the issue of employment and social security guarantees of legal migrant workers, including seasonal workers in Europe.

As identified during the first MGI assessment, there is no designated forum for engagement with the private sector on migration issues on a permanent basis. The MFA's collaboration with the Ukrainian mobile operators Kyivstar, Lifecell and Vodafone in 2020 – under the Protection programme to respond to the COVID-19 pandemic – provides an example of government engagement with the private sector on migration issues, which could be further developed.¹⁶

¹⁶ The Protection programme was aimed at bringing Ukrainian nationals, including seasonal migrant workers, tourists, etc., back to Ukraine. Mobile operators sent their roaming subscribers more than 150,000 messages with instructions on how to stay in touch with the Ukrainian embassies and consulates abroad.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The Government of Ukraine is pursuing immigration quotas to satisfy the needs of the labour market through immigration. Immigration quotas are set annually by the Government for eight categories of immigrants according to the demand of the Ukrainian labour market, as provided by Law No. 2491-III “On Immigration” (2001). Since 2020, IT specialists have been categorized as highly qualified workers that are essential for the economy of Ukraine. Middle- to senior-level IT professionals have the right to immigrate to Ukraine for 10 years, access employment on a par with Ukrainian nationals and register their own businesses as entrepreneurs. In December 2020, the Government of Ukraine simplified the temporary immigration procedures for entrepreneurs and highly qualified IT specialists from Belarus and their family members.

In line with the findings of the 2018 MGI assessment, the Ukrainian Government continues to protect the rights and interests of Ukrainian migrant workers abroad. In 2018, Ukraine signed a new agreement with Lithuania on Employment and Cooperation in the Field of Labour Migration (ratified in 2020). The treaty introduces a system of labour migration monitoring between the two countries. It also strengthens cooperation for protecting the rights and interests of migrant workers and serves as an effective mechanism to prevent irregular migration.

The Government is studying the correlation between migration and the labour market supply. *Labour Force of Ukraine 2020* (2021) includes data on the composition of the labour force by place of birth and length of residence in Ukraine of persons born in another country, which has been collected by the State Statistics Service since 2019.¹⁷

Migrants and their families have access to a wide range of financial services in Ukraine, such as opening a bank account. As of 2018, the National Bank of Ukraine has significantly liberalized the regulations on opening a bank account abroad, which has greatly simplified the process of remittance transfers. Moreover, the State-owned bank PrivatBank offers cashback¹⁸ to clients for international remittance transfers – when at least three transactions have been done with the payment card over a certain period of time. A new experimental project on e-Residency¹⁹ will allow foreigners to open accounts with Ukrainian banks remotely, among other e-features – such as a Ukrainian qualified e-signature, a taxpayer’s registration number, and simplified access to administrative services in Ukraine. The pilot of the project plans to allow participation for citizens of Bangladesh, Belarus, China, Germany, Hungary, India, Israel, the Philippines, Poland, the Republic of Moldova, Romania, Slovakia and Thailand.

4.2. Areas with potential for further development

Although Ukraine allows access to paid tertiary education for international students, including asylum seekers, that is on a par with what is available to Ukrainian nationals, tuition fees for international students in the country remain two to three times higher than for nationals.²⁰ Under Ukrainian legislation, foreign students do not have the right to employment during or after their studies in Ukraine. The Action Plan for 2018–2021 for the Implementation of the State Migration Policy Strategy (2018) seeks to develop appropriate legislation that would allow the employment of foreign students during their studies and

¹⁷ The State Statistics Service of Ukraine has been collecting this data in line with the practice of European Union countries to study the questions of population migration.

¹⁸ A rewards programme that returns a percentage of the amount spent.

¹⁹ The e-Residency project was introduced by the Ministry of Digital Transformation in 2019. E-Residency is a special status that allows foreign freelancers and entrepreneurs to conduct their business in Ukraine remotely. More information on e-Residency is available at <https://e-resident.dia.gov.ua/>.

²⁰ A foreign student obtaining higher education in Ukraine may spend up to USD 6,000–8,000 per year. More information is available at www.kmu.gov.ua/news/dohid-ukrayini-vid-inozemnih-studentiv-za-period-yih-navchannya-stanovit-ponad-3-milyardi-dolariv-ssha-ukrayinskij-derzhavnij-centr-mizhnarodnoyi-osviti.

after graduation; however, no action has been taken toward this goal. The Ministry of Economy and the Ministry of Education and Science are responsible for amending Law No. 5067-VI “On Employment of the Population” (2012) by 2022, which is expected to allow employment of foreign students during and after their studies in Ukraine.

As recognized in the first assessment, Ukraine has no measures aimed specifically at the ethical recruitment of migrants. Discrimination on any grounds in employment is generally prohibited by Law No. No. 5067-VI, which covers migrants.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The State Emergency Service of Ukraine is the main coordinator in times of crisis. Migrants have the same rights as the citizens of Ukraine in crisis situations; however, they are still not specifically addressed in national legislation regulating emergency response or in the State Emergency Response Plan (2018). During emergencies, the centralized notification system transmits information to executive bodies, civil defence forces, enterprises and the population on the existing threat, along with instructions. The population can acquire information by calling an emergency hotline number or by contacting situational crisis centres established locally.

The Anti-crisis Centre within the Ministry of Foreign Affairs is responsible for coordinating the response to crises that threaten the health and safety of Ukrainian nationals abroad, including operating an emergency hotline. Communication with citizens during emergencies is disseminated via various communication channels, including official websites, social media and text messengers (WhatsApp, Telegram, etc.).

Ukraine has made progress in including displacement issues in its policy strategies. The State Strategy for Regional Development for 2021–2027 (2020) addresses the integration of internally displaced persons (IDPs) into the territorial communities by defining a comprehensive set of measures that covers employment, vocational training, accommodations and entrepreneurship incentives, among other areas. The National Human Rights Strategy (2021) aims to protect the rights of IDPs by creating conditions for their integration. The Concept of Economic Development of the Donetsk and Luhansk Regions²¹ (2020) foresees creating conditions for the voluntary return of IDPs to their respective places of residence by ensuring security and economic stability in the regions. Furthermore, the Human Development Strategy (2021) foresees multiple measures for the protection of IDPs' rights and interests. In particular, it envisages increased social housing capacities for IDPs, provision of psychological support to minors at schools, and adequate pension benefits and social protection measures to the elderly who have lost contact with their children as a result of internal displacement. In 2021, a new designated strategy for IDP reintegration is being developed by the Ministry of Reintegration of Temporarily Occupied Territories of Ukraine.

5.2. Areas with potential for further development

The Government of Ukraine has not developed legislation or a strategy on emergency management that accounts for migration issues or large-scale displacement. Moreover, vulnerabilities impacting migrants (for example, specific language of communication, media channels, information on return procedure and visas) are not explicitly accounted for by the legislation or by-laws regulating communication in times of crisis.

The reintegration of returning migrants in the displacement context is not a part of the country's key migration policy strategies. Ukraine's national strategy for sustainable development "Ukraine – 2020" (2015) does not address internal displacement issues or reintegration of returning migrants. However, the reintegration of returning migrants as a general phenomenon remains a part of the State Migration Policy Strategy.

²¹ The Luhansk and Donetsk regions experience ongoing conflict in the east of Ukraine.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

Ukraine is taking steps to reduce the number of migrants held in detention. The Code of Administrative Proceedings of Ukraine (2005) defines alternative detention measures that can be applied to foreigners and stateless persons, such as posting bail or bail (release) at the referral of an enterprise, institution or organization. The State Migration Policy Strategy (2017) aims to establish alternative measures to the detention of migrants. The Integrated Border Management Strategy (2019) cites the promotion of alternative methods of detention as one of its tasks. As provided by the Integrated Border Management Strategy, the development of an effective system of integrated border management will ensure transborder cooperation and tourism, and will simplify other legal movements across the border.

The Constitution and the Labour Code of Ukraine prohibit forced labour but do not specifically address migrant labour exploitation. The Ministry of Social Policy of Ukraine acts as the main anti-trafficking coordinating body in the country and organizes campaigns to inform the population of trafficking and labour exploitation problems, and to help victims of trafficking (VOTs) and prevent their stigmatization. Employees of the State Employment Service, as well as consular staff of Ukrainian diplomatic missions, undergo training on the identification and prevention of trafficking and labour exploitation. VOTs have the right to receive shelter, medical, psychological and one-off financial assistance.

Ukraine is a party to the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air. It has also signed bilateral agreements to prevent and counter the smuggling of persons, with Hungary (1995), the Republic of Moldova (1999), Slovakia (2000), Poland (2008), Portugal (2008), Georgia (2011), Austria (2013) and Romania (2016) – all of which remain valid in 2021.

The legal framework of the search and identification of missing persons is set by Law No. 2505-VIII “On the Legal Status of Missing Persons” (2018). The Commission on the Issues of Persons Gone Missing under Special Circumstances (active since 2019) acts as a coordinator of the activities of State bodies authorized to register and search for persons gone missing in special circumstances, including migrants. The National Police conduct searches within the territory of Ukraine, and the State Migration Service is included in the list of bodies authorized to register missing persons. The State Border Guard Service can conduct the search and identification of missing persons as part of its operational activities at the frontier and checkpoints at the request of law enforcement agencies (the police).

6.2. Areas with potential for further development

Since the first MGI assessment of 2018, Ukraine intensified its efforts to reintegrate its returning nationals. The Government offers low-rate loans²² with 5, 7 or 9 per cent interest to micro and small enterprises, to incentivize the return and economic integration of labour emigrants – as part of the Return and Stay programme introduced in 2020. In January 2021, the Government submitted Draft Law No. 4669 “On Amendments to Certain Laws of Ukraine Concerning the Introduction of Assistance for Economic Reintegration of Labour Migrants” (2021) to the Supreme Council of Ukraine. This Draft Law proposes a system of incentives for Ukrainian citizens who have worked abroad and returned to Ukraine, aimed at helping them start a business for their economic reintegration.

²² Under the State programme offering affordable loans at 5, 7 and 9 per cent interest rates, investment loans are provided to micro and small enterprises given that the business owners contribute from 20 to 30 per cent of the investment project amount. Micro enterprises are obliged to hire two new employees every quarter, while both micro and small enterprises receive a loan discount of 0.5 per cent for every new workplace created (capped at 5%). More information is available at <https://5-7-9.gov.ua/>.

The State Migration Policy Strategy outlines conditions for the voluntary return of Ukrainian emigrants (Goals 2 and 3). However, the Action Plan for its implementation for 2018–2021 focuses mainly on the reintegration of working emigrants.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This page summarizes key national COVID-19 policy responses in Ukraine from a migration governance perspective. It is based on 12 questions that were added to the standard Migration Governance Indicators (MGI)¹ assessment in Ukraine in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



Permanent residents are entitled to COVID-19-related health-care services (testing, treatment and vaccination) on a par with Ukrainian citizens, whereas temporary residents are obliged to reimburse the cost of the treatment to the State according to Law No. 2801-XII “On the Fundamentals of Ukraine’s Legislation on Health Care” (1992), Law No. 1645-III “On Protection of the Population Against Infectious Diseases” (2000) and Law No. 2168-VIII “On State Financial Guarantees of Medical Care to the Population” (2017).

The vaccination roadmap of Ukraine² adopted in December 2020 does not specifically mention foreigners or stateless persons. Therefore, persons residing in Ukraine temporarily, asylum seekers, stateless persons and applicants for recognition as stateless persons are not entitled to vaccination benefits.

Foreigners and stateless persons who are not residing in Ukraine on a permanent basis are obliged to obtain a health insurance policy that covers COVID-19 when travelling to Ukraine.



The Government established a financial support measure for employees and self-employed persons that operate under certain economic categories³ and whose jobs have been impacted by the restrictive anti-epidemic measures. Employees or self-employed migrants were able to apply for financial support under the same conditions as the citizens of Ukraine twice: in December 2020 and April 2021.

¹ More information is available at www.migrationdataportal.org/overviews/mgi#0.

² Ministry of Health of Ukraine, Roadmap for the introduction of the vaccine against acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2 and conducting mass vaccination in response to the COVID-19 pandemic in Ukraine in 2021-2022. Available at https://moz.gov.ua/uploads/5/27921-dn_3018_24_12_2020_dod.pdf.

³ The list of types of economic activities subject to a one-off financial assistance is exhaustive and includes – for example, retail sale of clothing, retail sale via stalls and markets of miscellaneous goods, other types of retail sale, restaurant and mobile food services, delivery of ready meals for events, and beverage services. The full list of economic activity categories is available at <https://diia.gov.ua/news/kvedy>.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



Foreigners or stateless persons who have not been able to leave Ukraine or apply to the State Migration Service (SMS) to extend or change their certificates for temporary or permanent residence, due to quarantine measures, were not imposed administrative liability. According to Decree No. 259-2020-n “On Some Questions of Implementation of Legislation in the Field of Migration for the Period of Quarantine throughout Ukraine” of 18 March 2020, if a temporary or permanent residence permit expired during the introduction of quarantine measures (March–June 2020, January 2021, April 2021), foreigners and stateless persons could apply to the SMS to extend or exchange the permit within 30 days from the date of cancellation of quarantine measures.



Information published by the Public Health Centre of Ukraine, including on COVID-19, does not contain data on migratory status.⁴ Migratory status is also not captured as a separate variable (particularly on mortality) in data collection or dissemination related to COVID-19 impacts on social and economic sectors.



Under the Protection programme, the Ministry of Foreign Affairs (MFA) and foreign diplomatic missions of Ukraine facilitated the return of Ukrainian citizens facing severe anti-epidemic measures imposed by most countries. The programme was directed to return Ukrainian citizens to their country by providing advisory assistance, supporting in migration and logistic issues (extension of visas and permits, border crossing), temporarily providing housing and food, and providing informational support on quarantine measures. Through 2020, around 20,000 Ukrainians applied for support from the Ukrainian Government through embassies or consulates under the Protection programme.

MFA developed an interactive online portal that provides up-to-date information on entry and transit requirements (including testing, quarantine, visas, etc.) for Ukrainian citizens in all countries.⁵

⁴ Public Health Care Centre of Ukraine, Coronavirus infection COVID-19. Available at <https://phc.org.ua/kontrol-zakhvoryuvan/inshi-infekciyni-zakhvoryuvannya/koronavirusna-infekciya-covid-19>.

⁵ Ministry of Foreign Affairs of Ukraine, Useful information for travellers. Available at <https://tripadvisor.mfa.gov.ua/>.





KEY SOURCES

D'Aversa, F., K. Karaki, O. Mala, J. Pouit, V. Romaniuk, M. Volkovska and Y. Zhorova

- 2019 *Feasibility study to identify a mechanism for migrant and diaspora investment in Ukraine*. International Organization for Migration (IOM) and PwC. Available at www.iom.org.ua/sites/default/files/migrant_and_diaspora_investment_in_ukraine_feasibility_study_eng.pdf.

Government of Ukraine

- 2018 Agreement with the Government of the Republic of Lithuania on Employment and Cooperation in the Field of Labour Migration. Available at https://zakon.rada.gov.ua/laws/show/440_006-18.
- 2020 Implementation Protocol to the Agreement between Ukraine and the Swiss Confederation on the Readmission of Persons signed between the State Migration Service of Ukraine, the Administration of the State Border Guard Service of Ukraine, the Federal Department of Justice and Police of the Swiss Confederation and the State Secretariat for Migration of the Swiss Confederation. Available at https://zakon.rada.gov.ua/laws/show/756_001-20.

Government of Ukraine, Cabinet of Ministers

- 2014 Resolution on Approval of the Procedure of Providing Medical Assistance to Foreign Nationals and Stateless Persons Who Reside Permanently or Temporarily on the Territory of Ukraine, Persons Who Have Applied for Recognition as a Refugee or as a Person in Need of Complementary Protection, Concerning Whom a Decision on Processing Documents for Recognition Has Been Made, and Persons Recognized as Refugees or Persons in Need of Complementary Protection. Available at <http://zakon3.rada.gov.ua/laws/show/121-2014-n>.
- 2017 Order on Approval of the State Migration Policy Strategy of Ukraine for the period up to 2025. Available at <https://zakon.rada.gov.ua/laws/show/482-2017-%D1%80>.
- 2018a Decree on Approval of the State Emergency Response Plan. Available at <https://zakon.rada.gov.ua/laws/show/223-2018-%D0%BF#Text>.
- 2018b Decree on the Approval of the Sample, Technical Description of the Form, and the Order of Registration, Issue, Exchange, Cancellation, Transfer, Withdrawal, Return to the State, Invalidation and Destruction of the Permanent Residence Permit. Available at <https://zakon.rada.gov.ua/laws/show/321-2018-%D0%BF>.
- 2018c Order on Approval of the Action Plan for 2018–2021 for the Implementation of the State Migration Policy Strategy of Ukraine for the period up to 2025. Available at <https://zakon.rada.gov.ua/laws/show/602-2018-%D1%80>.
- 2019a Decree on the Establishment of an Inter-agency Working Group on Coordination of Integrated Border Management. Available at <https://zakon.rada.gov.ua/laws/show/83-2019-%D0%BF#Text>.
- 2019b Order on Approval of the Action Plan for 2020–2022 on the Implementation of the Integrated Border Management Strategy for the period up to 2025. Available at <https://zakon.rada.gov.ua/laws/show/1409-2019-%D1%80>.
- 2020a Order on Carrying Out the All-Ukrainian Census of the Population in 2023. Available at <https://zakon.rada.gov.ua/laws/show/1542-2020-%D1%80>.
- 2020b Order on Approval of the Concept of Economic Development of the Donetsk and Luhansk Regions. Available at <https://zakon.rada.gov.ua/laws/show/1660-2020-p#n8>.
- 2020c Decree on Some Issues of Obtaining Temporary Residence Permits for Citizens of the Republic of Belarus Who Are Entrepreneurs, Highly Qualified Specialists, in Particular Specialists in the Field of Information Technologies and Innovation, the Urgent Need for Which Is Tangible for the Ukrainian Economy, Who Have Applied for an Immigration Permit, as well as Members of Their Families. Available at <https://zakon.rada.gov.ua/laws/show/1303-2020-%D0%BF#Text>.
- 2020d State Strategy for Regional Development for 2021–2027. Available at <https://zakon.rada.gov.ua/laws/show/695-2020-%D0%BF#Text>.
- 2020e Decree on Some Questions of Implementation of Legislation in the Field of Migration for the Period of Quarantine throughout Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/259-2020-%D0%BF#Text>.
- 2021a Decree on Approval of the National Economic Strategy for the period up to 2030. Available at <https://zakon.rada.gov.ua/laws/show/179-2021-%D0%BF#n25>.
- 2021b Order on Approval of the Action Plan to Promote Higher Education Opportunities in Ukraine for Foreign Students until 2025. Available at <https://zakon.rada.gov.ua/laws/show/350-2021-%D1%80#>.

Government of Ukraine, Ministry of Economy

- 2020a Order on the Approval of the Procedure for Provision of Assistance in Case of Unemployment, Including Its One-off Payment for the Unemployed to Start Entrepreneurship. Available at <https://zakon.rada.gov.ua/laws/show/z0537-20>.
- 2020b Order on Amendments to the List of Specialties and Qualification Requirements for Specialists and Workers, the Need for Which Can Be Met through Immigration in 2020. Available at <https://zakon.rada.gov.ua/rada/show/v1847915-20>.

Government of Ukraine, Ministry of Education and Science

- 2016 Order on Approval of the Regulations on the Individual Form of General Secondary Education. Available at <https://zakon.rada.gov.ua/laws/show/z0184-16#Text>.

Government of Ukraine, State Statistics Service

- 2019 Order on Approval of the Forms of Census Documentation for the Pilot Census of 2019 and Instructions for Their Completion. Available at <https://zakon.rada.gov.ua/laws/show/z1208-19>.
- 2021 *Labour Force of Ukraine 2020*. Available at https://ukrstat.org/uk/druk/publicat/kat_u/2021/zb/07/zb_r_s_2020.pdf.

President of Ukraine

- 2015 Decree on the Sustainable Development Strategy “Ukraine – 2020”. Available at <https://zakon.rada.gov.ua/laws/show/5/2015>.
- 2021a Decree on the National Youth Strategy until 2030. Available at <https://zakon.rada.gov.ua/laws/show/94/2021>.
- 2021b Decree on the National Strategy in the Field of Human Rights. Available at <https://zakon.rada.gov.ua/laws/show/119/2021>.
- 2021c Decree on the Decision of the National Security and Defence Council of Ukraine of 14 May 2021 “On the Human Development Strategy”. Available at <https://zakon.rada.gov.ua/laws/show/225/2021#n2>.

Supreme Council (Parliament)

- 1971 Labour Code of Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/322-08>.
- 1992 Law on the Fundamentals of Ukraine’s Legislation on Health Care. Available at <http://zakon0.rada.gov.ua/laws/show/2801-12>.
- 1996 Constitution of Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/254к/96-бп>.
- 1998 Law on Professional (Vocational) Education. Available at <https://zakon.rada.gov.ua/laws/show/103/98-бп>.
- 2000 Law on Protection of the Population Against Infectious Diseases. Available at <https://zakon.rada.gov.ua/laws/show/1645-14>.
- 2001a Law on Citizenship of Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/2235-14>.
- 2001b Law on Immigration. Available at <http://zakon5.rada.gov.ua/laws/show/2491-14>.
- 2003a Economic Code of Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/436-15>.
- 2003b Law on State Registration of Legal Entities, Individual Entrepreneurs and Civic Organizations. Available at <https://zakon.rada.gov.ua/laws/show/755-15>.
- 2004 Law on Legal Status of Foreign Ukrainians. Available at <http://zakon3.rada.gov.ua/laws/show/1582-15>.
- 2005a Code of Administrative Proceedings of Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/2747-15#Tex>.
- 2005b Law on Ensuring Equal Rights and Opportunities for Women and Men. Available at <https://zakon.rada.gov.ua/laws/show/2866-15>.
- 2011a Law on Refugees and Persons in Need of Complementary or Temporary Protection. Available at <http://zakon3.rada.gov.ua/laws/show/3671-17>.
- 2011b Law on the Legal Status of Foreign Nationals and Stateless Persons. Available at <http://zakon2.rada.gov.ua/laws/show/3773-17>.
- 2012 Law on Employment of the Population. Available at <http://zakon5.rada.gov.ua/laws/show/5067-17>.
- 2017 Law on State Financial Guarantees of Medical Services to the Population. Available at <https://zakon.rada.gov.ua/laws/show/2168-19>.
- 2018 Law on the Legal Status of Missing Persons. Available at <https://zakon.rada.gov.ua/laws/show/2505-19>.

- 2019 Election Code. Available at <https://zakon.rada.gov.ua/laws/show/396-20>.
- 2020a Law on Complete General Secondary Education. Available at <https://zakon.rada.gov.ua/laws/show/463-20>.
- 2020b Law on Amending Certain Legislative Acts of Ukraine Regarding Recognition of a Stateless Person. Available at <https://zakon.rada.gov.ua/laws/show/693-20>.
- 2021a Draft Law on Amendments to Some Laws of Ukraine on the Use of Labour of Foreigners and Stateless Persons. Available at http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72561.
- 2021b Draft Law on Amendments to Certain Laws of Ukraine Concerning the Introduction of Assistance for Economic Reintegration of Labour Migrants. Available at http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70943.

Ukrainian Parliament Commissioner for Human Rights

- 2020 Order on the Establishment of the Coordination Council for Protection of Immigrants' Rights. Available at www.ombudsman.gov.ua/files/2020/orgrozp/9_Про%20Координаційну%20раду%20з%20питань%20%20іммігрантів.pdf.



ANNEXES

MiGOF: Migration Governance Framework²³

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.²⁴ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

²³ IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

²⁴ Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal²⁵ and uploaded on the IOM Publications Platform.²⁶

²⁵ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

²⁶ Please see <https://publications.iom.int/>.



www.migrationdataportal.org/mgi

 @IOM

 @UNmigration

 @UNmigration

 MGI@iom.int