OSCE/ODIHR and IOM Mission in Ukraine

ROUNDTABLE

Integration of Migrants in Ukraine

Kyiv, Ukraine
13 July 2011

Main conclusions

1. Integration of migrants is an important and currently topical issue for Ukraine, given its growing immigrant population, prospective need for foreign labour, particular geographical position, and Ukrainian government plans to approximate Ukraine’s laws and policies with the standards of the European Union. Although migration is a complex process, it represents a valuable opportunity for Ukraine.

2. While Ukraine has made remarkable advances in the adoption of migration-related legislation, further progress is necessary to ensure a thorough implementation and application of relevant legislative acts and norms. Implementation of the “Strategy and Action Plan for the Development of a National Policy on the Integration of Migrants in Ukraine and Re-integration of Ukrainian Migrants for 2011-2015” as well as of the relevant OSCE commitments is essential in further improving integration of migrants in Ukrainian society.

3. The mandates of Ukrainian institutions dealing with migration should be clearly defined, and coordination of the work among relevant authorities should be further promoted. Cooperation and synergies with civil society, migrant associations as well as specialised International Organizations working on migrant integration should be further explored and facilitated. Sharing of best practices in this area should be pursued.

4. Migrant integration programs should be tailored to the needs of different categories of migrants, in particular, for vulnerable groups. They should be comprehensive, long-term and sustainable. Particular attention should be paid to the regularization of migrants’ status and to provision of access to adequate housing, healthcare, education and social services.

5. Awareness-raising and promotion of tolerance and non-discrimination in Ukrainian society are necessary to curb the incidence of hate crime, and to facilitate harmonious relations between migrants and Ukrainian society.

Summary

Opening Session

Mr Rene Bebeau, Senior Project Officer, OSCE Project Co-ordinator in Ukraine, opened the roundtable referring to the relevant OSCE commitments, ODIHR’s non-paper on ‘Integration of Migrants in Ukraine’ and the Government of Ukraine’s ‘Strategy for the Development of a National Policy on Integration.’ Mr Bebeau wished the participants a fruitful discussion.
Ms Nathalie Tagwerker, Deputy Head of Democratization Department, OSCE/ODIHR, welcomed the participants and stated that the purpose of the Roundtable was to bring together a wide range of key stakeholders to discuss migrant integration in Ukraine, to review the current challenges and opportunities related in this area, and to discuss the recommendations contained in ODIHR’s “Situation and Needs Assessment of Integration of Migrants in Ukraine” on how to further improve the situation. Ms Tagwerker also highlighted the OSCE commitments on integration of migrants, and gave a brief overview of OSCE/ODIHR’s activities in this area, including some background on ODIHR’s project on “Integration of Migrants in Ukraine”. She emphasized that, for a number of reasons, migration bears particular importance to Ukraine and that the country’s current presidency of the Committee of Ministers of the Council of Europe provided it with a unique opportunity to promote progress on the integration of migrants. In this regard, Ms Tagwerker noted the constructive approach to migration of Ukrainian authorities, and the progress made as a result of the adoption of the “Strategy and Action Plan for the Development of a National Policy on the Integration of Migrants in Ukraine and Re-integration of Ukrainian Migrants for 2011-2015”. Ms Tagwerker concluded by expressing her hope that the Roundtable would serve as a useful forum for discussion of the relevant topics, and that it would result in concrete recommendations and follow-up activities.

Mr Viktor Sheibut, Deputy Head of the State Migration Service (SMS), welcomed participants and thanked the organizers for the invitation to the Roundtable. He began by stating that the SMS only became operational in December 2010, but that the problems they are facing are not new. He went on to inform those gathered that many new laws are being adopted, such as the law on refugees and law on biometric passports and identification of citizens who cross borders. He reiterated that Ukraine plans to become a member of the European Union in the future, and that therefore migration and approximation of migration law to EU standards is a priority.

Mr Sheibut stated that the Ukrainian authorities do not intend to limit migration, but to manage it effectively. He mentioned the importance of good social conditions for migrants, and elaborated on housing issues with regard to refugees, highlighting the recent establishment of two centers for refugees with the capacity of 500 persons with the assistance of international donors. Mr Sheibut noted, however, that instead of this being a temporary accommodation, refugees live there for 7-9 years. He also stated that there was an increase of people applying for asylum (2500 annually). Mr Sheibut noted that, while the state budget did not allow for provision of accommodation for all, the authorities were planning to establish two more centers.

Mr Sheibut noted that the SMS sees the international community as a partner and a supportive hand to the Ukrainian Government; it is also grateful to civil society for their contributions. He looked forward to the RT as a forum for finding solutions to the existing problems, which are rendered urgent by the Euro 2012 Football Championship. Mr Sheibut concluded by saying that it would be worthwhile to assess the accomplishments of the SMS over the last six months, and to find solutions in Ukraine to combat similar challenges that EU Member States have faced in the past.

Session One - Part One
ODIHR’s “Situation and Needs Assessment of Integration of Migrants in Ukraine”

Mr Piotr Kazmierkiewicz, consultant, presented the Assessment commissioned by ODIHR. He noted that it is a very timely moment in Ukraine to discuss migrant integration, given that legal institutional reform has taken place and can be built upon to tackle existing problems related to the integration of migrants. Mr Kazmierkiewicz expressed his hope that the RT would provide an opportunity for a fruitful dialogue between the government, International organizations (IOs) and civil society representatives and that the assessment would contribute to the current debate. He remarked that there are three reasons why the assessment is of particular importance: 1) an emerging immigrant community in Ukraine 2) an immigrant community that includes groups of particularly vulnerable persons 3) migrants residing in Ukraine face a range of challenges, and Ukraine is in need of systemic institutional reform to be able to manage migration.
Mr Kazmierkiewicz continued by listing the seven key areas assessed in OSCE/ODIHR’s Situation and Needs Assessment of Integration of Migrants in Ukraine”:

1) The need for a solid legal framework and institutional stability, and greater inter-agency co-
   ordination;
2) Access to citizenship and residence;
3) Access to labour market;
4) Promotion of tolerance and non-discrimination;
5) Conduct of service of public officials;
6) Participation of migrants in the public life of the receiving society;
7) Freedom of movement, access to healthcare and services.

Mr Kazmierkiewicz continued by presenting the findings and recommendations of the OSCE/ODIHR Situation and Needs Assessment of Integration of Migrants in Ukraine” in each of the 7 areas listed as a basis for discussions at the RT.

Questions and Answers

Mr Yuriy Buznytski, Main Consultant of the Secretariat of the Verkhovna Rada Committee on Human Rights, National Minorities and Interethnic Relations, noted that the concept for migration policy was a document approved by Presidential Decree, and that unregulated migration was part of the security of the state. He informed those gathered that on the July 5, 2011 the Parliament had passed the draft law on the legal status of stateless persons and on the July 7, 2011 the law on refugees and persons requiring additional and temporary protection had been adopted. Mr Buznytski noted that the latter was the most democratic law of its kind in Europe, and that it covers five categories of people eligible for asylum. He also stated that other draft laws were in the pipeline, such as amendments on Art.9 on citizenship and certification of Ukrainian nationality. Mr Buznytski went on to note that remarkable progress has been made over the last couple of months, and that it confirms Ukraine’s willingness to make its migration policy conform to international standards. Mr Buznytski concluded by expressing his hope that these developments could be taken into account when recommendations are being finalized.

Ms Maria Synenka, Secretariat of the Ukrainian Parliament Commissioner for Human Rights, began by recalling that in 2003 the Ukrainian Ombudsman produced a special report on providing and promoting the rights of foreigners in Ukraine. She continued by stating that the fact that Ukraine has started to pay more attention to migration is to be welcomed. She noted that this is demonstrated by the draft laws passed in the first reading, the Presidential Decree on the SMS and Concept of Migration Policy. She stated that the Secretariat agreed with the OSCE/ODIHR that migration policy issues should be regulated in statutory law and that the SMS should be a separate body of executive power because it cannot address unregulated migration and at the same time provide support for labour migrants and refugees. She went on to note that Ukraine has a program for integration of refugees in Ukraine, but, unfortunately, for the provision of social and economic rights the country relies on donor assistance, because the state cannot ensure it. Any integration program should be long-term and comprehensive. Ms Synenka expressed the hope of the Secretariat that the Strategy would be implemented and the Ombudsman would contribute to its implementation.

Ms Maria Stogova, EC Delegation to Ukraine, began by noting that the comprehensive recommendations put forward by the Assessment are still topical, even if certain steps have been made towards adoption of legislative acts. She insisted that it is essential that the recommendations be implemented. Ms Stogova noted the importance of adequate funding for the implementation of the new integration program. She stated that the EC supports programs for refugees and provides funding for issues that should in principle be covered from the state budget. Ms Stogova noted that there have been complaints about access to services, housing and education.
Mr Maurice Mouke from Congo, African Centre, Kyiv, began by thanking the organizers and stating that this event was extremely important for migrants who suffer and do not know how to handle the challenges they face. He noted that many initiatives bore little results. Mr Mouke continued by addressing the shortcomings of application of the laws, such as the law on refugees, which results in very few people obtaining refugee status.

Mr Ignazio Matteini, Snr. Regional Officer for Local Integration, UNHCR, shared experiences from the projects on refugees, which point to 1) a migration-asylum nexus, whereby asylum is sometimes used as an entry point for migrants to access rights; in relation to this, an amnesty or other forms of recognition of migrants may be considered; 2) while the laws of Ukraine stipulate equal treatment of refugees and nationals, this is difficult to implement, therefore provisions must be better implemented and applied, by giving concrete opportunities to migrants and asylum seekers.

Mr Yuriy Buznytskyi, Main Consultant of the Secretariat of the Verkhovna Rada Committee on Human Rights, National Minorities and Interethnic Relations, noted a general lack of funding for social programmes and services and claimed that migrants should understand that they are staying in a country that has limited opportunities compared to many other European states. Mr Buznytskyi emphasized that access to education and public housing is equally circumscribed for both Ukrainian citizens and other residents.

Mr Manfred Profazi, Chief of Mission, IOM Mission in Ukraine, remarked that the debate on foreigners in Ukraine has to change. Rather then focusing on the perceived ‘problems’ some commentators suggest migrants bring, we should emphasize the fact that due to the demographic decline Ukraine is experiencing, it is likely that in the future immigration will be needed to fill labour shortages. As such, the successful integration of migrants is not only imperative in order to protect their rights, but it will also provide economic benefits and contribute to supporting a shrinking and aging population.

Session One – Part Two
Current Challenges to Integration of Migrants in Ukraine:
Situation Overview and Needs for Policy Intervention

Ms Irene Federovych, Project Co-ordinator, NGO “Social Action” Centre, noted that the Ukrainian Government has achieved a lot and that the adoption of the law on refugees is very important. She expressed her hope that the SMS will work towards full implementation of the law. Ms Federovych noted that the number of foreign students in the country is increasing and that this benefits the educational institutions in the country. She stated, however, that students face many challenges, such as lack of information about Ukraine, its education system, and job opportunities upon graduation. Ms Federovych emphasized that the market of agents, which recruit students to come to Ukraine to study, is left unregulated, thereby resulting in issues such as contracts that are not legally binding, unjustified fees, and a lack of understanding of the rights and responsibilities of the students. Ms Federovych expressed her hope that the Assessment would include a more detailed description of the situation many foreign students face in Ukraine.

Ms Olena A. Malynovska, Head of Department of Socio-Economic and Demography Policy, National Institute for Strategic Studies, noted that the application of laws on migration was problematic in Ukraine. She also drew attention to the insufficient funds at the disposal of the state. Ms Malynovska noted that the perception of migration in general is not positive – it is seen as a burden for the state, and migrants as seeking special privileges. She explained that Ukrainian society has not yet understood that migration is an opportunity, and not a burden of migrant support at the expense of the Ukrainian state. Ms Malynovska stated that the legal status of migrants is one of the main challenges to be tackled, and noted that the situation of undocumented migrants, who cannot either leave or legally remain and live in the country, must be addressed. She also noted that in the majority of cases, foreigners do not live at their place of registration, and that measures are necessary to encourage registration at the actual place of residence to prevent corruption and improve records. Ms Malynovska also noted that housing is a very acute issue linked to
employment. She noted that as much as 30 percent of income is being used by migrants for housing, and that camps are only a temporary solution, not a permanent one.

Ms Malynovska also mentioned the vulnerable position of female migrants, who mostly do not have access to the labour market. She linked this to the lack of access to education and adaptation programmes for both women and child migrants. Ms Malynovska raised the importance of understanding integration, and targeting it towards particular groups of migrants. She noted that most migrants are representatives of the CIS and Moldova, and that the records still include the 250 000 migrants who entered Ukraine when it was still part of the USSR. Ms Malynovska concluded by stating that integration is not only necessary for migrants, but for Ukrainian society.

Mr Vasyl Husetchko, Deputy Head of the Department of Employment Policy and Labour Migration, Ministry of Social Policy, explained that according to the current legislation, a quota is set for those migrants, who can be employed. The quota is identified by the Ministry of Social Policy and submitted to the Ministry of Interior. Mr Husetchko further stated that Ukraine has sufficient qualified labour force not to have to seek migrant employees. He noted that employment services are provided to migrants on an equal basis with nationals, and that they enjoy free access to job fairs, for example in the Odessa region (with support of UNHCR), where the Odessa employment centre has signed an agreement on services to migrants. In the framework of the UNHCR project on local integration, meetings with the regional branch of the state migration service and representatives of migrant communities have been arranged to discuss co-operation. These efforts resulted in development of an Action Plan which contains provision of services for migrants and for refugees. Mr Husetchko noted that the Ministry of Social Policy cooperated closely with NGOs and IOs.

Mr Sergey Khrychikov, Council of Europe (CoE), pointed out that the CoE assisted in preparing the “Strategy and Action Plan for the Development of a National Policy on the Integration of Migrants in Ukraine and Re-integration of Ukrainian Migrants for 2011-2015” and are satisfied with the work of the Government. The next step is now to implement the Strategy, so that it can reach migrants and they can use it. Mr Khrychikov noted that there are no problems with the laws – the legislation in place is good, however its application calls for improvement. Mr Khrychikov emphasized the importance of having access to rights, and of knowing how to use these rights. He noted that Ukraine will soon need a qualified labour force, and that by introducing the necessary measures now, the country can prevent unwanted problems in the future.

Mr George Itoro Ebong, Foreign Student from Nigeria, noted that the problems facing foreign students begin before they arrive in Ukraine. Students have to pay several thousand dollars for a visa in order to enter Ukraine and often face discrimination upon arrival at the airport. Mr Ebong noted the lack of legal assistance available to foreign students. He also pointed out that, when students enter through agents, they enter illegally, similarly to victims of trafficking and that they have absolutely no information about the country. Mr Ebong noted that the majority of arriving foreign students think that Ukraine is part of the Schengen zone.

Session Two
Opportunities for Improving Integration of Migrants in Ukraine:
Role of State Institutions, NGOs and International Organizations

Ms Natalia Naumenko, Head of the Department on Refugees, SMS, began by saying that the OSCE / ODIHR Assessment is extremely important for Ukraine and reiterated the general challenge of application of migration laws in Ukraine. Integration programmes have only been considered and developed since 2004. The next programme for integration of migrants followed in 2007 with UNHCR and EC support. Ms Naumenko noted that the SMS has tried to develop the integration programme for 2009-2012 with consideration of all the recommendations, such as improving the legislative basis, establishing effective integration mechanisms, and preparing society by raising awareness, and developing tolerance programmes.

Ms Naumenko seconded Ms Stogova in saying that any programmes of technical assistance will not help until an effective mechanism for their implementation is developed. She also said that public awareness on
responsibilities of Ukrainian authorities towards migrants as well as an understanding of how to ensure the sustainability of programs when external funds finish needs to increase. Ms Naumenko conceded that the state integration program is at a deadlock. She noted that the legislation and its implementation are not always effective in meeting the needs of migrants and refugees, and that there are challenges with implementing integration programs at central and regional levels due to the lack of funding. This concerns even basic assistance to migrants, which should be provided by the state, but is instead funded by the international donor community.

Ms Naumenko stated that the SMS has long-term plans regarding the future of migrants and their integration, in the context of implementation of the Action plan on visa-regime liberalization. She went on to indicate that the action plan on integration of migrants was adopted on June 15, 2011 and although she welcomes the initiative, many objectives are repeated from previous programmes, and not enough attention is paid to the return of Ukrainian migrants. Ms Naumenko noted that, while Russia is actively providing incentives for the labour force from CIS countries and has a policy at federal level for former citizens of the USSR to provide them with assistance and services, as well as fast track naturalization, Ukraine does not have similar programs. Ms Naumenko stated that a big deficit in qualified labour is currently being felt on the Ukrainian market.

Ms Naumenko noted the importance of coordinating the activities of the different institutions involved in management of migration matters and stated that the SMS as a coordinating body is prepared to co-operate with all relevant counterparts, including executive bodies, civil society, and others. She concluded by expressing her hope that all the actors involved will demonstrate political will to find common ground and provide support to the common cause.

Mr Mohamed Sesai, President of the African Council in Ukraine, noted that there are considerable numbers of African migrants in Ukraine, and that this group is in great need of support in terms of legal counseling, provision of information about Ukrainian society, financial help and other challenges that migrants face. Mr Sesai went on to highlight the necessity for both Ukrainian and migrant communities to understand the importance of integration, and to overcome stereotypes and prejudice. Mr Sesai concluded with an appeal to the government for support.

Mr Ignazio Matteini, Snr. Regional Officer for Local Integration, UNHCR, expressed his support to the statement made by the SMS. He noted that recognized refugees are the future citizens of Ukraine. Integration therefore means work invested to prepare new citizens, who will be paying taxes and will contribute to the country with their work and presence. Mr Mateini noted that based on lessons learned from the EU-funded programmes, co-operation with the Government may be hampered because of the institutional discontinuity and lack of ownership.

Mr Sergey Khrichikov, CoE, began by acknowledging the excellent progress achieved by the Ukrainian authorities on integration matters since 2004. He noted that implementation of the Strategy and Action Plan would be welcome for better preparation for the future, when Ukraine is likely to face more prominent migration flows. Mr Khrichikov noted that, while a majority in Ukraine see migration as a threat, it is a more complex phenomenon. He advised the Ukrainian authorities to take the initiative to learn from the lessons of other countries in the area of migrant integration and to replicate best international practices which were also used as the basis for the integration plan.

Mr Khrichikov emphasized that integration is a bilateral process – not only should migrants adapt to Ukrainian society, but Ukrainians themselves have to change and see the world differently. Efforts to achieve this could start with state officials dealing with migrants, receiving appropriate training. He noted that Ukraine has many interesting integration initiatives – such as the initiative of the African council in Ukraine with lessons in schools, but that the main responsibility and control over integration programs should lie with the government. Mr Khrichikov expressed his conviction that focus of assistance programmes should not be directed at Ukrainian migrants, as they are not likely to return. He concluded by stating that the current
situation presents a favourable environment for migrant integration in Ukraine, and that the government should be encouraged to take further responsibility for progress in this area.

Ms Natalia Gurzhyi, Director of the Rokada Foundation, stated that the Government should take the lead with regard to integration of migrants. She noted that current legislation is adequate, but that its implementation is problematic. Ms Gurzhyi noted the importance of providing access to the formal job market. She also emphasized the relevance of tolerance-building programmes, where refugees and Ukrainians could come together.

Dr Oleksij Pozniak, Head of Migration Research Department, Institute for Demography and Social Research, National Academy of Science, highlighted the importance of increasing the tolerance of border guards, who deal with migrants directly. He also noted the need to work with society and to better inform them of the need of a foreign labour force, because recent research demonstrates that in ten years Ukraine may need 3 million workers. Mr Pozniak suggested that activities should start with foreign students already present in Ukraine.

Ms Marina Yegorova, Head of the Unit on External Labour Migration and International Co-operation, State Employment Service of Ukraine, noted that Ukrainian legislation on employment procedures is very liberal in comparison to European standards. She explained that the procedure to grant permission for work, based on a quota principle, clearly regulates that it can only be done by Ukrainian employers who are in need of a foreign labour force. The system foresees advantages for national employees; therefore there is a legal requirement to check if qualified Ukrainian citizens are eligible for national positions first. Concerning the procedure itself, it is very clearly described in the law and the majority of the documents should be provided by the employer and not by the person who is applying for the vacancy.

Ms Natalia Shevchenko, Head of the Department of Professional Orientation and Education, State Employment Service of Ukraine, stated that, first and foremost, integration means employment. She noted that, in general, the necessary categories of migrants need to be determined, so as to ensure tailor-made approaches to each. Ms Shevchenko noted that, for refugees there already is a developed procedure for implementation. She noted that the future need for a foreign labour force must be recognized. Ms Shevchenko stated that there are instances, when migrants would like to have highly qualified jobs although there are no documents to prove their qualification, and that this issue is not being regulated by the Ministry of Education and Science, Youth and Sports of Ukraine. She also noted that these issues should be addressed at both central and regional levels, and involve NGOs.

Mr Maurice Mouke, African Centre, reiterated that all migrant NGOs should unite to achieve better results. He noted that employers do not have a full understanding of who migrants are, what their rights are, and whether they can be employed.

Mr Dialo Issa Sadio, Vice-President, African Council in Ukraine, noted that the majority of asylum-seekers are former students who do not have information on where they are going. He mentioned that the IOM has a programme for voluntary return, and that there are a lot of foreigners who want to return home but have no opportunities to do so. Mr Sadio claimed that if these persons were returned, there would be fewer applications for asylum and that it would be cheaper to return them home than pay for their stay in Ukraine. He also noted that during the last five months, instances of reports of abuse of foreigners at Boryspil airport have decreased. Ms Sadio concluded by emphasizing that an understanding of the cultures of migrants is essential in implementing any integration strategy and, to this end, recommended screenings of African movies to Ukrainian society.

Closing Session

Mr Manfred Profazi, Chief of Mission, IOM Mission in Ukraine, noted that the demographic situation in the country as well as the prospect of increasing migration from Ukraine will in the near future yield dramatic consequences for the social support structure. He stated that, as a consequence, immigration in the future
will not be the humble expression of generosity, but instead a necessity. Mr Profazi noted that strategic preparations, including work on promoting tolerance towards migration, must be made. He explained that immigration is not a solution for demographic decline, but it can provide an important tool to close some of the gaps in the labour market. Mr Profazi concluded by congratulating all the involved parties for their work.

Ms Natalia Naumenko, Head of the Department on Refugees, SMS, thanked OSCE/ODIHR and IOM, UNHCR and all other organizations involved in the compilation of the Assessment. She stated that Ukraine has been, is and will continue to be a country of destination and transit for migrants, and that the security of the state will depend on how integration of migrants is construed. Ms Naumenko noted that the process is long-term and that all legislative initiatives should find their due reflection in implementation programmes and strategies. She declared that the recommendations made by IOs in the field of improving legislation, asylum and migration management will be thoroughly studied, taken into account and implemented to establish effective migration management. Ms Naumenko concluded by stating that the SMS would appreciate learning from the experiences of others and is open to discuss challenges to developing appropriate migration policies.

Ms Nathalie Tagwerker, Deputy Head of Democratization Department, OSCE/ODIHR, expressed her gratitude to all speakers and participants of the Roundtable for their valuable contributions and constructive debates. She noted that, while the necessary legislation is in place, its implementation is a complex process, involving a number of stakeholders.

Ms Tagwerker reiterated that tailor-made solutions are crucial for various categories of migrants, such as students, undocumented migrants, and women. She noted that such solutions require a co-operative approach, which includes sharing of best practices. Ms Tagwerker suggested that the SMS could take the lead in coordinating this co-operation and the implementation of policies. She stressed the need to establish an adequate financial basis for programs related to migrant integration to provide for sustainable solutions not wholly dependent on donor assistance. Ms Tagwerker emphasized that the most important elements were a dialogue among the different actors involved, as well as raising awareness of the benefits of migration in Ukrainian society. In addition, she noted, the importance of combating intolerance and promoting fundamental human rights, which should not be overlooked by government authorities.

Ms Tagwerker continued by stating that this Roundtable was organized at a time when migrant integration in Ukraine bears particular importance, given the growing immigrant population and the country’s geographical position. She remarked that the discussions held during the event confirm the need for continued work and efforts on the part of all stakeholders. Ms Tagwerker reiterated that OSCE/ODIHR stands ready to assist Ukraine by carrying out specific follow-up activities to the “Situation and Needs Assessment of Integration of Migrants in Ukraine”, as well as by generally providing expertise on combating hate-crimes, gender and labour migration, facilitating exchange of information and best practices, and reviewing draft legislation on migration. She noted that the full version of the Assessment will be available on ODIHR’s website.

Ms Tagwerker concluded by thanking all project partners for their contributions and the participants for the constructive exchange of views, and expressed her hope that cooperation on integration of migrants in Ukraine would successfully continue.