

**The Decree of the President of Ukraine № 622/2011
On the Concept of State Migration Policy**

With a purpose of creation of proper conditions for realization of the state policy in the sphere of migration I hereby **decide**:

1. To approve the Concept of State Migration Policy (attached).
2. To the Cabinet of Ministers of Ukraine to ensure realization of provisions of this Concept.

President of Ukraine Viktor Yanukovich
30 May 2011

APPROVED

by Decree of the President of Ukraine

of 30 May 2011 № 622/2011

**THE CONCEPT
of the State Migration Policy**

This Concept defines directions, strategic objectives of the state migration policy of Ukraine, principles and priorities of activity of public authorities in the field of migration, the areas of improvement of its legislative and institutional support and the mechanisms of implementation.

The Concept is aimed at ensuring effective state management of migration processes, creating conditions for sustainable demographic and socio-economic development of the country, increasing the level of national security through the prevention of uncontrolled migration processes and elimination of their consequences, coordination of national legislation in the area of migration with the international standards, and strengthening of social and legal protection of Ukrainian citizens, who are staying and working abroad and creating conditions for the unimpeded exercising of rights, freedoms and lawful interests of migrants and performance of their duties as foreseen by the legislation, ensuring complete use of intellectual and labour potential of such persons and fulfilment of the principles of protection of the interests of Ukraine.

The current state of migration processes

One of the conditions of establishment of the rule-of-law state at the present stage is identification of the directions of its migration policy and improvement of the system of the state management of migration processes in accordance with the international standards in the field of human rights.

Absence of legislative definition of directions of the state migration policy of Ukraine, the principles of activity of public authorities in the field of migration, strategic objectives, tasks and standards to ensure the realization of human rights undermines the effectiveness of counteraction against phenomena that threaten national security of Ukraine - illegal migration, escalation of the demographic crisis, the outflow of scientists, experts, and skilled labour outside the territory of Ukraine.

The need for improvement of the system of state management of migration processes is caused by the political and socio-economic factors, which influence the situation in Ukraine and in the world, where the main ones are:

integration of Ukraine into the international labour market accompanied by the outflow of work force from Ukraine;

reduction in the number of population in Ukraine and other European countries;

active immigration policy of foreign states, aimed to attract foreign work force;

incompliance of legislative acts on migration to current requirements, namely due to the lack of legislative acts in the area of protection of foreigners and stateless persons who were not granted the refugee status in Ukraine, in cases when their return to their countries of nationality or last permanent residence is not possible given the need for Ukraine to fulfill its acquired international obligations, as well as due to the impossibility of such persons residing or staying in the country of origin, because of environmental, technological or other emergency circumstances;

lack of personnel and logistical support of the state authorities for realizing the state migration policy of Ukraine, lack of informational automated systems of record and registration of the citizens of Ukraine and foreigners and stateless persons who live or temporarily stay on the territory of Ukraine on legal grounds.

The strategic directions of the state migration policy of Ukraine and the mechanisms for their implementation

The strategic directions of realization of the state migration policy are:

improvement of the legislation on internal and external labour migration of citizens of Ukraine, on entry of foreigners and stateless persons to Ukraine, their departure from Ukraine, and also in the sphere of combating illegal migration;

legislative implementation of the mechanism of supplementary and temporary protection of foreigners and stateless persons;

determination of immigration quotas into Ukraine, considering the current and future demographic situation and the situation on the labour market;

establishment of conditions for the freedom of movement, free choice of residence, as well as the right of free departure from Ukraine (with the exception of restrictions established by the law) for the citizens of Ukraine, foreigners and stateless persons legally residing or temporarily staying on the territory of Ukraine;

counteraction to racism, xenophobia and intolerance, forming of tolerant attitude of the population towards migrants;

encouragement of migrants to rational territorial allocation, considering socio-economical and demographic situation in the regions;

strengthening social and legal protection of the citizens of Ukraine who are working abroad including by intensification of international cooperation, signing of international agreements

in the area of protection of rights of migrant workers; creation of favourable conditions for crossing the national borders by labour migrants from Ukraine and their stay in the country of employment;

creation of favourable conditions and mechanisms to return to Ukraine of the citizens of Ukraine who permanently reside on the territory of other states, with the purpose of reducing emigration flows;

strengthening of cooperation and coordination of state and local self-government bodies and NGOs in realization of the state migration policy;

improvement of the system of processing and collection of statistical data on migration processes of the citizens of Ukraine, who reside or temporarily stay abroad, and also of foreigners and stateless persons, who reside or temporarily stay on legal grounds on the territory of Ukraine;

counteraction to trafficking in human beings, ensuring of protection of the citizens of Ukraine abroad and of foreigners and stateless persons, who stay on the territory of Ukraine and who suffered from trafficking in human beings;

conduct of research activities in the area of migration and use of its results for the implementation of the state policy;

intensification of the state foreign policy with a view to conclude international agreements related to regulation of the issues of restoration and protection of the rights of persons deported on ethnic grounds and their descendants, development and introduction of an effective implementation mechanism for such treaties;

The main mechanisms for implementation of the state migration policy in the sphere of departure from Ukraine and entry into Ukraine of the citizens of Ukraine are:

creation of conditions to minimize unregulated external labour migration of the citizens of Ukraine;

ensuring of effective state control over the labour market with the aim to balance demand and supply of the labour force on internal market;

establishment of favourable socio-economic conditions for investment into the national economy by labour migrants from Ukraine and by the Ukrainian Diaspora;

strengthening of legal and social protection of the citizens of Ukraine staying abroad;

monitoring of external labour migration situation;

establishment of attractive domestic labour market, stimulating economic activity of population;

strengthening international cooperation of Ukraine in the sphere of migration with the purpose to create favourable conditions for crossing the state borders by labour migrants from Ukraine.

The main mechanisms for implementation of the state migration policy in the sphere of

immigration are:

Facilitation of immigration flows into Ukraine in terms of investment, scientific and cultural needs of the state, creation of favorable conditions for return to Ukraine of scientists and artists, skilled specialists and workers who are in significant demand for the national economy, and their integration into Ukrainian society;

facilitation of return to Ukraine of persons deported on ethnic grounds as well as their descendants, and integration of such persons into the Ukrainian society;

ensuring of implementation of the international principles and rules of international law as to the protection of persons, who suffered from the trafficking in human beings, their rehabilitation and return of such persons to their respective countries of origin;

improvement of legislation with the purpose of protection of the rights of migrants, who stay in Ukraine, and ensuring of the access of all migrants, despite their legal status, to the health protection programs.

The main mechanisms of the implementation of state migration policy on temporary entry into Ukraine of foreigners and stateless persons are:

creation of favourable conditions for temporarily entry into Ukraine by foreigners and stateless persons for the purposes of tourism, education, business and others;

ensuring of the control over migrants entering Ukraine for employment or education;

counteraction to illegal migration, including improvement of activities of the state authorities aimed at counteraction to illegal migration;

ensuring of implementation of universally recognized international principles and norms of international law relating to the protection of refugees and persons in need of complimentary or temporary protection or asylum in Ukraine, including the principle of non-refoulement;

facilitation of voluntary return of illegal migrants to their countries of origin, nationality in cooperation with international and public organizations that work in the sphere of migration.

strengthening of liability for offenses related to illegal migration.

The tasks of state authorities in relation to implementation of the Concept

Implementation of the Concept provides for execution by the state authorities of the following tasks:

improvement of legislation in the sphere of migration with consideration of the universally recognized international principles and norms of international law, including joining, if necessary, multilateral international treaties on migrants' rights;

conclusion of bilateral international treaties on issues related to protection of the rights of migrants, in particular labour migrants, persons who suffered from trafficking in human beings, as well as on issues on the fight against illegal migration, trafficking in human beings, acceptance and transfer of persons (readmission), prevention and reduction of the cases of statelessness;

participation in international cooperation with the purpose of ensuring due regard to social, ethnic, religious and cultural distinctive features of migrants while providing them with medical services;

facilitation of social protection of the citizens of Ukraine who work abroad, including those who suffered from trafficking in human beings;

ensuring of development and implementation of the state and regional programmes in the field of migration, foreseeing in them, inter alia, measures on social and economic improvement of migration situation;

implementation of measures related to integration of foreigners and stateless persons who permanently reside in Ukraine, and also foreigners and stateless persons who were granted refugee status in Ukraine into Ukrainian society;

provision of adequate financial and logistical resources for the state bodies that exercise powers in the sphere of migration;

ensuring of equal rights and opportunities for men and women, elimination of gender discrimination;

strengthening cooperation between the state authorities that exercise powers in the sphere of migration;

establishment of a system for registration of foreigners and stateless persons who enter the territory of Ukraine with registration of their biometric data, and integration of the system to the European one;

introduction of drawing-up and issuance of passports with biometric data to the citizens of Ukraine;

establishment of single database of passports of the citizens of Ukraine, foreigners and stateless persons who legally stay on the territory of Ukraine, with entering data on issuance, cancellation and loss of such documents;

establishment of a single informational (automated) system of registration and analysis of migration flows with ensuring constitutional guarantees of prevention of dissemination of confidential personal data on an individual without his/her consent;

taking of measures on intensification of cooperation with foreign states, international and public organizations in the field of migration;

continuation of negotiations with member states of the European Union on the use of simplified border crossing regime for the citizens of Ukraine, including those living in the border regions of Ukraine;

determination of the list of circumstances under which a simplified border control can be applied;

intensification of the activity of representatives of Ukraine to international organizations dealing with migration issues, in order to take into account the national interests of Ukraine in the decisions of such organizations;

conducting of comprehensive scientific researches related to migration processes, forecasting their trends and implications for all spheres of public life;

inclusion of migration component into statistic data based on the results of analysis of the situation of enforcement of the rights of citizens to social security, health care, education, labour;

informing of the population of Ukraine on the external labour market situation, including on the legislation of other countries in this respect, risk factors, which people may face during employment abroad, motivation for relocation and problems of migrants, and the difficulties of adaptation;

development of information materials for familiarization of potential Ukrainian migrants with the distinctive features of countries of their destination;

informing Ukrainian labor migrants and Ukrainian Diaspora on investment opportunities in Ukraine;

development of programs for the targeted professional training, career development, support of Ukrainian labor migrants after their return to Ukraine with the purpose of their integration into the local labor market.

Activities for the implementation of the Concept

Realization of the provisions of the Concept in the field of internal migration include:

improvement of legislation on freedom of movement and free choice of residence;

ensuring of functioning of the national database of vacancies of the State Employment Service;

the prevention from excessive imbalance of territorial allocation of the population of Ukraine.

Implementation of the provisions of the Concept on the prevention from emigration of the citizens of Ukraine includes:

Creation of proper conditions in Ukraine for the exercise of rights and freedoms of the citizens with the purpose of preventing their mass exodus abroad;

conclusion of international treaties on issue related to the control of voluntary migration and protection of the rights of migrants;

further improvement of legislation on protection of the rights of children and cooperation in international adoption of children.

implementing activities aimed at promoting internal labor migration as an alternative to external labor migration;

Realization of the provisions of the Concept on Ukrainian citizens' travelling abroad with the purpose of temporary stay for employment, education, business, medical treatment, and recreation includes:

improvement of legislation to ensure implementation of the constitutional right of citizens to social protection regardless their place of residence;

strengthening of control over activity of business entities that provide intermediary services in employment of the citizens of Ukraine abroad;

improvement of the system of registration of the citizens of Ukraine who temporarily stay abroad for employment;

designation of the mechanism of detection on the territory of Ukraine of foreigners and stateless persons who suffered from trafficking in human beings on the territory of other states, and providing them with necessary assistance;

increase in the number of staff of consular missions of Ukraine in the states where a large number of the citizens of Ukraine reside or temporarily stay, the identification in such institutions of officials responsible for labour migration issues, counteraction to trafficking in human beings, monitoring of labour market of the host countries, provision of appropriate clarifications to the citizens of Ukraine staying abroad for employment and promotion of exercising of their rights in full;

development and implementation with involvement of public, including international organizations, of a system of measures aimed at explaining to the citizens of Ukraine their rights and freedoms during employment abroad, specific of host country's legislation and the norms of international law in the field of labour migration;

ensuring of implementation of bilateral international agreements of Ukraine on labour migration of citizens and their social protection.

Realization of the provisions of the Concept in the area of returning the emigrants to Ukraine includes:

elaboration of draft laws aimed at simplifying the conditions and procedures for the return to Ukraine of foreign Ukrainians, individuals deported on ethnic grounds;

conclusion of international treaties with countries from which persons, deported on ethnic grounds are returning for permanent residence in Ukraine, ensuring the implementation of rights of such persons and simplifying the procedure of acquisition and termination of their citizenship;

promotion of the return to Ukraine and integration into Ukrainian society of foreign Ukrainians, persons deported on ethnic grounds, and use of their intellectual and professional potential;

Realization of the provisions of the Concept on entering Ukraine by foreigners and stateless persons includes:

drafting the new edition of the Law of Ukraine "On Legal Status of Foreigners and Stateless

Persons" considering provisions of international acts that regulate the fight against illegal migration and ensure implementation of human rights and freedoms;

adoption of legislation on refugees, drafting and adoption of legislative acts on asylum, supplementary or temporary protection in Ukraine to foreigners and stateless persons;

development and implementation of legal and normative acts to protect the national labour market;

establishment of a single information (automated) system of registration and identification of refugees, persons in need of supplementary or temporary protection or asylum in Ukraine, and automated systems of registration of information on foreigners and stateless persons who enter Ukraine, especially those coming from the states that are not covered by the visa-free regime;

introduction of issuance of visa documents with biometric data;

settlement of issues related to translation into the official language of refugees' applications and providing refugees with legal assistance;

facilitation of integration into Ukrainian society of migrants, persons granted the refugee status in Ukraine, and persons in need of supplementary or temporary protection or asylum in Ukraine;

counteraction to racism and xenophobia;

raise of awareness of law enforcement officials about Ukraine's international obligations on human rights;

assistance to persons who were granted refugee status, supplementary or temporary protection or asylum in Ukraine, in voluntary return to their countries of nationality or last permanent residence, if in such states the circumstances that led to forced migration, no longer exist;

development and implementation of an effective mechanism for monitoring the availability of means for stay in Ukraine and departure from its territory among foreigners and stateless persons who arrive to Ukraine.

Realization of the provisions of the Concept in the area of counteraction of illegal migration includes:

Increase of liability for offences related to illegal immigration, and if necessary, submission of appropriate legislative proposals;

intensification of negotiation process on issues of conclusion of international treaties on readmission with the countries featuring the risk of migration;

development and implementation of the Action plan on counteraction to different forms of trafficking in human beings and provision of assistance to persons, including to women and children who have become victims of trafficking;

continuation of work on establishment and ensuring activity of the network of Centres for temporary accommodation of foreigners and stateless persons who stay illegally on the territory of Ukraine;

facilitation of provision of sufficient and appropriate medical services to migrants, being accommodated in the Centres for temporary accommodation of foreigners and stateless persons who stay illegally on the territory of Ukraine;

increase of effectiveness of border and domestic migration control;

attraction of funds of international organizations to solve issues related to illegal migration.

Information support of implementation of the state migration policy is based upon the principles of objectivity, reality, accessibility, and openness and is implemented on the basis of the results of continuous analysis of migration processes in the state and beyond.

Anticipated results

Realization of the Concept will allow the following:

to increase effectiveness of the state management of migration processes in Ukraine;

to increase the level of national security;

to harmonize the legislation of Ukraine on migration with international, including European, standards;

to use at a proper level the potential of migration processes;

to prevent emergence of new and minimize existent negative consequences of uncontrolled migration flows;

to ensure integration of foreigners and stateless persons staying in Ukraine on legal grounds into Ukrainian society;

to prevent human trafficking and minimize its existing negative consequences of such;

to minimize the negative impact of migration on the health of migrants through insuring of the right of migrants to health care and prevention of inequality in migrant status and their access to medical services;

to optimize migration flows with the purpose of effective use of labour resources and return of emigrants to Ukraine.

Sources of financing

The Concept shall be implemented at the expense of funds of the state and local budgets and other sources foreseen by the law.

The Head of the Presidential Administration of Ukraine S. Lyovochkin

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