



Legal and Illegal Migration from Ukraine: An analysis of social and security issues

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Abstract

The dissolution of Soviet Union in 1991 resulted in the development in of new republic states including Ukraine. Ukraine saw a sea of changes both political and social in the pre and post Soviet Union period. International migration is one major aspect that occurred in Ukraine. The large scale migration to other countries occurred for political and economic reasons. Migrants to other countries from Ukraine were repatriates, emigrants, refugees, asylum seekers, economic (cyclical migrants), illegal migrants and transitory migrants. Ukraine has, over the last 20 years, become a transit country for illegal migration to European Union countries. Various analytical estimates have continually placed the number of illegal migrants present on the territory of Ukraine over the last ten years at 800 thousand to 1.6 million illegal migrants, patiently waiting for their chance to enter an EU country. This article is an analysis of the legal and illegal immigrants of Ukraine in EU countries in general and Czech Republic in particular.

Key Words: Illegal Immigration, EU, Ukraine, Emigration, Refugees, Asylum seekers.

Introduction

The years since Ukraine's independence following the fundamental geopolitical changes at the end of the 1980s and beginning of the 1990s, in the country and the world at large, have seen a radical change in the nature of migration flows. The development of migration was influenced, on the one hand, by traditional migration ties formed during the Soviet period, and on the other, developed under the new politico-legal and economic conditions resulting from the dissolution of the Soviet Union in 1991. The other factors that influenced migration are market reforms and the democratisation of society, and primarily following the laying down and guarantee of the constitutional right to freedom of movement for Ukrainian citizens. Following the period of isolation from the outside world during the Soviet period, Ukraine engaged various international processes, including international migration. This was evident primarily in the change in orientation of migration flows towards the West, and primarily to the rest of Europe.

The main currents of international migration that are currently subject to regulation by the Ukrainian state are: a) repatriates – persons of Ukrainian origin returning the territory of the Ukraine following the collapse of the Soviet Union; b) emigrants – the main target

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countries of Ukrainians are Germany, USA, Canada and Israel; c) refugees and asylum-seekers – an average of three thousand refugees annually from all continents and about one thousand one hundred asylum-seekers annually; d) economic (cyclical) migrants; e) illegal migrants; and f) transitory migrants from third countries (Malinovska, 2004).

Factors that lead Ukrainian Migration

The first years following Ukraine's independence in 1991 were characterised primarily by a mass wave of returns of many ethnic Ukrainians and migrants of other nationalities from Russia and other former Soviet republics. These migrants had, in the past, left Ukraine for economic reasons, or had been forcibly deported to eastern regions of the former Soviet Union by the Soviet régime. The reasons for the large number of repatriates lay not only in their natural desire to return to their homeland, but also, in many cases, due to the ethnic and armed conflicts that were beginning to escalate in some republics of the former USSR. The years 1991-92 alone saw nearly a million people enter Ukraine. This wave of repatriates included primarily migrants from Siberia, the Far East and Kazakhstan. There was also a significant return of citizens of other nationalities; for example the key repatriation of Crimean Tatars, who had been deported from the Ukraine on the orders of Joseph Stalin. 63,300 Crimean Tatars returned in the years 1991-92, which represented 7% of immigrants coming to Ukraine from all post-Soviet republics. The majority of immigrants were, however, Ukrainians, Russians and representatives of other titular nationalities living on the territory of the former Soviet Union (Nevzdolja, 2005).

The chronic complications resulting from the transition of a socialist realist society to the institutions of a market economy and parliamentary democracy, which Ukraine has been experiencing for an unbroken period of nineteen years, has meant that the country has, since about the middle of the 1990s, lost its attractiveness to repatriates and is becoming primarily a significant source country from the point of view of international economic migration, and not only in the context of integrated Europe.

Immediately prior to the collapse of the Soviet Union, expert reports by renowned Western European specialists evaluated the options for the independent developments of the individual Soviet republics based on assessment of key economic, social and geopolitical parameters. These assessments rated Ukraine in first place as the country with the best prospects (Clement & Slama, 1992).

However, economic analyses of the initial possibilities and potentialities of the Ukrainian economy in the development of independent Ukraine were not fulfilled. On the contrary, a steep fall in industrial production was recorded in the brief period following Ukraine's independence. For example, production in the industrial sector dropped by 21% in the first nine months of 1993 in comparison with 1992. In the same period, prices rose by 1605% and the amount of money in circulation rose by 1152%. Monthly inflation exceeded 100% in 1994. The average living standards of Ukrainians compared to that of Russians fell by a factor of up to five, whereas Ukraine had been amongst the most economically developed of the Soviet republics in the USSR.

The efforts of the native population to secure itself against the escalation of socio-economic uncertainty in the country, but also to have a share in the advantages of the nascent market economy, are shown in the gradual, quantitative growth in Ukrainian migration abroad in search of work. Ukraine is currently the world's eighth-largest 'exporter' (behind Mexico, Pakistan, China, India, Iran, Indonesia and the Philippines) of

economic migrants to the global employment market. The causes of the migration of Ukrainians abroad in search of work are of an almost exclusively economic nature. Whereas, up until the mid-1990s, Ukrainians travelled abroad to earn money because production was slowing down, wages weren't paid on time and unemployment was on the rise, from the end of the century the causes of migration are becoming poverty (hyperinflation, the devaluation of bank deposits and the de-regulation of prices exhausted the money accumulated by people in the Soviet era) and, above all, low average wages (although people have work, low average wages are not sufficient to cover basic needs) (Lupták, 2008).

Various estimates have placed the number of Ukrainian economic migrants from 3 to 7-9 million (i.e. possibly up to $\frac{3}{4}$ of the entire economically active population of Ukraine). Despite the variations, these estimates show that economic migration has become a common phenomenon and widespread means of ensuring income for many Ukrainians (Stola, 2007). Expert estimates also state that out of the total number of Ukrainians working abroad, only 1% of all guest workers (Pozn'jak, 2002) utilised the services of Ukrainian state employment agencies to find their employment; other Ukrainians abroad found work themselves or with the aid of relatives and friends.

The permanent readiness of Ukrainians to move abroad for work should be viewed in relation to their national mentality as a nation of agricultural workers, who could live off the fruits of their intense work and never have to resort to civil war or external, armed expansion to resolve any internal problems, instead seeking the happiness denied at home in the search for work abroad, while never relying on help from the state (towards which institution is shown continual mistrust), but only on their strengths and inventiveness. Such has been the case on a steady basis since the middle of the 19th century (see Kovtun, 2001, pp. 7-9).

In view of the overall number of Ukrainians that are forced to regularly travel abroad for work, the current global economic crisis is having a crucial effect on the interests of this group of workers, who are the most exposed to the threat of losing their employment (workers native to the host country are traditionally the most-protected in all world economies), as well as on the interests of the Ukrainian state, as the country is not currently not capable of rapidly absorbing the millions of its own citizens returning from abroad. Naturally, not only the awareness of the bitter reality that the modern Ukrainian state is not able to offer those of its citizens travelling abroad for work adequate opportunities at home, but also the fact that an absolute majority of foreign migrants has already invested considerable sums in the option of travelling for work (for example, many migrants have been forced to sell their property or become indebted) forces these Ukrainian migrants to stay abroad at any price, regardless of the effects of the world economic crisis.

Trends of Ukrainian migration

There is, on the Ukrainian employment market, currently an evident lack of workers of all profiles with specialist qualifications in practically every sector of the economy. This is particularly acute in the blue-collar and engineering professions: according to figures of Ukraine's state employment agency, up to 57% of vacant positions at the beginning of 2008 were for blue-collar jobs, however only 29% of applicants for these positions were willing to accept them. On the other hand, 61.4% of applicants for vacancies did not want to accept the conditions offered and preferred to travel abroad for work (Ilyash, 1998).

Ukrainian workers would rather travel to Italy, Spain, Germany, Portugal, the Czech Republic, Poland, Russia etc., to find work, as the pay for unqualified work in these countries is up to two to three times higher than for qualified work in Ukraine. Ukrainian industry still has the option of mobilising resources in the Ukrainian countryside. The modern inhabitants of rural areas, however, do not want to work in large industrial complexes, as for them the option of travelling abroad to find work is more attractive; there they can earn good money without having to master a demanding, qualified industrial profession.

The low number of qualified workers in the Ukrainian countryside means a potential 5–6 million migrants ready to travel abroad for work. The lack of interest in industrial professions is a result of the fact that massive damage was caused to the Ukrainian national economy during the economic depression of the 1990s. The Ukrainian economy (which effectively went through a process of deindustrialisation, or simply the liquidation of its industry) was at this time marked by the regressive processes of ‘macrosocial involution’, away from a society with a macrosocial work structure typical for a mature industrial society to a society with a work structure typical for an agrarian–industrial society. Two thirds of jobs in construction and industry were lost, as a result of which the economically active part of the Ukrainian population has lost the habits of industrial work (See Chumelko, 2003).

Issues of Ukrainian migration in Czech Republic

The trends described, which are shown in a certain disinterest in more sophisticated industrial professions in the Ukrainian economy, should however be assessed also from the point of view of the interests and needs of the Czech Republic. Prior to the start of the current economic crisis, the Czech economy was short of an estimated minimum of 300 thousand qualified blue-collar workers and tradesmen; shortages of tradesmen are, however, not only a problem in the Czech Republic, but are admitted to by almost all countries in Europe (*Soumrak řemesel v Česku*, 2008).

One of the possible optimistic scenarios assumes that, following the conclusion of the current economic crisis, a new era of reindustrialisation of the European economy shall begin, which can no longer be supported, as is being shown, by banking services, but by sectors that will re-evaluate traditional skilled tradesmanship, and for this reason the targeted education of qualified blue-collar workers and tradesmen, which will, due to current unfavourable demographic trends, have to include foreign migrant workers, could become a relative advantage for the Czech economy.

Obviously, although immigrants cannot save the economy, they can significantly alleviate the negative effects of an aging population and low birth-rate on the domestic economy. The Bezděk commission calculated that, from a long-term perspective, the situation could not be alleviated even by an intake of a million foreign workers in ten years; these would also age and the families they brought with them would also burden the state budget. A family-oriented policy must therefore be key. Unless we ensure that we do not die out, there is no solution for the pension’s crisis (Pravec & Hruška, 2007).

For this reason it is important that Czech state institutions deciding questions of the regulation of international migration processes devoted greater attention than has thus far been the case to the qualification level of migrants arriving in the Czech Republic (it would, for example, be worth considering the option of introducing relevant statistics). It should be noted that a struggle for migrants has started in Europe (and in Russia), because

other European countries and the Russian Federation are also encountering the same unfavourable demographic trends. A lack of migrants on the domestic employment market could also become a security risk for the relevant country. The significance and of the current fourth wave of work-related migration Europe and the Russian Federation is primarily based on its cultural compatibility with European values.

Incidentally, Ukraine itself realises its strategically important emigrational potential for the development of European economies, as well as its own (note that so-called migration dollars – every migrant regularly sends home sums of around 200 USD – represent the longest-term foreign investment into the Ukrainian economy), and for this reason is beginning to address issues of pensions and pension payments for those of its citizens who have worked abroad, and this in relation to the governments of EU countries

An absolute majority of Ukrainian work migrants come to the Czech Republic for the purpose of long-term residency. This usually follows the following pattern: 6-9 months of work in the Czech Republic then return to Ukraine for around 3 months, after which these cyclical migrants generally repeat the pattern. According to sociological field studies, many of those who come to the Czech Republic are young people under the age of 28, while older Ukrainians prefer the Russian Federation as their destination for migration. Their level of education is relatively low in comparison with migrants going e.g. to Poland and Russia. In the Czech Republic, as in other target countries, the largest proportion of Ukrainians works in construction. At the same time a larger proportion of migrants work in industry compared to other countries. Almost half of the total number of Ukrainians work in restaurants and around 1/3 of Ukrainian women work in the industrial sector, primarily in the food industry and light industry.

A fundamental problem for the contingents of Ukrainian migrant workers in the Czech Republic is the large amount of illegal migrants amongst them. In the opinion of experts, it is Ukraine that is by far the most important source country for illegal migrant workers to the Czech Republic. This corresponds with Ukraine being, at the same time, being the most dominant country by numbers of legal migrant workers – towards the end of 2006, one of the peaks of the recent economic boom period in the Czech Republic, Ukrainians made up 32% of foreigners (102,594 people), representing, by some margin, the most numerous group of foreign migrants on the territory of the Czech Republic. Ukrainians also represent 68% (4,853 persons for 2006) of foreigners detained by the Police Force of the Czech Republic over breaches of the rules of residency in the country.

Estimates of the number of illegal immigrants in the Czech Republic vary widely, from 17 thousand to 300 thousand. This is a very complicated issue, dependent on many factors. It also depends *inter alia* on how we define an illegal migrant, or the nature of their illegality, in the first place. One of the most realistic variants considers that within the Czech republic there could be the same number of illegal as legal migrants on the Czech employment market – e.g. the position taken by the Czech Minister for Labour and Social Affairs, P. Nečas (see ministra, 2007; Drbohlav, 2008).

Due to the effects of the current economic crisis, the employment rate in the Czech Republic continues to drop and vacancies for guest workers are disappearing. According to the most recent studies of the Czech Chamber of Commerce, currently four percent of businesses are filling vacancies by employing foreigners; two and a half years ago, this figure was fifteen percent. Despite this, foreigners are not leaving the Czech Republic. There has been a significant reduction in those actually employed in companies, the automotive industry or elsewhere. Instead, in order to avoid leaving or expulsion to their

countries of origin, they are getting trade licenses, subsequently receiving, in place of their original work visa, an entrepreneurial visa. This is a repeat of the situation of the mid-1990s. The then-valid Act no. 132/1992 Coll., on the residence of aliens on the territory of the Czech and Slovak Federative Republic allowed foreigners to gain a long-term residence permit in the country by this route (and not via a diplomatic representation of the Czech Republic abroad), stimulating a massive shift in the status of foreigners from employees to independent traders. These were actually ‘quasi-independent traders’, who apart from their own labour did not possess any equipment to carry out their trade and when fulfilling contractual tasks used equipment owned, as a rule, by the Czech company for which they worked. The neoliberal economic course to be promoted by the current centre-right government in the Czech Republic following the 2010 parliamentary elections will certainly enhance the requirements for flexibility of labour, opening up new possibilities for migrant workers (legal as well as illegal), even though this will be accompanied by continuing efforts by the Czech government to introduce stricter and more effective controls on illegal immigrant work.

Ukraine: a transit country for illegal immigration

Due to its historical development, modern Ukraine is composed of three basic regions, which developed, relatively independently of each other, over a long period of time and therefore have distinct geopolitical characteristics. These three regions can be designated western, central and eastern. The western regions bring Ukraine close to the countries of Central Europe and the Balkans, the central regions are land-locked and not in direct contact with any foreign borders. The eastern regions bring Ukraine close to the Russian Federation and the vast spaces of Asia and the Islamic world (Duleba, 2000). Aside from this, modern Ukraine has, due to the eastwards expansion of the European Union, shared state borders with some of the new member states. Of the seven states directly bordering Ukraine, four are new member states of the EU (Poland, Slovakia, Hungary and Romania) whose entry into the EU means that the European Union is in direct contact with Ukraine’s western and southern borders. Following Romania’s entry into the EU, as much as 24% (a total 1,415 km) of the state borders of Ukraine are in contact with borders of European Union countries. In the event that Turkey, too, joins the EU, then Ukraine and the European Union will be joined by a large area of the Black Sea.

Table 1. Ukrainian state borders

State Border	Length of State Border
Land	4 247.86 km
River	1 414.73 km
Maritime (total), of which:	1 351.6 km
Black Sea	1 053.1 km
Sea of Azov	249.6 km
Kerch Strait	49 km
with Poland	542.396 km
with Slovakia	98.5 km
with Hungary	135.1 km
with Romania	638.4 km
with Moldova	1 222 km

with Belarus	1 084.2 km
with Russia	2 292.2 km

The peculiar geographical situation of Ukraine has predetermined the country to become a highly important transit country from the point of view of global migration processes. A series of problems primarily associated with illegal migration, ‘originate’ here, which subsequently influences e.g. the criminogenic situation in the Czech Republic and other EU countries. The European Union has seen a dramatic increase in illegal migration in recent years. According to various sources, at least 500 thousand migrants are able to gain access to Europe (apart from the former Soviet states), of whom around 300 thousand enter the black or grey economy. The protection of its external borders and the fight against illegal migration is therefore becoming an important part of the theoretical and practical agenda of the EU. Many legislative and institutional measures have been taken towards this end, e.g. setting-up of the Frontex agency, with new member countries required to accept the so-called Schengen *acquis* and connection to the Schengen Information System.

Many legislative measures have been undertaken while constituting a unified immigration framework. Regardless of this, the highly heterogenic nature of the issue, frequently conflicting and unclear opinions, numerous specific national reasons, differently-applied policies, relatively large powers of individual states and other factors conspire to slow down the whole process. The European Union still has, in this regard, a lot of reserves.

Ukraine has, over the last 20 years, become a transit country for illegal migration to European Union countries. Various analytical estimates have continually placed the number of illegal migrants present on the territory of Ukraine over the last ten years at 800 thousand to 1.6 million illegal migrants, patiently waiting for their chance to enter an EU country. According to the assessment of the International Organization for Migration (IOM), these absolute numbers of illegal migrants in Ukraine exceeds by 25-fold the European average of immigrant foreigners in a host country per 1 inhabitant of the host country. It should also be noted that the absolute number of illegal transitory migrants puts Ukraine, according to UN statistics, in 4th place in the world.² As a massive reservoir of transitory illegal migrants, Ukraine presents a much greater security risk to the EU than as a source country from the point of view of international population movement, even though both processes are closely linked.

Illegal transitory migration via the territory of Ukraine towards EU countries represents an internally heterogeneous social phenomenon. The structure of illegal migrants has seen significant changes in recent years. The primary change has been the increased dominance of illegal migrants from the countries of the former Soviet Union (with the natural exception of the Baltic republics). At the same time there has been a decrease in the proportion of transitory illegal migrants from Southeast Asia. For example, in 2005, CIS citizens represented 50% of foreigners detained while attempting to illegally

² *Nelegal'naya immigratsiya na yuge Ukrainy: sostoyanie, potentsialniye ugrozy i posledstviya* (pod redaktsiyey L. Khomicha), http://www.niss.gov.ua/monitor/januar_2009/9.htm. The methodology of estimating the number of illegal migrants in Ukraine has caused much discussion and there is no consensus between experts. These facts are addressed e.g. by the prominent Ukrainian expert, O.E. Malinovskaya. Opinion also differs on the number of illegal transitory immigrants successful in ‘breaking through’ from Ukraine to the EU – estimates range from 62.5 thousands to 125 thousands ‘illegals’ getting to the EU ‘at any price’ every year (Shevchak, 2008).

cross Ukrainian borders; by 2006 this had risen to 53.2%, and in 2007 this figure was 56.2%. These were primarily citizens of Moldova, Georgia and Russia. The dominance of CIS citizens amongst illegal transitory migrants in Ukraine is testified to not only by the statistics of the Ukrainian State Border Service, but also by data of the Ukrainian Ministry of Internal Affairs. Of the illegal migrants discovered on Ukrainian territory in the years 2001-07, 17.6% were citizens of the Russian Federation, 13% of Azerbaijan, 10.2% of Moldova, 7.2% of Armenia, 6.5% of Georgia and 5.7% of Uzbekistan (see Appendix no.2).

The increasing use of Ukraine by citizens of CIS countries as a launch-pad for attempts to reach EU countries can be explained by the fact that, for citizens of the former Soviet Union, in contrast to those of distant African or Asian countries, and even following the major, undeniable tightening-up of Ukraine's western borders in recent years, the route to the West via Ukraine is the shortest, most comfortable and the cheapest.

CIS citizens take advantage of their right to visa-free entry to and 90 days' residence in Ukraine. Apart from this, it is easier for the organisers of illegal border crossings, who are recruited from the structures of organised crime, if illegal migrants are citizens of the CIS, speak Russian, know local customs, can blend in with the local population and do not need to be constantly accompanied and have their transport and accommodation in Ukraine organised for them. It is enough for prospective illegal transitory migrants to get a contact phone number while still in their home country, subsequently utilising it when they near the western state borders of Ukraine, then linking up with their intermediaries, who 'help' them to illegal cross state borders.

Most of those passing through the territory of Ukraine as illegal transitory migrants are men (up to 75%), with a significant proportion having a high educational status (many can speak English), belong to the category of the materially secure, allowing them to pay for the services of intermediaries. An absolute majority of transitory illegal migrants are economic migrants in search of better living conditions in Western Europe. Certain, but statistically rather insignificant, proportion of illegal migrants represent refugees trying to flee violent conflict. A characteristic of refugees is the migration of entire families (Kiev, 2006). Obviously, illegal transitory migrants also include representatives of the poorest layers of society, who have to pay for the services of interpreters from the ranks of organised crime e.g. through the sale of their bodily organs or a promise that they will pay for their emigration to the West from their future earnings in their target country (it is, in the end, the massive revenues to be gained from illegal human smuggling allow criminal organisations to give their 'generous' consent to delayed payment for their services).

Although the mechanism and tactics of human smuggling, as well as technology used, have inevitably been perfected over time, the basic 'templates' used by the structures of organised crime in Ukraine function in the illegal smuggling of illegal transitory migrants have not changed. According to the testimony of Ukrainian border agents and illegal migrants themselves, transit and the illegal crossing of Ukraine's eastern state borders is carried out on the basis of prior agreements, closed already in the migrants' country of origin prior to their journey abroad. Migrants therefore know in advance where they will travel and where they will work and live. Necessary information is gained via various channels in their home country – various media, agencies arranging work abroad, at the marketplace, in cafés, from formal and informal migration social networks (the very existence of the social capital accumulated e.g. in the activities of 'old' and 'new' ethnic

diasporas in the host country is one of the decisive prerequisites for the functioning of migration flows – these, as a rule, gain in intensity in relation to the fluctuations of cyclical, structural and systemic crises of the market economy, but cannot be entirely stopped in democratic and open societies) (Kuzmenko,2008).

Table 2. Transitory illegal migrants (citizenship and numbers arrested at Ukrainian state borders in period, 2005 - 2007).

	2005	2006	2007
Total	4814	4789	3767
CIS countries:	2448	2547	2118
Azerbaijan	26	15	25
Armenia	69	46	77
Belarus	6	5	3
Georgia	489	333	461
Kazakhstan	14	11	11
Kyrgyzstan	3	19	3
Moldova	1319	1816	1266
Russia	470	259	238
Tajikistan	16	15	18
Turkmenistan	1	3	5
Uzbekistan	35	25	17
Others:	2366	2242	1649
Bangladesh	139	233	104
Vietnam	399	169	123
Egypt	14	25	6
India	522	632	281
Iraq	40	107	156
China	752	407	88
Pakistan	196	368	543
Palestine	76	154	30
Somalia	8	32	118
Turkey	32	33	23

Source: Statistics of the Ukrainian State Border Service

The overwhelming majority of illegal migrants start their ‘odyssey’ with a direct flight to Moscow (this route to Russian territory was taken by more than 50% of illegal immigrants later detained from the countries of Southeast Asia and Africa) from their home country. This was undertaken on an entirely legal basis, as tourists, students, on business, or based on personal invitation. These people then form ethnically homogenous groups of illegal migrants with their compatriots. These groups are subsequently transported to Ukraine via the Russo-Ukrainian or Belaruso-Ukrainian border using automotive transport, where the low and inadequate security of these borders facilitates the avoidance of border controls, or the borders are crossed on the basis of forged documents, or illegal migrants are transported in covered vehicles.

Illegal migrants remain in Ukraine for a minimum 1-2 days, a result of more frequent random checks by bodies of the Ukrainian Ministry for Internal Affairs. Once they have crossed the eastern or north-eastern state borders of Ukraine, illegal migrants concentrate themselves in Kiev and the surrounding region, or Kharkov. Those utilising sea-based transit gravitate towards the Black Sea port of Odessa. Migrants then regroup in these locations and immediately travel towards Ukraine's western borders (in other words, to the western regions of the country).

The migration situation in the geostrategically sensitive Black sea region (Odessa, Mykolaiv and Kharkiv Oblasts) is described in detail in Khmich, (2009). Official statistics of the Ukrainian Ministry for Internal Affairs offer an idyllic picture – around 7,000 illegal migrants were arrested and investigated in 2007 in the Odessa Oblast, while Ukrainian experts estimated in their interviews that, there were a minimum 200 thousand. Chinese illegal migrants alone in this region, part of whom were awaiting an illegal border crossing, and part of whom were e.g. trying to integrate into the local black and grey economies, a highly developed sector already since the Communist period.

A further change in the strategy of illegal migrants is related to the fact that the legal channels of entry into Ukraine, for the purposes of business, study, on the basis of personal invitation, etc., are currently not utilised as frequently as was the case e.g. ten years ago. This has been due to reorganisation of the employment system and the acceptance system for study of foreign citizens, tighter controls on the activities of higher-education institutions and the issuing by bodies of the Ministry for Internal Affairs of various invitations authorising visits to Ukraine. Improved controls at Ukrainian state borders have led in recent years to a decrease in attempts to illegally cross border and customs points, but an increase in attempted crossings via the so-called green border. In recent years the 'soloist' category of violators of state borders – those prepared to illegally cross Ukrainian state borders on their own – has practically disappeared, while the proportion of organised crime groups and criminal structures engaged in the transport of illegal migrants has increased. The organisers of illegal migrant transports cooperate closely with citizens of third countries whose compatriots are attempting to illegally cross Ukrainian state borders. These form the 'liaisons' between criminal groups and groups of illegal transitory migrants, and are mostly present as long-term residents on the territory of Ukraine for business purposes.

Insofar as one can speak of tighter regulations in illegal migration in Ukraine, this occurred under pressure applied by EU institutions, with whom Ukraine has been trying to create closer ties especially since 2004 (this is one of the positive effects of the Europeanising mission of the so-called Orange Revolution in Ukraine in 2004-05). It should also be emphasised that economic exports and cooperation connect Ukraine primarily to EU countries. A review of the activities of Ukraine state bodies in the sphere of illegal migration, however, still shows massive shortcomings. No progress has thus far been made in stopping the abuse, for illegal migration, of e.g. acceptance documents for study at state and private higher-learning institutions in Ukraine. For example, in 2008, 37 out of 88 foreign students accepted for study at the University of Food Technologies in Kiev disappeared without a trace. There are thousands such examples every year in Ukraine. Further example: in 2007, foreign citizens in the capital city committed 9,867 administrative offences, and although there were grounds for deportation in all cases, in reality only 2,292 foreigners were expelled, as stated by the chief prosecutor in Kiev:

/Prokuror Kieva zajavil, chto inostrantsy ispol'zuyut, vizy“ stolitsy dlya migratsiyi v Zapadnuyu Yevropu.

What is paradoxical is also the fact that, out of the total of more than 1 million illegal migrants in Ukraine, who periodically attempt to illegally reach Western Europe, the bodies of the Chief Inspectorate of Roads, which falls under the jurisdiction of the Ministry for Internal Affairs, has in its numerous checks so far (at least in the last three years) not succeeded in arresting a single transitory illegal migrant on their way to Ukraine.

The guides who take charge of illegal border crossings are recruited from the ranks of the local Ukrainian populace, well-acquainted with the border region and also have a network of contacts and connections amongst their friends and relatives, who work as border guards or as patrolmen on the Ukrainian side of the border but also on the Schengen side of state borders; sometimes they are former, and sometimes active members of the border service. In recent years, minors have been used with increasing frequency as guides across the border, as these are not held criminally responsible before a certain age.

The criminal background of illegal transitory migration can be seen, for example, in Ukraine's Subcarpathian Oblast. This region was noted in the Soviet era for its developed agricultural and industrial infrastructure. The economic collapse of this region too caused massive unemployment of the local populace. One of the few means of earning a living (apart from the widespread practice of travelling abroad for work) is for teachers, machine-workers, academic employees, doctors, woodworkers and members of many other professions to 're-qualify' and become smugglers of illegal migrants across the Ukrainian state border. The length of the Ukrainian state border in Subcarpathia is 467.3 km, containing 23 border crossings and customs points: 9 crossings have international status, 6 have frontier status and 8 are intended primarily for local traffic. The largest of these are the automobile crossings 'Tisza', 'Luzhanka' and 'Vilok' on the border with Hungary; 'Uzhhorod' and 'Malyj Berezhnyj' on the border with Slovakia and 'Dyakovo' on the border with Romania. The guarding of this much-frequented section of the Ukrainian state border falls under the jurisdiction of the Mukachevo and Chop border sections of the Western Regional Authority for the Protection of the State Borders of Ukraine, whose employees are spread across the entire length of this border.

It is through this section of Ukrainian state borders that the shortest route runs for legal and illegal migrants from the eastern part of the Eurasian landmass (and also, albeit to a lesser extent, from Africa) towards Portugal, Spain, Italy, France, Germany, Austria, Switzerland, Slovenia, Hungary, Croatia, the Czech Republic and Slovakia.

According to data of the Ukrainian State Border Agency, since Ukraine's independence the necessary infrastructure has been created over the ca. four thousand kilometres of state border, meaning an average of one guard for every 25km of border, which, according to Ukrainian experts, conforms to European standards. Apart from this, significant assistance is provided by the EU in protecting Ukraine's western borders – which, for example, provided three large thermo vision facilities in 2008, which on their own facilitate the capture of up to 40% of illegal border crossings and smuggling of contraband goods. The large amount of equipment required to protect state borders is also shown in EU countries, for example Slovakia. The joint Slovak-Ukrainian border has five border crossings. The protection of this border is overseen by 886 Slovak border guards and ten observation towers. An almost hundred-kilometre-long zone of the Slovak-Ukrainian border is naturally divided into sections. The flat south is monitored by a chain of cameras. Responsibility that no one penetrating the wilderness in the north lies with

the border patrols. These are aided by helicopters, scooters, tractors, special caterpillar vehicles and, obviously, dogs. Prior to their entry to the Schengen zone, the Slovaks promised to ensure the impenetrability of the Slovak-Ukrainian border for illegal migrants (Palaščaková, 2009).

Table 3. Statistics for number of illegal transitory migrants held – according to individual section of state borders of the Ukraine

	Total	Border with Poland	Border with Slovakia	Border with Hungary	Border with Romania	Border with Moldova	Border with Russia	Border with Belarus	Maritime border	Air border
2003	2999	611	1 297	115	107	12	717	138		2
2004	2918	769	1 548	69	13	8	391	92	6	22
2005	4814	710	3 253	108	14	56	574	42	16	41
2006	4789	737	3 269	168	20	13	417	95	23	47
2007	3767	420	2 434	262	59	77	376	41	41	44

Source: Ukrainian State Border Service

Discussion and Conclusion

Ukrainian experts have defined several route for illegal transit via Ukraine, according to the nationality (or citizenship) of illegal migrants (Migratsiyna situatsiya v Ukraïni, 2006).

- a) The Vietnamese route is characterised by attempts to illegally cross borders on the basis of forged documents, which are prepared by Vietnamese citizens living in Moscow. This route draws on the social capital of the Vietnamese Diaspora, created by Vietnamese migrant workers during the Soviet period;
- b) The Pakistan-India route is utilised by citizens of India and Pakistan arriving in the Russian Federation or Ukraine on the basis of tourist visas gained by migrants in Delhi. Further travel to the West proceeds illegally;
- c) The Sri-Lanka/Bangladesh route – users of this route try to illegally cross the ‘green border’ with the aid of guides from Ukraine, Poland, Hungary and Romania;
- d) The Afghan route is used primarily by Afghan refugees, who either already have this status or have applied for it on the territory of Russia, Ukraine, or Central Asia. The constitution of relevant groups, their provision with necessary documentation and transport of groups of illegal migrants towards the western borders of Ukraine are arranged by compatriots, legally resident in Kiev, Moscow and other cities;
- e) Chinese route – groups using this route are ‘recruited’ from the citizens of Malaysia and Vietnam. As a rule, citizens of China travel to Moscow on the basis of tourist visas. According to information of bodies of the Ukrainian Ministry for Internal Affairs, the transit and coordination of activities is carried out from a special dispatching centre located in Prague (Malinovskaya, 2007);
- f) The Kurdish route is used by ethnic Kurdish citizens of Iraq, Iran and Turkey, who travel to Ukraine on the basis of forged documents;

- g) The Uzbek-Tajik route is used particularly by those who have previously legally migrated to Russia and later wish to travel on to Western Europe. This route is used partly by those who have decided to emigrate for political or religious reasons;
- h) The Chechen route has been active since 2002. It is used by ethnic Chechen citizens of the Russian Federation trying to gain asylum.
- i) Citizens of other successor states to the former Soviet Union, if they reach the territory of Ukraine, mostly use the Uzbek-Tajik route.

In the first decade of Ukraine's independence, practically all illegal migrants were detained while attempting to illegally cross the western section of Ukraine state borders. With the gradual building of the necessary infrastructure for the protection of state borders, the numbers of illegal migrants detained started to rise, not only in the western, but also in other sections of state borders. In 1999, the number of arrests of illegal migrants attempting to illegally cross the eastern and north-eastern state border reached a proportion of 10% of the total number of arrests; by 2000 this had reached 30% and in 2002 almost 50% (Litvyn, 2003). Similarly, after 2003 the number of illegal migrants arrested on the eastern border again gradually declined, with only 11.3% of the total number of illegal transitory migrants arrested in 207 being arrested on the eastern border. The reduction in the number of illegal migrants arrested cannot be put down to a deterioration in the quality of border controls, as this decrease in arrests occurred 'in parallel' to an increase in the numbers of citizens of CIS countries in illegal transit flows. As already described, citizens of CIS countries, enter Ukraine on the basis of their visa-free status (in other words, there is no need to cross the eastern border of Ukraine illegally).

Ukraine inherited its joint border with its four European neighbours from Soviet times. These are the so-called old state borders of Ukraine, which have been, from the point of view of their delimitation and demarcation, problem-free. Ukraine does have, however, more problems with the so-called new state border with countries of the Commonwealth of Independent States, as these borders were once the administrative borders of the Soviet republics. The 'new' borders with the Russian Federation are key to Ukraine from a geopolitical perspective. The practical resolution of issues arising from the definition of this eastern border did not begin until 1998. Competent specialist commissions were created at the level of the Ministries for Foreign Affairs of Ukraine and the Russian Federation, devoted to the issues surrounding the delimitation of state borders. The work of these expert commissions lasted four years and culminated in the signature of relevant bilateral agreements. However, there has thus far been no progress in the building of standard state border, with the necessary facilities and infrastructure, between Ukraine and Russia. The individual sections of this border are poorly policed and frequently controlled by organised crime groups, which smuggle goods in both directions (Pritkin, 2005, p. 8). The easy accessibility of the Ukraine-Russian border brings with it negative consequences for Ukraine. In 2008, Ukraine passed a law on readmission, whereby it undertook to accept on its territory illegal migrants who have been deported from European Union countries. The absence of standard Russo-Ukrainian borders frustrates the option to subsequently deport illegal migrants from Ukraine back to the Russian federation, as it is easy for these illegal migrants to return to Ukraine and repeat their attempt to illegally cross Ukrainian state border to Western Europe (Moskal', 2009, p. 4).

The greatest proportion of illegal transitory migrants was detained on the Slovak-Ukrainian border. This section is extraordinarily amongst smugglers of illegal migrants due to its natural properties – as the area is covered by thick forests, illegal guides and their groups can use the simple excuse that they lost their way in the forest and also because the penalties for violating the border are lower on the Slovakian side than e.g. in Romania. Apart from this, there were at the same time in Slovakia more lenient conditions for the submission of an application for asylum, meaning the at least temporary avoidance of enforced deportation from the country. In 2007, on the eve of the country's entry into the Schengen zone, the penalties for the organisation of illegal migration were increased, with a resultant reduction in the activities of smugglers on the Slovak-Ukrainian border.

There is no doubt that a link exists between illegal migration processes, organised crime and corruption. Illegal migration could probably not exist without this link, and it is quite certain that it would not constitute a serious social problem. Illegal migration is currently supported by organised crime and corruption, but is also a product of it. Border officials and guards are direct participants or accomplices in the smuggling of illegal transitory migrants. This is, in many cases, linked not to an attempt to earn some quick money, but to the extremely low pay offered, which does not give border officials and guard an adequate quality of life.

A rank-and-file Ukrainian border guard earned in 2008 around 200 EURO per month, with a warrant officer earning 300 EUR and an officer around 400 EURO, with living costs being comparable to those in the Czech Republic. Due to low incomes on the western border of Ukraine, only 73% of the minimum required number of border guards to patrol the border is actually serving. The journey from Asia to Europe costs an illegal migrant an average of 15 thousand USD, with 20% of this amount remaining in the hands of organised crime groups in Ukraine. These groups make a profit of around 125 million USD per year from illegal migration. Border guards on the Ukrainian side arrest annually 40-50% of illegal migrants attempting to cross state borders. Their colleagues in neighbouring countries have a much higher percentage rate of success.

A minimum thousand people are led over some sections of the western borders of Ukraine every month. The profit for this per migrant is 1.5-2 thousand USD. Profits can reach 2 million USD in a month, being subsequently apportioned amongst the organisers of illegal human smuggling. It is for this reason that Ukrainian border guards take a material interest, being able to buy an Audi 8 car (priced at 80 thousand dollars on the Ukrainian market) after 2 months of service.

The only migrant who are arrested while attempting to cross the border are those who haven't paid for their passage and do not have the necessary protection from the ministries; according to some circumstantial evidence, human smuggling and illegal migration processes are managed directly from Kiev, specifically from the Ministry for Internal Affairs and the Ukrainian Security Services.

European Union bodies often voice criticism of the situation on the Slovak-Ukrainian border, which is the source of the greatest problems on Ukraine's western frontier. The Ukrainian expert, G. Moskal' (2007), made the following comments on this situation: *"Corruption on our side of the border is constant and ubiquitous and I have a suspicion that it has started to penetrate also to the Slovak side of the border"*.

Apart from this, the ranks of illegal migrants themselves and the organisers of their illegal border crossing very frequently include persons who have, in the past, come into conflict with the law. For example, in 2004, 67 prosecutions were initiated in Ukraine

against organisers of illegal migration; in 2005, this number had risen to 148, in 2006 to 211 and in 2007 to 253. A total of 283 persons were convicted over four years. One further interesting finding is the lack of a direct link between the illegal smuggling of humans and the smuggling of narcotics³ – these are entirely separate lines of business, at least in the world of organised crime in Ukraine.

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³ Official website of the Ministry for Internal Affairs of Ukraine – www.mvs.gov.ua

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