

IRREGULAR AND FORCED MIGRATION FROM UKRAINE TO THE EU BEFORE GRANTING VISA-FREE REGIME: POSSIBLE CONSEQUENCES AND EXPECTATIONS

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Once the visa liberalization is granted, Ukrainians will have to pass a test on their human decency, accountability, and responsiveness to European values: starting from behaviour of certain individuals while crossing the border till their stay in the EU country. The destiny of the visa-free regime for Ukraine will depend on these factors. In case any of the statistically controlled indicators, for example, illegal stay of Ukrainians in EU member states for the period of 2 months, will show a significant increase, the visa-free regime might be revoked. So will Ukraine maintain a visa-free regime or lose it soon after entering into force?

Ukraine is on the threshold before receiving a visa-free regime with the EU countries. On 6 April and 11 May 2017, European Parliament followed by the Council of the EU adopted a regulation on visa liberalization for Ukrainian citizens traveling to the EU for a period of stay of 90 days in any 180-day period. The legislation is expected to enter into force on 11 June 2017.

However, the visa-free regime can be revoked **according to the new mechanism of the visa-free regime suspension**. It might come into force in case of an increase in number of citizens who are refused entry, an increase in number of citizens illegally residing or overstaying on the territory of the EU member states, and an increase in number of asylum seekers from the country being granted a visa-free regime. Also, one of the EU member states might initiate the suspension mechanism in case of reduction of cooperation in the sphere of readmission, an influence on state policy or internal security of the EU member states and significant risks for state policy or internal security of the EU member states.

Under significant and sudden increase, it is meant to be an increase for over 50% of at least one of the above indicators for the period of two months in comparison with the same period last year or in comparison with the period of two months before implementation of the visa-free regime (European Parliament, 2016).

So how will the visa-free regime impact the migration flows from Ukraine to EU and will Ukraine maintain a visa-free regime? To search for answers on these questions, we have done the analysis on the recent migration tendency of the most requested indicators: a number of illegal “overstayers”, asylum seekers from Ukraine to the EU and refusals of entry at the external borders.

Illegal “overstayers”

Most of the Ukrainians, traveling to EU countries and within the Schengen zone, choose the legal ways of obtaining the relevant national visas or residence permits. On 31 December 2016, there were valid 1 026 957 permits for Ukrainian citizens, almost half of them were issued for remunerated activities (449 989 permits) (Eurostat, 2017). Moreover, during 2016 Ukrainians obtained 1,36 million Schengen visas, which is 15% more than in 2015 (European Commission, 2017).

Ukrainians, illegally staying in the EU countries and the Schengen zone, are mostly revealed due to the fact of expired visa validity or expired period of the residence permit. In 2016, there were reported about nearly 27 thousand Ukrainian citizens, holding an unregulated status of their residence, identified on the territory of EU (Eurostat, 2017), which is significantly less than a number of

those who use the legal ways for migration. Perhaps because of economic crisis, the number of Ukrainians found to be illegally present is growing each year since 2014.

The significant number of Ukrainian citizens (18 904 persons) was detained during the voluntary return to Ukraine on the borders of EU Member States (Frontex, 2017). Most of the cases were revealed on the territory of neighboring countries - Poland (17 445 persons), Hungary (3 620), Czech Republic (1 550), Slovakia (1 165), and Germany (2 270).

After the implementation of a visa-free regime, the list of the so-called "illegal" migrants will be extended and will include not only those who have expired visas/residence permits and other categories but also who exceed the limit of short-term stay in the EU country without a relevant visa, which is 90 days during the period of 180 days. The level of awareness on how to use the visa-free regime among Ukrainians is rather low. According to the omnibus study conducted in March 2017, one-third of respondents (34%) could not answer the question of how long they can stay in the EU Member States within visa-free regime; almost half of respondents (45%) believe that they can stay in the EU for 90 days or more (KIIS, 2017).

It is expected that the indicator of Ukrainian migrants being detained with unregulated status in the EU countries will continue to grow, as it was in 2014-2016, especially by means of the labour migrants, trying to use visa-free regime for the simplified process of the border crossing and with further intention of employment in the EU member states.

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Asylum seekers from Ukraine

The military Russia's aggression in the East of Ukraine, the annexation of Crimea and consequent economic crisis has become one of the main reasons of increased flows of asylum seekers from Ukraine to the EU member states in 2014-2015. In 2016, for the first time since the beginning of the conflict, the number of Ukrainian asylum seekers in the EU countries was decreased: 12 475 applications were registered, which is 43% less than in the 2015. The part of applications in the EU countries for the first six months in 2016 was less than 1% (which is 12 475 out of 1 259 955 applications). The most popular countries of asylum applications registered were the countries with large Ukrainian Diaspora: Italy, Spain, Germany and Poland (Eurostat, 2017).

The decreased number of asylum seekers from Ukraine could be influenced by an existing fragile but still regime of peace and gradual improvements of the economic situation in Ukraine. According to the qualitative study conducted in Ukraine, Poland, Czech Republic and Slovakia, economic factors such as the ongoing economic crisis, the very limited opportunities for individuals to enter the labour market and to make use of their own human capital, very low earnings, falling living standards are still the dominant force determining migration from Ukraine. The escape of internally displaced persons (IDPs) from their previous places of residence is the result of military actions. However, when IDPs are choosing a new place to live and making a decision about migrating abroad, they are still guided by economic motives. New important «push» factors that are driving the current Ukrainian international migration are the war as such, the unstable political situation, corruption, nepotism and a desire to avoid military service (Drbohlav, Jaroszewicz, 2016).

Other factor that probably impact on the reduction of asylum seekers from Ukraine is the fact that the majority of Ukrainian nationals are refused in the asylum status and asked to leave the territory of the EU Member States. In 2016, the partial part of asylum refusals increased from 70 to 75% (from 6 630 in 2015 to 8 785 in 2016) (Eurostat, 2017).

One of the key reasons of refusals to Ukrainians is “possible internal escape”. It means that, Ukrainian citizens who were persecuted on the temporarily occupied territories, have the possibility to live safely on the rest of the territory of Ukraine, as it is done by over half of a million of IDPs.

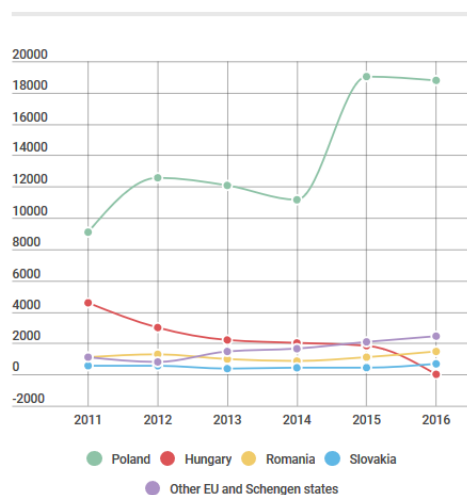
However, some citizens of Ukraine were able to justify their request for asylum in the EU countries. In 2016, 2835 Ukrainian citizens received various types of protection, in particular 490 persons were granted with refugee status. More than half of all positive decisions for Ukrainian asylum seekers in the EU countries in 2015 was issued in Italy (1850 decisions). The same tendency persisted in 2015 (Eurostat, 2017).

Visa-free regime can positively impact on the reduction of the number of the asylum seekers' applications, as the status of an asylum seeker will be used less by economic migrants as an opportunity to legally stay in the EU for up to three months. On the other hand, the introduction of the visa-free regime will create more favourable conditions to arrive to EU countries and to apply for asylum status for those internally displaced persons who were not able to integrate on the territory of Ukraine. If the economic status of IDPs gets worse, then it will be increasingly pushing them out from the country in search of a better life.

Refusal of Entry

Even with visa regime some of Ukrainians were refused when entering the EU member-states. In 2016, 22 925 Ukrainian citizens were refused entry at the external borders, which was 6% less than in 2015 (Eurostat, 2017). Altogether, Ukrainians were refused 27 861 times, which can mean that some person were refused even several times (Frontex, 2017).

Ukrainians refused entry at the external borders of the EU member states and Schengen states, 2011-2016



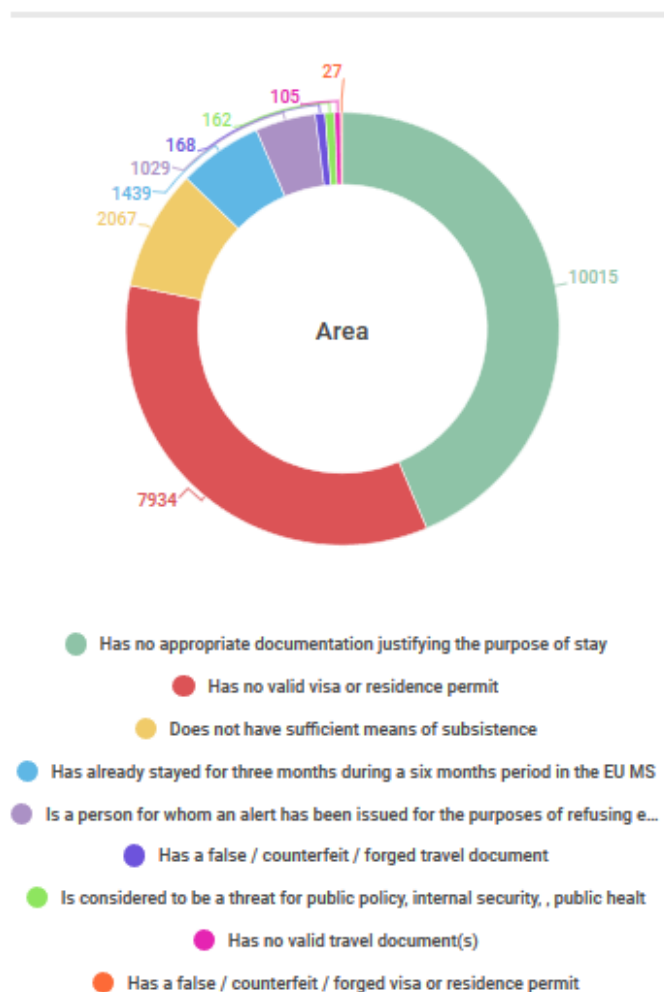
Source: Eurostat

81% of all refused Ukrainians (18 575 persons) were reported on the land border between Ukraine and Poland, which has been experiencing a huge inflow of Ukrainian migrants since 2014 (Eurostat, 2017; Drbohlav, Jaroszewicz, 2016). Precisely there the utmost yearly growth was recorded: in 2014 - 11 185 refusals, and in 2015 - 19 020. Hypothetically, the observed situation of the mentioned two years with regards to refusal entry for Ukrainians on the Polish border could have become a reason to suspend the visa-free regime.

The trinity of countries in the number of refusals also includes neighbouring countries as Romania and Slovakia. However, the indicators of refusal entries on these segments of the border are much less than on the border with Poland. In 2016, there were counted 1420 Ukrainians refused entry on land border of Romania and 700 Ukrainian citizens on land border of Slovakia.

Almost the 40% of the refusal number obtained by Ukrainians was due to the missing documents confirming the purpose of travel and the conditions of stay in the EU member state (10 015 times). The second widespread reason was non-availability to present a valid visa or a valid residence permit (7 934 times).

Reasons for refusal of entry of Ukrainian citizens at the
EU MS external borders, 2016



Source: Frontex, 2017. Total reasons for refusal of entry is 25 757.

It is expected that, once Ukraine is granted with the visa liberalization, the number of entry refusals might increase, as the Consulates will no longer check the supporting documents and filter the travellers' flow holding the biometric passports. For example, in 2016 the average visa refusal rate for Ukrainian citizens was 3,2%, in total, the Consulates of EU member states met the negative decision on visas for Ukrainians 45 789 times (European Commission, 2017). Once the visa-free regime enters into force, the document check will be conducted by the Border Guard Services of EU member states, by refusing entry to all those who won't be able to prove the intended purpose of travel and the presence of sufficient means of subsistence.

Also, the number of refusals in entry might increase due to the unpreparedness of Ukrainians for the trips caused by the low level of awareness about the rules of the visa-free regime. According to omnibus conducted in 2017, only 33% of respondents know that biometric passports allow to enter the EU Member States under the visa-free regime (KIIS, 2017).

Conclusion

Once the visa liberalization is granted, it is expected the slightly increase in the number of refusal of entries at the external borders. The indicator of Ukrainian migrants being detained with unregulated status in the EU countries will continue to grow, as it was in 2014-2016, especially due to labour migrants. However, the number of asylum applications might decrease as it was in 2016.

The suspension mechanism probably will not be introduced soon after the visa-free regime enters into force. To avoid the introduction of this mechanism, it is recommended to continue the informational campaigns among Ukrainian citizens about the rules of the visa-free regime. Public awareness is almost equally needed for the citizens of Western and Central Ukraine, who are more internationally mobile, and for citizens of Eastern and South regions of Ukraine who have less travel experience, and therefore may have less knowledge about how to use the visa-free regime. Considering the fact that economic factors are still the dominant force determining migration from Ukraine, Ukrainian government should work on the improvement of economic situation.

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