

**STRENGTHENING MIGRATION MANAGEMENT AND COOPERATION  
ON READMISSION IN EASTERN EUROPE (MIGRECO)**

**A STUDY ON INTEGRATION,  
HATE CRIMES AND DISCRIMINATION  
OF DIFFERENT CATEGORIES OF MIGRANTS  
IN MOLDOVA AND UKRAINE**

**SUMMARY**



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# OVERVIEW OF EUROPEAN EXPERIENCE IN IMMIGRANT INTEGRATION AND EVALUATION OF THE EFFECTIVENESS OF STATE POLICY

## Background of the EU's migration-integration policy

Having conducted research and analysed current trends in the European Union, the European executive authorities found that the working-age population began to decline in 2012 against the backdrop of an aging population, and over the next decades this figure may be reduced by 14 million people.<sup>1</sup> According to Eurostat,<sup>2</sup> the EU's total population was 503.7 million people and its economically active population (aged 15-64) 335.4 million people as of 1 January 2012. The able-bodied population is projected to continue to decrease over the next 50 years and will be at 290.6 million by 2060.

This, among other things, pointed to the need to implement deliberate policy of attracting immigrants, given also the fact that 32 million people now living in the EU (i.e., approximately 6.5% of the total population) came from other countries. According to a Eurobarometer survey,<sup>3</sup> 70% of EU citizens recognise the need to attract immigrants for the development of the EU's economy. At the same time, certain challenges associated with the integration of foreigners, which should be counteracted by the EU community, and the need for local communities to practice tolerance and interaction were indicated. A survey presented by the Gallup World Poll<sup>4</sup> in 2011 shows that there is a global trend of short-term migration to improve the financial situation rather than permanently moving to live in another country.

## The basic principles at the EU level

Although there is at present no single clear standard for the integration of immigrants in the European Union which would be mandatory for fulfilment by all member states, over the last decade the European Commission has repeatedly highlighted this as an important issue and formulated guidelines that can be considered the so-called minimum standard.

Today, the EU has no competence to establish requirements for the harmonization of national legislation in the field of integration, but it does establish the main trends and identify key issues in this area. So, for example, it *defines who is considered an immigrant and which integration areas are crucial*.

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1 [http://europa.eu/rapid/press-release\\_IP-13-552\\_ro.htm](http://europa.eu/rapid/press-release_IP-13-552_ro.htm)  
<http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/EUROSTAT>

2 <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home/>

3 [http://ec.europa.eu/public\\_opinion/index\\_en.htm](http://ec.europa.eu/public_opinion/index_en.htm)

4 <http://www.gallup.com/strategicconsulting/158126/current-past-european-research-projects.aspx>

## Key Concepts

Before considering certain provisions of integration approaches and methods to assess their effectiveness in some member states we must define terms, namely five basic concepts for the topic at hand: **multiculturalism, assimilation, interculturalism,<sup>5</sup> migration and integration.**

There is no official definition of migration at the EU level.<sup>6</sup> This term describes movement of persons across borders in search of work or a new place of residence or study and is used to identify non-EU nationals residing in the EU or moving within its borders. The bulk of the EU's integration efforts are aimed at so-called first-generation immigrants – those born outside the member states. However, in the context of developing successful approaches to integration and considering coverage of migrants' children, it is important to remember that second-generation migrants<sup>7</sup> should also be integrated. Definitions proposed for this study are based on the approach adopted by the Centre for European Policies Studies.<sup>8</sup>

**Integration** is a process rather than an end result. Integration is best described as dynamic, consistent implementation of policies aimed at active measures to ensure opportunities for representatives of minority groups (immigrants) to learn the language of their new society, its traditions, culture and values. The term is also used in defining policy aimed at securing the involvement of migrants in the labour market and social support. Integration policies in individual countries may range from multiculturalism to complete assimilation.

At one time, **the European Commission proposed its own understanding of integration:**<sup>9</sup>

*Integration should be understood as a two-way process based on mutual rights and corresponding obligations of legally resident third-country nationals and the host society which provides for full participation of the immigrant. This implies on the one hand that it is the responsibility of the host society to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural and civil life and on the other, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process, without having to relinquish their own identity.*

## The history of the EU-level approach

In the process of harmonising the general principles of European policy on integration and while working out a common approach, within the framework of developing law and approaches, the EU's attitudes and focus in integration issues have changed. The first step in the formation of what can today be considered a pan-European approach to integration was the adoption of **the Tampere Programme**<sup>10</sup> in

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5 See the definition of the first three terms in the Glossary on the disk.

6 See <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/migration.htm>

7 Under second-generation migrants we understand children of first-generation migrants born in the territory of the host country who already are citizens of this country. Eurostat refers to certain studies as it compares data on first-generation and second-generation migrants, which are, in particular, used to formulate the tasks of integration and evaluate its success. A more detailed example of this kind of research can be found here [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF)

8 Centre for European Policies Studies (CEPC), Brussels. More about the CEPC can be found here <http://www.ceps.be>

9 European Commission, Commission on Immigration, Integration and Employment, COM (2003) 336, Brussels, 3 June 2003.

10 Tampere Programme (Finland, 1999) is the first action plan in the field of freedom, security and justice for 2000 for the EU Member States. More information on the programme is available here [http://www.europarl.europa.eu/summits/tam\\_en.htm](http://www.europarl.europa.eu/summits/tam_en.htm)

1999, which was developed after **the EU's first two anti-discrimination directives**, one concerning racial equality and the other workplace equality. Both directives established an equality-based approach and applied to both citizens of member countries and migrants. By the end of 2006, all member states had incorporated both directives into their national law some way or another. This process was later supplemented by documents concerning the right to family reunification and determining the status of third-country residents permanently residing in the EU.

In this process, some member states<sup>11</sup> have departed from the approach of liberal multiculturalism and insisted that such rights must be combined with the duties or conditions identified as **“integration conditions”**. Where it was not about refugees, the conditions required that applicants meet certain standards, such as knowledge of the state language. This process led to the adoption, in 2004, of the second two-year development programme, known as the **Hague programme**,<sup>12</sup> which, no longer acknowledging the competence of member states to independently define their national policies on immigration, established **11 “common basic principles” for the EU member states in the field of migrant integration policies**:

1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of EU countries.
2. Integration implies respect for the basic values of the European Union.
3. Employment is a key part of the integration process and central to ensuring participation of migrants, their contribution to the host society and visibility for such contribution.
4. Basic knowledge of the host society's language, history and institutions is indispensable to integration; providing migrants access to such knowledge is an essential element of successful integration.
5. Efforts in education are critical to preparing migrants and especially their descendants for more active and successful participation in the life of society.
6. Access for immigrants to institutions as well as to public and private goods and services in a non-discriminatory way and on equal terms with the local population is a critical foundation for better integration.
7. Frequent interaction between migrants and EU citizens is a fundamental mechanism for integration. Common forums, intercultural dialogue, learning about migration and migrant culture and stimulating the creation of living conditions in urban areas – all of this enhances contacts between the country's residents and migrants.
8. The practice of diverse cultures and religions is guaranteed by the Charter of Fundamental Rights and must be safeguarded by the state except where practices come into conflict with other basic rights and national law.
9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.
10. Consideration of the objectives and mechanisms of integration policy at all levels of public administration and their inclusion in all portfolios at the national and local level are an important element of developing and implementing national policy.
11. The development of clear tasks, indicators and assessment tools is a prerequisite for integration policy review, progress assessment and exchange of information in the process in order to improve the ultimate effect.

11 The leaders here were Germany, Austria and the Netherlands.

12 The full text of the programme is available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF>

These principles were developed as a result of integrating various approaches and concepts with an emphasis on the so-called two-way process of mutual accommodation of immigrants and host societies that involves a certain mixture of rights, duties and mechanisms of active integration.<sup>13</sup>

A short time later, in November 2004, at the initiative of Denmark which presided in the European Union, the European Council adopted a number of **Common Basic Principles for the integration of immigrants**<sup>14</sup> which contained a set of recommendations and explanations about important aspects of the integration process and included three components:

1. Standards for courses to learn the language and culture of the host country.
2. Standards for the openness of the host country's organisations in their relationships with immigrants in terms of public perception, equal opportunities and institutionalised diversity.
3. Standards for the active participation of immigrants in all spheres of public life.

Another development and a certain change of focus, but not the direction of general trends and approaches to integration at the EU level, took place after the signing of the Lisbon Treaty<sup>15</sup> and the adoption of the third multi-year programme<sup>16</sup> for 2009-2014. These two documents brought a clearer focus on human rights and the principles of non-discrimination and equality to the development of integration policies and approaches. The Stockholm Programme builds on the integration of fundamental rights, emphasising "proactive approaches to creating policies on migrants and ensuring their rights."<sup>17</sup>

Thus, the European approach to integration in a broad sense, despite many differences resulting from the specific national approaches and policies, can be interpreted as being **based on the principle of non-discrimination and respect for human rights**.<sup>18</sup> This may be defined as passive liberal multiculturalism or support for assimilation. For example, immigration policy and the granting of citizenship became more restrained and limited due to the implementation of strict formal requirements and positive integration criteria, which indicates a shift towards assimilation. On the other hand, some exceptional individual provisions have evolved towards greater recognition of fundamental rights (such as changes Germany made in its policy on the acquisition of German citizenship).<sup>19</sup> In general, the EU's policy on integration and the approaches of individual countries shows a compromise between the polar approaches of assimilation and multiculturalism and is based on experience, comparisons, a combination of rights and duties and proactive approaches that are better designated as "interculturalism".

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13 See "Interculturalism. Europe and its Muslims in search of sound societal models." (c) Centre for European Policy Studies, 2011.

14 See COM 389, A Common Agenda for Integration, 2005: [http://ec.europa.eu/ews/UDRW/images/items/docl\\_24055\\_926673254.pdf](http://ec.europa.eu/ews/UDRW/images/items/docl_24055_926673254.pdf)

15 See the text of the Lisbon Treaty at <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>

16 Known as the Stockholm Programme, see: [http://europa.eu/legislation\\_summaries/human\\_rights/fundamental\\_rights\\_within\\_european\\_union/jl0034\\_en.htm](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/jl0034_en.htm)

17 See "Interculturalism. Europe and its Muslims in search of sound societal models." (c) Centre for European Policy Studies, 2011 Summary and Conclusions © Michael Emerson.

18 This can be defined as passive liberal multiculturalism or support for assimilation.

19 Ibidem.

## Indicators

Considering the European experience of migrant integration and trying to use Europe’s achievements to analyse and improve migrant integration in Ukraine, the most important thing is to look at the system of indicators used by the EU Member States in developing their integration programmes. In 2010, the Ministerial Conference in Zaragoza produced the following indicators as the common guidelines in the development of integration policies for the member states (Table 1.1).

**Table 1.1. Core indicators in the development of integration policies for the EU member states**

Area	Core indicators
Employment	<ul style="list-style-type: none"> <li>• employment rate</li> <li>• unemployment rate</li> <li>• activity rate</li> </ul>
Education	<ul style="list-style-type: none"> <li>• highest educational attainment (share of population with tertiary, secondary and primary or less than primary education)</li> <li>• share of low-achieving 15-year-olds in reading, mathematics and science</li> <li>• share of 30–34-year-olds with tertiary educational attainment</li> <li>• share of early leavers from education and training</li> </ul>
Social inclusion	<ul style="list-style-type: none"> <li>• median net income – the median net income of the immigrant population as a proportion of the median net income of the total population</li> <li>• share of population at risk of poverty rate</li> <li>• the share of population perceiving their health status as good or poor</li> <li>• ratio of property owners to non-property owners among immigrants and the total population</li> </ul>
Active citizenship	<ul style="list-style-type: none"> <li>• the share of immigrants that have acquired citizenship</li> <li>• the share of immigrants holding permanent or long-term residence permits</li> <li>• the share of immigrants among elected representatives</li> </ul>

The 2010 Zaragoza Declaration,<sup>20</sup> which was adopted by the EU ministers, included an appeal to the European Commission to carry out a pilot study to determine general integration indicators and collect data required for the development of such indicators. In 2011, Eurostat published the data of this pilot study,<sup>21</sup> and it was decided that the areas for which general indicators would be developed would be **employment, education, social inclusion and active citizenship** (see more details in Table 1.1. above). The report included calculations of the proposed indicators for each Member State based on data pre-

20 See [http://ec.europa.eu/ewsi/UDRW/images/items/docl\\_13055\\_519941744.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/docl_13055_519941744.pdf)

21 See [http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=21352](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=21352)

sented in the study of the EU's labour market (EU-LFS),<sup>22</sup> statistics on income levels and standard of living in the EU (EU\_SILC),<sup>23</sup> Eurostat's migration statistics<sup>24</sup> and data generated by an assessment programme of international students (PISA).<sup>25</sup> This was the first step towards consensus in choosing the most acceptable integration indicators in Europe.

The next step is to construct a statistical data collection system that would reflect all the indicators for each EU country. Many countries are only at the beginning of this path. In addition, there are ongoing debates about what constitutes active citizenship and how this area is represented by the general indicators.

However, despite differences in approaches to integration within the EU, there remains a common understanding that active citizenship as a participation tool in the democratic life of a country is an important factor that affects the effectiveness of integration.

## The approach to determining immigrant integration measures

The European Commission has identified concrete immigrant integration measures. They rest on an understanding that immigrant integration into the labour market and society is the mutual duty of foreign nationals, the authorities and the society of the country they choose for residence.

On the one hand, it is assumed that **immigrants have a duty to integrate into local society** through the following:

- studying the language of the population of the host country
- studying the legal, political and social systems of the host country and respecting their principles
- respectful attitude to the customs and traditions, as well as to the system of social relations of the host country.

On the other hand, the authorities of the EU Member States are encouraged to contribute to the construction of inclusive society through the following:

- providing access to the labour market
- securing non-discriminatory access to education
- providing access to health care
- providing access to goods, services and housing
- securing the right to participate in the democratic process.

Thus, in developing solutions for immigrants and for overcoming the tension that arises during contacts with the local authorities, European institutions **emphasise meeting certain mutual commitments by both immigrants and the public authorities in the process of integration.**

**Local self-government bodies** play an important role in the integration process as they can use the support of European funds for the successful integration of immigrants. The emphasis here is on the role

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22 See <http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/lfs>

23 See [http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/eu\\_silc](http://epp.eurostat.ec.europa.eu/portal/page/portal/microdata/eu_silc)

24 See [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant_population_statistics)

25 See <http://nces.ed.gov/surveys/pisa/>

of integration into the local environment as the most effective means of overcoming tensions and challenges that arise between immigrants and local communities. The EU demonstrates its support for the integration networks of the local authorities.

## Funds / structures / tools

Today, the important tools<sup>26</sup> that the EU has for integration policies include the following:

1. Creating a network of national contact points on integration for exchanging experience and information between the Member States in order to share best practices and develop national initiatives in line with the EU's policies.
2. Creating a European website on integration issues.<sup>27</sup>
3. Creating a European handbook on integration.<sup>28</sup>
4. Creating the European Integration Fund (according to decision 2007/435/CE of the Council of Europe of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows").
5. Creating the Asylum and Migration Fund.
6. Creating an EU portal on migration problems and modules of European integration;<sup>29</sup> this portal serves as a source of information for those involved in the implementation of actions for the integration of foreigners and contains the following information:
  - examples of experience and an extensive database
  - a library of laws, political documents and short reviews of conferences on the subject
  - action plans undertaken in the field of integration
  - contact information of persons involved in the integration process
  - data on integration activities carried out by each EU Member State.

## Lessons for Ukraine and Moldova

The EU raises an important issue of establishing a system of consistent and continuous data collection and analysis which is required for determining and agreeing on integration indicators. Important questions in this process include the following: who collects what information; where it is stored; who is responsible for its analysis and further consideration in adapting or changing integration policies. These questions are important in the development of monitoring mechanisms and analysing the efficiency of the integration process, which is needed to evaluate its final result or its stages.

The experience of many European countries shows that the monitoring process (which includes the collection and analysis of information) is an integral part of the implementation of integration policy. In this context, monitoring is understood as periodic tracking of the implementation of an integration programme or individual integration activities throughout the entire programme in a standardised form.

26 See [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/immigration/integration/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/immigration/integration/index_en.htm)

27 <http://ec.europa.eu/ewsi/fr/index.cfm>

28 Guidelines for integration for policy makers and practitioners, p. 36 [http://ec.europa.eu/ewsi/UDRW/images/items/docl\\_12892\\_673296605.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/docl_12892_673296605.pdf)

29 <http://ec.europa.eu/ewsi/fr/resources/index.cfm>, [http://ec.europa.eu/news/external\\_relations/111121\\_ro.htm](http://ec.europa.eu/news/external_relations/111121_ro.htm)

Information collected in this manner is subjected to analysis and then constitutes data based on which a certain programme or individual activity can be evaluated, changed or continued. Monitoring and its standards and the frequency need to be developed together with the policy. For efficient information collection, analysis and application of monitoring results, it is desirable to have one agency responsible for this process which would not only quickly gather and process information but would also disseminate it among other stakeholders involved in the process.

The first thing that stands out in the EU's approach to migrant integration is its consistency and continuity. Ukraine and Moldova, which have only recently realised the need for integration and taken their first steps in this direction, do not, naturally, have much experience. However, a systematic and consistent approach to policy development in this area is the first step to success.

Another important issue is the need for continuing research in this area both to assess the success or failure of a particular approach and to constantly monitor the situation – monitoring new risks, developing new sustainable communities, understanding the reaction of the local population and the difficulties faced by migrants during integration, realising the need to improve the legal framework and so on.

The third important thing that both countries should pay attention to is a need to thoroughly study the experience of other countries and their approaches to integration. This will not only make it possible to avoid mistakes made by others, but also immediately build an effective system.

The last, fourth, conclusion is that while developing integration policies, the state must immediately incorporate performance indicators and a schedule of system checks in accordance with these indicators. This will make it possible to efficiently evaluate the system and make the necessary changes.

To sum up, the authorities responsible for integration, jointly with civil society and EU experts, need to amend the very concept of integration, which would include, first of all, the definition of integration and expected results, clearly define the categories of persons to be covered by all or some of the measures. It is necessary to spell out the foundational principles for an approach of integration, develop performance indicators, create a system for collecting and analysing data and develop a schedule for monitoring programmes' effectiveness in the process of integration. It is crucial to define, jointly with civil society, the scope and the priorities. This study may become the first step towards the formation of this kind of systematic approach to integration in Ukraine and Moldova.

# A STUDY ON INTEGRATION, DISCRIMINATION AND HATE CRIMES OF FOREIGNERS IN THE REPUBLIC OF MOLDOVA

## Introduction

Migration movements of people between different countries and regions existed throughout the whole human history and these movements to a large extent had shaped the modern political map of the World. Now, according to the global UN assessments, 232 million people – or more than 3% of the Earth population – have the status of immigrants in countries of their contemporary stay.

Besides underlying causes of these processes, integration of immigrants is a challenge to countries of destination of the migration flows; the most recent milestone in this context is associated with emergence of the idea of “the failure of multiculturalism” in political debates in developed countries of the European Union.

The situation in the Republic of Moldova in the period of its independence was characterised by prevalence of emigration of the country’s nationals for purposes of employment abroad. In the same period of time, the scale of immigration was not substantial – numbers of immigrants were low in comparison with the country’s population. However, recent manifestations of the immigration phenomenon suggest some changes as the process may intensify with growing number of immigrants, refugees and applicants for citizenship of the Republic of Moldova. In 2012, for the first time in 20 recent years, number of immigrants exceeded number of emigrants, while Moldova’s association with the EU and liberalisation of visa requirements in relations between Moldova and the EU are expected to facilitate migration flows to the country.

In this context, it is necessary to introduce levels of social and economic integration of foreigners in the society (including problems of discrimination and hate crimes) into the national political agenda.

Mainly due to the fact that the problem of foreigners’ integration in Moldova emerged only recently, and particularly in connection with a small scale of the process so far, we can acknowledge both lack of any efforts to evaluate the situation in the sphere of foreigners’ integration and lack of any structured approach to monitoring the situation over time. At the level of the European Union, issues of immigration and integration were discussed for a long time, while social integration of foreigners in the host society belongs to the key issues of public policies in the sphere of immigration. In this context, the Republic of Moldova is just making its initial steps.

The Study on Foreigners’ Integration, Discrimination and Hate Crimes in the Republic of Moldova conducted by the International Organisation for Migration, may be the first research study that provides an insight into the comprehensive situation of foreigners in the Republic of Moldova, reflecting information on many spheres of social life.

The study sought to evaluate levels of foreigners' integration in the Republic of Moldova, to assess efforts of national authorities in the sphere of foreigners' integration, and to provide recommendations on future policies.

In the framework of the study, integration is considered as a two-way process of mutual adaptation of immigrants on the one hand and the host country residents on the other. The integration process should result in equal civil, social and economic opportunities for all. The level of integration of immigrants is evaluated in the following spheres:

1. employment and access to the labour market;
2. access to education, including opportunities to study the state language;
3. access to health care services;
4. availability of housing (places of residence);
5. access to legalisation of stay and availability of different forms of legalisation, including naturalisation;
6. discrimination and hate crimes.

## METHODOLOGY

**The study objective** is associated with evaluation of level of third country nationals' integration, assessment of efficiency of state policies in the sphere of integration of immigrants, and development of recommendations for state policies for further integration of immigrants and combating discrimination of foreigners and hate crimes.

**Integration**, in the context of this study is understood as a process of mutual adaptation of immigrants on the one hand and the country's residents on the other, resulting in equal civil, social and economic opportunities for foreign nationals. In this context, discrimination is considered as a major barrier to integration.

**The target group** of the study includes foreign nationals or stateless persons who reside in the Republic of Moldova with legal grounds for stay at the country's territory. The study did not cover persons who stay at the country's territory in the course of short-term visits or cross the country in transit, whose purposes of stay do not presume stay in excess of the minimal duration of stay that does not require registration (i.e. stay for less than 90 days in six month from the date of the first entry to the country).

**The study object:** integration of foreigners.

The study covered the whole territory of the Republic of Moldova except the districts at the left bank of the Dniester.

### Sources of information:

1. official statistics;
2. laws and regulations;
3. administrative data of public authorities;
4. individual interviewing of representatives of public authorities, international and non-governmental organisations, diasporas;
5. surveys of foreigners.

**Methods applied:**

1. analysis of documents;
2. qualitative social studies;
3. quantitative social studies.

**Qualitative research**

The study covered three separate groups of foreigners residing in Moldova:

1. refugees – adults (over 18), granted the refugee status according to the due legislation of the Republic of Moldova;
2. foreign students – foreign nationals or stateless persons who attend higher education facilities of the Republic of Moldova; the study covered students of the second academic year or upper;
3. immigrants – foreign nationals and stateless persons, granted permanent residence permits, temporary stay permits and/or employments permits in the Republic of Moldova, who do not belong to any of the previously listed categories.

**The study sample:** 299 respondents who stayed at the territory of the country for at least 1 year.

**Sample type:** quota-based sample. In addition to quotas for categories of foreigners (refugees, students, immigrants), age and sex quotas were also set.

**Survey methods:** “face to face” questioning by interviewers.

**Questioning venues:**

1. to collect information on refugees, respondents were selected among participants of events organised by the Charity Centre for Refugees;
2. to collect information on students, respondents were selected among students of the following higher education facilities: N. Tosmentsianu State Medical and Pharmacy University, the Moldavian State University, the International Independent University of Moldova, Komrat State University and the Academy of Arts of Moldova;
3. to collect information on immigrants, respondents were selected among visitors of “single point of contact” offices of the Office for Migrants and Refugees of the Republic of Moldova – in Chisinau, in the Northern Regional Service (Beltsy) and the Southern Regional Service (Komrat).

**Qualitative research**

In the course of the study, representatives of the following categories were interviewed individually:

*Public authorities:*

1. The Ministry of Labour, Social Protection and Family;
2. The Ministry of Education;
3. The Ministry of Culture;
4. The Ministry of Information Technologies and Communications;
5. The Ministry of Interior;
6. The Office for Migration and Refugees;

7. The National Employment Agency;
8. The Office of the Prosecutor General.

*International organisations:*

1. The United Nations Development Program (UNDP);
2. The Office of the United Nations High Commissioner on Refugees (UNHCR).

*Non-governmental organisations:*

1. The Legal Centre of Lawyers;
2. The Charity Centre for Refugees;
3. AVE Copiii;
4. Armenian diaspora in Moldova;
5. African diaspora in Moldova.

## CONCLUSIONS AND RECOMMENDATIONS

For two recent decades after gaining its independence, the Republic of Moldova was not a country with a clearly marked inflow of immigrants. In comparison to the country's population, number of immigrants was negligible. Moreover, the net inflow of immigrants in the period was negative as number of emigrants exceeded number of immigrants.

However, in 4-5 recent years the migration flows changed substantially – outflows of emigrants decreased while inflows of immigrants increases and in 2012 a positive net immigration was registered for the first time.

A significant inflow of immigrants in recent years suggests the need to introduce issues of foreigners' integration into the socio-political agenda in the Republic of Moldova. In the future, as the Republic of Moldova will continue its integration with the EU and liberalise travel requirements, our country will become a rather attractive bridge to the EU. As a result, number of persons who apply for Moldavian citizenship are expected to increase gradually. **Therefore, now it is necessary to develop a comprehensive concept and policy in this sphere.**

**At the same time, it is necessary to develop a logical system for maintenance of comprehensive monitoring that should reflect developments in the sphere of foreigners' integration, covering all social spheres and incorporating the whole range of specific indicators including policy impact indicators.**

Now, the due legislation of the Republic of Moldova does not stipulate restrictions for foreigners at the territory of the country (except some political restrictions), while foreigners who stay in the country legally, enjoy the same rights as citizens of the Republic of Moldova.

In recent years, a major progress was registered in the Republic of Moldova in terms of aligning migration-related laws and regulations with relevant international standards, and implementation of comprehensive strategies in the sphere of migration and integration of immigrants.

Approval of the Law of Moldova on Integration of Foreigners is the first step towards launching the process of integration of foreigners into the host society. The Law stipulates a concept of integration that focuses on mutual recognition of human rights by both immigrants and the host country (the process is based on EU practices).

The study results suggest that – at least so far – nothing like an “explosive tide” of applications for citizenship is observed. Less than a half of the foreigners surveyed reported having plans to apply for citizenship of the Republic of Moldova or being in the process of naturalisation.

Recently, some efforts were made to facilitate and streamline foreigners’ documentation procedures. As the study respondents admitted, generally, several requirements in connection with naturalisation and issuance of documents to foreigners are not perceived as factors that infringe or limit their rights. At the same time, respondents were found to be scarcely aware of these rules, notwithstanding the consolidation of the legal framework of foreigners’ integration.

**Taking into account that numerous amendments were made recently into the migration legislation, we recommend applying additional efforts to ensure continuous and efficient notification of both relevant governmental agencies and beneficiaries on provisions of laws on immigration and integration of foreigners.**

**Besides that, it is necessary to organise training courses on application of the Law on Integration of Foreigners and international equality standards – the courses should cover personnel of relevant governmental agencies, judicial bodies and NGOs.**

Having equal rights with Moldavian nationals, foreigners in Moldova are protected by national laws in specific spheres.

In the sphere of employment, relevant agencies will offer some special services to foreigners – beneficiaries of integration programs. A rough comparison with local residents suggests no signs of any unfavourable conditions for foreigners at the labour market – employment rates among foreigners in Moldova are similar to employment rates among local residents. However, there are some disturbing aspects as well:

1. Some foreigners covered by this study belong to the category of labour migrants. If we exclude the latter category, the share of employed foreigners would become lower (by 10%), comparatively to local residents.
2. Shares of employed foreigners in rural areas are twice lower comparatively to their urban counterparts. The difference is attributed to lack of own land plots.
3. Differences in employments rates would become even more striking if we account for the fact that foreigners usually have higher education levels in younger age comparatively to local residents.

Therefore, as we can see, foreigners’ labour capacity is not utilised fully. **Such a situation suggests that relevant agencies should apply more efforts for employment of foreigners in Moldova (now their contribution is not visual as the majority of employed immigrants managed to find jobs independently).**

**Unemployed refugees should be paid higher attention than other categories (25.1% of unemployed among the foreigners, comparatively to 5.6% of unemployed among local residents and 9.7% among all foreigners). This study clearly defines the key to address the problem of unemployment. The main reason for refusals to employ foreigners was associated with their poor language proficiency (the latter factor reduces effects of re-training or refresher training courses that were attended by 10.6% of unemployed foreigners).**

At the same time it is worth to note a higher level of satisfaction by services offered to foreigners by the Employment Agency, suggesting that **efforts in the sphere of employment should seek to increase numbers of foreigners who are served by the Employment Agency instead of reframing its programs.**

A poor proficiency in the state language at the territory of the Republic of Moldova is not a mere problem of the labour market, it is a problem of foreigners' integration in general – therefore, integration policies in this sphere should be enhanced. Four out of ten foreigners do not know the state language, 23.6% do not know the Russian language and about 8% of foreigners do not know any of these languages.

Notwithstanding a poor language proficiency, only a few respondents reported attending courses of the state language. However, the main reason of low popularity of these language course is associated with the fact that foreigners are not aware of their availability, **suggesting the need to extend media coverage of associated issues.**

In the sphere of access to education, the study results do not reveal negative developments and access of foreigners' children to education is similar to that of local residents.

Now, foreign nationals have equal rights and duties in the sphere of access to health care services with citizens of the Republic of Moldova. The majority of surveyed foreigners (75.3%), who used some health care services at the territory of the Republic of Moldova, did not report any problems. In other cases, foreigners encountered the same problems as local residents.

However, notwithstanding the mandatory medical insurance stipulated by the due legislation of the Republic of Moldova, the levels of insurance coverage among foreigners reaches only 57.1%. The level of insurance coverage is particularly low among refugees (39%). At the same time, it is worth to note a low level of awareness of rights of refugees under state insurance coverage being granted immediately after their inclusion into certain integration programs.

Foreigners demonstrate a specific feature – among them, higher shares of persons pay for their insurance by themselves, while in the case of the general population employers predominantly pay for insurance.

Excluding typical reasons to refuse medical insurance (no need or high costs), 16% of foreigners who are not covered by insurance in Moldova, have insurance policies of other countries.

In the sphere of housing support, the due legislation on foreigners' integration stipulates that beneficiaries of integration programs without sufficient finance resources for housing accom-

modation may be accommodated in specialised facilities and in facilities of subordinate bodies of the Office for Migration and Refugees. So far, only one centre for temporary accommodation is operating in the Republic of Moldova – the centre accommodated asylum seekers and beneficiaries of certain forms of protection. Overall, state housing assistance was used by 5.5% of foreigners covered by this research study, while a third of them reported renting housing independently. Totally, about 20% of foreigners covered by this study suggested the need of state housing support.

In the course of the study, a higher level of discrimination of foreigners by local residents was identified. Citizens of the Republic of Moldova often infringe foreigners' rights in the course of renting out their real estate – they prefer Moldavian nationals as lodgers and charge much higher rent rates to foreigners. **Therefore, it is necessary to develop some options to protect foreigners from discrimination at the market of private housing.**

The sphere of combating discrimination and hate crimes is regulated by Law on Ensuring Equality (Law # 121 of 25.05.2012), that seeks to prevent and combat discrimination, to ensure equality of all persons staying at the territory of the Republic of Moldova in economic, political, social, cultural life, etc. The Law covers such grounds for discrimination as race, age, disabilities, opinions, political views and other similar criteria.

In 2013, six criminal cases were initiated on grounds of hatred, but none of them was associated with foreigners. In the course of interviewing representatives of public authorities, we ascertained that no professional training is provided to persons in charge of prevention and combating hate crimes. Police, criminal prosecution bodies and prosecutors usually investigate criminal cases with involvement of foreigners on general grounds without categorising them as hate crimes.

In general, foreigners highly assess the level of tolerance of local residents in respect to foreigners. Nonetheless, every third respondent reported encountering hostile attitudes in connection with his/her status of an immigrant in Moldova, while about 17% of them reported being treated unequally on the same grounds. **A particular attention should be paid to combating non-equal treatment in the course of provision of public services in the sphere of education, public health and law enforcement, as the latter ones are observed more often than manifestations of discrimination by local residents.**

**Besides that, we recommend to create a favourable general atmosphere for promotion of foreigners' integration in public information campaigns about benefits of migration, focusing on utilisation of human potential, positive influence and contribution of migrants into development of the Moldavian society, promotion of tolerance and respectful attitudes to foreigners at the society level.**

**In this context, it is necessary to facilitate inter-cultural contacts between foreigners and the host society, promoting thus a better mutual understanding.**

In term of victimisation, a lower level of victimisation was registered among foreigners than in the general population of the country. From the overall number of respondents, 5.9% reported be-

ing victims of a crime in the recent year. **Victimisation level was particularly high among foreign students – 18.5%.**

However, the study results suggest that victims and witnesses of hate crimes tend to avoid reporting the crimes to law enforcement or criminal justice bodies.

Articles of the Criminal Code categorise crimes on grounds of social, ethnic, racial or religious hatred as grave crimes, but they fail to protect other groups of persons in accordance with criteria covered by European and international standards (e.g. disability, sexual orientation, etc.) As a result, in many cases, hate crimes on other grounds that are not provided for in the Criminal Code, may be categorised as general offences or crimes under the Code of Administrative Offences or under Article 287 of the Criminal Code (Hooliganism).

**Accounting for the above considerations we recommend to amend relevant provisions, incorporating the above criteria as stipulated by the international law.**

# STUDY ON INTEGRATION, HATE CRIMES AND DISCRIMINATION OF DIFFERENT CATEGORIES OF MIGRANTS IN UKRAINE

## INTRODUCTION

Following the collapse of the Soviet Union, Ukraine rapidly became involved in international migration processes. One of the specific features of the migration situation in Ukraine in the late 20<sup>th</sup> and the early 21<sup>st</sup> century has been the growing numbers of foreigners who stay in the country temporarily or reside there permanently. These foreigners include both citizens of the former Soviet republics, as well as representatives of so called “non-traditional” minorities, i.e. migrants from Asian and African countries. Some representatives of these minorities arrived in Ukraine during Soviet times, but a more significant migration inflow became evident when Ukraine gained its independence.

The importance of immigration for Ukraine will surely increase, particularly in light of the anticipated demographic development trends. In Ukraine, a general population reduction is inevitable due to the exhaustion of its demographic growth capacity, particularly within the employable age group. According to the median forecast of the demographic development of Ukraine (developed by M.V. Ptukha Institute of Demography and Social Studies of the National Academy of Sciences of Ukraine), by early 2061, the population of Ukraine is expected to decrease by almost 18%<sup>30</sup>. Moreover, should the high version of the forecast materialise, the total population of the country would stabilise (and even somewhat increase), but the number of individuals in the employable age would nevertheless decrease. In less than a half century, the population decline within the age group 20-64 would reach almost one fifth of today’s numbers according to the high version of the forecast; about one third according to the median version; and almost by half according to the low version. The age group predominantly relying on pension benefits and social is expected to sharply increase at the expense of the employable age group. Forecasts suggest that Ukraine will encounter the initial effects of labour shortage even prior to late 2020s, whereas the problem will become pressing by mid 2020s.

A proactive immigration policy is the only viable option to prevent an excessive decrease of the overall population of Ukraine, including the employable population group. All the above factors are of high relevance to the studies on immigration matters, problems of migrants’ integration and the status of foreigners in Ukraine. The need to promote inter-ethnic tolerance in the Ukrainian society is of particularly high relevance to research studies focusing on the situation of foreigners in the country, as well as on the incidence of discrimination and hate crimes, due to the growing migration inflow.

Ukrainian research publications pay a lot of attention to migration processes. At the same time, the level of knowledge concerning different components of migration movements in the country differs substantially. Ukrainian research activities in the migration sphere predominantly focus on analysing labour migration in terms of Ukrainian nationals working abroad. This, however, is not surprising as

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30 <http://idss.org.ua/monografii/popforecast2013.rar>

the scope of external labour migration exceeds all other types of migration flows combined. On the other hand, problems of immigration to Ukraine are inadequately addressed. There exist only a few monographs and research papers on these matters. In particular, we may refer to a number of papers written by O. Malynovska and V. Yevtukh, publications of the Kyiv Office of the Kennan Institute, and research studies of the East European Development Institute<sup>31</sup>. The Migration Studies Department of M.V. Ptukha Institute of Demography and Social Studies of the National Academy of Sciences of Ukraine conducted several surveys of students at Ukrainian higher education facilities on issues related to immigration to Ukraine<sup>32</sup>. The problems related to immigration to Ukraine were covered in a report produced by P. Kazmierkiewicz, an international migration expert, for the OSCE Office for Democratic Institutions and Human Rights (ODIHR)<sup>33</sup>. However, in general, immigration to Ukraine still remains an insufficiently studied sphere.

The migration policy of Ukraine has not been finally shaped yet, notwithstanding that several framework laws for regulation of immigration processes were approved over a decade ago, including early versions of the Law of Ukraine on Refugees and the Law of Ukraine on Immigration. Only in late 2010 – early 2011, the national authorities somehow intensified their activities in the migration sphere. In 2011, the new version of Law of Ukraine on Refugees and Persons in Need of Temporary Protection was approved, and in 2011 – 2012, some amendments were introduced into the Law of Ukraine on Immigration. After having existed for a long period of time without a defined status, the State Migration Service became a full-fledged operational agency. The Service was established as a body subordinate to the State Department on Citizenship, Immigration and Registration of Physical Persons of the Interior Ministry of Ukraine, and the Department on Refugees of the former State Committee for Nationalities and Religions (these departments were later dissolved). The State Migration Service of Ukraine was authorised to operate as the central executive body in the sphere of migration (immigration and emigration), including combating irregular (illegal) migration; dealing with such issues as citizenship and registration of physical persons, refugees and other legislatively defined categories of migrants<sup>34</sup>. In 2011, the Concept of Migration Policy of Ukraine was developed and approved by a Presidential Decree. The Action Plan for its implementation was developed and approved<sup>35</sup>. The above mentioned legal acts were the first migration policy regulations of a comprehensive nature. At present, relevant problems in the sphere of migration include the implementation of the measures approved, the evaluation of their effectiveness, as well as the development of additional migration policy actions.

31 See: Malynovska O. Immigration Amnesty as a Tool to Minimise Threats of Illegal Migration: International Experience and Appropriateness of its Application in Ukraine // Strategic Panorama, 2009 (Ukr.). – # 1; Yevtukh V. Migrants in Ukraine: New Ethnicities – New Problems. / Ethnicity in the post-Soviet Space: Social Roles and Prospects: Conference Proceedings. (Rus.) – Kyiv, Feniks, 1997 – p. 78-82; “Non-traditional” Immigrants in Kyiv / Braychevska O., Volosyuk G., Malynovska O., Pylinskiy Ya., Popson N., Ruble B. / Blair Ruble, Olena Malynovska (project managers). (Ukr.) – K.: Stylos, 2003. – 447 pp.; “Non-traditional” Immigrants in Kyiv: Seven Years Later / Pylinskiy Ya.M., ed. (Ukr.) – K.: Stylos, 2009. – 280 pp./; Migration and Tolerance in Ukraine: A Compendium / Yaroslav Pylinskiy, ed. (Ukr.)- K.: Stylos, 2007. – 191 pp.; Mazuka L. The Problem of Integration of New Migrant Communities into the Ukrainian Society // Socio-economic, Ethnic and Cultural Consequences of Migration for Ukraine : Proceedings of a Theoretical and Practical Conference (Kyiv, September 27, 2011) / O.A. Malynovska, ed. (Ukr.) – K.: NISS, 2011 – p. 261-268.; Unheard Voices – Problems of Immigration, Human Rights and Freedoms in Ukraine. Project: “Giving Voice to the Voice Deprived Ones: A Survey of Ethnic (non-traditional) Minorities in Ukraine to Study their Needs. (Ukr.) – Kyiv: Fara, 2008.

32 Migration Problems in Ukraine: the Contemporary Situation and Prospects / O.V. Poznyak, ed. (Ukr.) – Uman, 2007; Poznyak O.V. Problems of Integration of Non-traditional Immigrants in Ukraine // Museum Communications. (Ukr.) – # 11/2. – Zaporizhya, 2011. – p. 261-266.; Dragunova T. Education Migration of Chinese Students and their Integration into the Ukrainian Society // Socio-economic, Ethnic and Cultural Consequences of Migration for Ukraine : Proceedings of a Theoretical and Practical Conference (Kyiv, September 27, 2011) / O.A. Malynovska, ed. (Ukr.) – K.: NISS, 2011. – p. 277-284.

33 Integration of Migrants in Ukraine. Situation and Needs Assessment. <http://www.osce.org/uk/odihhr/81761>

34 <http://zakon1.rada.gov.ua/laws/show/405/2011>

35 <http://zakon2.rada.gov.ua/laws/show/1058-2011-p>

The following factors made the study particularly relevant: an insufficient level of knowledge on immigration issues; the integration of immigrants and their situation in Ukraine; the incidence of discrimination and hate crimes; the growing role of immigration as Ukraine gradually shifts from an emigration to an immigration role in international migration flows; the importance of well-substantiated recommendations on improvement of state immigration policies and protection of migrants' rights. The research study is based on analysis of data from national and agency-specific statistics, laws and regulations, as well as on analysis of findings from conducted surveys among foreigners and experts.

The Report was drafted by a team of experts, including: Mr Oleksiy Poznyak, a migration expert, Candidate of Sciences (Economics); Ms Iryna Fedorovych, an expert on non-discrimination matters, Master of Management; Ms Olga Morkova, a legal expert, Master of International Law. The research study was carried out within the framework of the EU-funded MIGRECO Project. The authors express their sincere gratitude to the IOM Mission in Ukraine, the African Council in Ukraine (Kyiv), the Social Assistance Service (Kharkiv), "April 10" NGO (Odesa), "Postup" Human Rights Centre (Lugansk), Western Ukraine Center "Women Perspectives" (Lviv), Foundation for Naturalization and Human Rights "Assistance" (Simferopol), and the Migration Studies Department of M.V. Ptukha Institute of Demography and Social Studies of the National Acad. Sci. of Ukraine for their assistance in carrying out the research study.

## METHODOLOGY

**The study objective** was to evaluate the level of foreigners' integration, assess the effectiveness of state programmes in the sphere of integration of immigrants, as well as to develop recommendations for improvement of state policies on integration of immigrants and combating discrimination and hate crimes.

The integration of immigrants is **the object of the research study**. The term "immigrants" covers persons of foreign origin, born outside Ukraine. Both foreigners and naturalised immigrants were included in the study, but the former was given particular attention.

**Integration** is considered a two-sided process of mutual adaptation of immigrants on the one hand, and native residents on the other, resulting in equal civil, social and economic opportunities for both parties.

**Discrimination** of immigrants is considered a significant barrier for their integration.

Within the framework of this study report, we find it appropriate to provide definitions of discrimination and non-traditional minorities:

According to the legislation of Ukraine<sup>36</sup>, **discrimination**<sup>37</sup> refers to decisions, actions or failures to act, intended to provide limitations or privileges to a person and/or a group of persons on grounds

36 Law of Ukraine on Fundamentals of Prevention and Combating Discrimination in Ukraine. See details on: <http://zakon1.rada.gov.ua/laws/show/5207-17>

37 Discrimination may be of direct or indirect nature. In the course of the study, the researchers did not differentiate direct and indirect discrimination, they rather asked respondents on situations when the respondents subjectively perceived discrimination or were refused access to rights and the refusals could not be attributed to anything else except discrimination.

of race, skin colour, political, religious and other convictions, sex, age, disability, ethnic and social origin, marital and income status, places of residence, language or other characteristics (referred hereinafter to as certain characteristics) when they prevent recognition and equal observance of human rights and civil liberties.

**Non-traditional minorities**<sup>38</sup> – refers to ethnic, national or religious groups that are less numerous than the general population or minorities of traditionally residing on a given territory, that may seek to preserve and develop their identity. Most often “non-traditional” minorities are groups of persons who are not nationals of their country of residence, or acquired citizenship only recently (i.e. immigrants of the first/second generation).

Degrees of integration of immigrants, and incidence of cases of their discrimination, were evaluated in the following spheres:

- access to status legalisation and acquisition of citizenship;
- employment and access to employment opportunities;
- access to education, in particular to study the language of the host country;
- access to health care services;
- access to housing;
- hate crimes.

In addition, we analysed the situation concerning relations between migrants, local residents and governmental bodies as these interrelations represent an important mechanism of integration.

Our review of the situation in all the above mentioned spheres (except hate crimes) included the identification of existing problems and impact factors on the base of the survey results. Subsequently we analysed how well relevant state programmes are suited to address the problems identified, and how adequate the underlying legal framework is for the implementation of these state programmes. Further, we evaluated the progress in implementing measures of the state programmes and the extent to which foreigners have been integrated in relevant spheres by applying the indicators developed. A situation assessment in a particular sphere is followed by the development of recommendations for improvement of integration of immigrants, as well as on how to combat discrimination.

**Sources of information** included laws and regulations, state statistics, administrative data of ministries and agencies, as well as results of targeted surveys conducted within the framework of this research study.

**Research methods** included review of the documents such as laws and regulations, statistical reports, research reports, questioning-based surveys, in-depth interviews and comparative analysis.

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38 According to MRG definition: Besides national, ethnic, language and religious minorities – i.e. traditional minorities historically present at the territory of a certain country or region and defined as such in national and international law – in recent years experts refer also to a new group of minorities. The group may be provisionally defined as «new minorities», «visible minorities» or «non-traditional minorities». In this study report we use term «non-traditional minorities». In the case of Ukraine, non-traditional minorities may include e.g. migrants from African and Asian countries while the traditional ones may include Hungarians, Georgians, Moldavians, etc.

During the course of the research study, the following state programmes were analysed: The Action Plan for Integration of Migrants into the Ukrainian Society for 2011-2015 (referred to hereinafter as the Migrant Integration Plan)<sup>39</sup> and the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020 (referred to hereinafter as the Refugee Integration Plan)<sup>40</sup>. Furthermore, the Action Plan for Implementation of the Concept of Migration Policy of Ukraine also contains a number of provisions for integration of immigrants<sup>41</sup>. Governmental bodies report on the implementation of the former action plan to the Ministry of Interior (Mol), whereas they report on the implementation of the two latter action plans to the State Migration Service (SMSU).

**The survey toolkit** included questionnaires for surveying foreigners and questionnaires for semi-structured interviewing of experts (the research study included two separate surveys). The surveys covered 6 Ukrainian cities: Kyiv, Kharkiv, Odesa, Simferopol, Lviv and Lugansk.

**Questioning foreigners.** The survey was conducted in order to identify the level of integration as perceived by the foreigners themselves, as well as to evaluate their awareness of state programmes in this sphere and their use of the programmes. The study sample was selected based on the principle of targeted quota sampling. Unfortunately, applying a representative sample was impossible as the parameters of the general population were unknown. The study sample included 300 persons (50 persons in each city).

The survey covered three **target groups** of respondents:

- **Refugees** – persons with refugee status granted in accordance with the legislation of Ukraine (refugees were not surveyed in Simferopol and in Lugansk due to low numbers there).
- **Foreign students** – persons who are foreign nationals and students of higher education facilities of Ukraine. Students from 2nd to 5th (6th) year of study were surveyed. In addition, interns and post-graduate students were also included into the sample.
- **Resident migrants** (in this study report, “resident migrants” include all other categories of foreigners) – persons who are nationals of other countries and are granted permits for permanent residence, temporary stay and/or employment in Ukraine or certificates of applying for asylum, and those who do not belong to the two categories above.

The following four criteria were used for selection of respondents:

- Absence of Ukrainian citizenship.
- Permanent residence in Ukraine for one year or longer. In this connection, a short-term departure from Ukraine (for less than 4 weeks) for recreation, medical treatment, business, visiting relatives or processing documents was not considered an interruption of the permanent residence.
- Stay in Ukraine for purposes other than fulfilment of diplomatic functions or employment in international organizations or representative offices of foreign companies.
- Age of 18 or more years.

The authors set the following quotas for regions of Ukraine and categories of foreigners (see Table 1.2).

39 <http://zakon4.rada.gov.ua/laws/show/653-2011-%D1%80>

40 <http://zakon4.rada.gov.ua/laws/show/605-2012-%D1%80>

41 <http://zakon4.rada.gov.ua/laws/show/1058-2011-%D1%80>

**Table 1.2. – Quotas for regions and foreigners’ categories for the survey**

Regions	Refugees	Foreign students	Migrants	Total
Kyiv	15	15	20	50
Kharkiv	10	15	25	50
Odesa	15	15	20	50
Simferopol	–	20	30	50
Lviv	10	15	25	50
Lugansk	–	20	30	50
Total	50	100	150	300

Besides that, quotas on the grounds of sex and citizenship were set for every group of respondents (defined by a combination of regions and categories). In the case of foreign students, additional quotas were set for different academic years.

Foreigners were interviewed by representatives of non-governmental organizations in cooperation with representatives of migrant communities. The survey questionnaire was provided in Ukrainian, Russian and English versions. The survey was conducted in-person. The interviewers read questions and response options aloud and recorded the respondents’ responses.

The survey database was processed by experts of the Migration Studies Department of M.V. Ptukha Institute of Demography and Social Studies of the National Academy of Sciences of Ukraine. The survey results were processed using SPSS software.

The survey questionnaire contained 92 questions. In addition, a separate questioning module was designed for refugees (14 questions, the latter module was used after completion of the main interviews). Almost all questions were closed (yes or no). Some questions allowed for one single answer only, whereas some other questions allowed for multiple answers. In the latter case, a respondent could specify all his/her answers. Some questions were used only for respondents of certain categories (see Annex on disc).

The survey was designed to collect information on the socio-demographic profiles of the respondents, the level of their integration, as well as the level of discrimination, within the six spheres. It also collected information on their interactions with governmental authorities; on their awareness of state integration programmes and their rights in connection with integration, protection from discrimination and use of the programmes or alternative options.

**Interviewing experts.** Semi-structured interviews were conducted with experts in order to assess the level of foreigners’ integration and the incidence of discrimination and hate crimes. Three **target groups** of experts were selected:

- **Public officials** – experts (at the level of leading specialists) of central and regional offices of the following national authorities of Ukraine: the State Migration Service, the Ministry of Social Policy, the State Employment Service, the Ministry of Public Health, the Ministry of Education

and Science, the Ministry of Culture, the Ministry of Interior, the General Prosecutor Office and the Secretariat of the Ombudsman of Ukraine.

- **Investigators of Mol** – Officers of regional Mol Directorates in charge of pre-trial investigation of criminal cases, who have some experience in investigating hate crimes.
- **Leaders of migrant communities** – persons highly respected by representatives of territorial communities of immigrants of similar origin (in terms of their nationality), who are well aware of the problems and needs of these communities. Some Ukrainian nationals were allowed to participate in the interviews as experts and leaders of migrant communities.

Leaders of migrant communities were interviewed in person by representatives of NGOs, whereas public officials and investigators were interviewed by the research team both in person and by phone. Overall, more than 50 experts were interviewed, including 29 community leaders of migrants from countries of the former USSR, Asia and Africa (including some international migrant communities). Georgia (in four cities) and Afghanistan (in three cities) comprised the most numerous nationalities.

Questionnaires for interviewing migrant community leaders included 67 questions. When interviewing public officials, different questionnaires were applied depending on the experts' profiles.

# APPROACHES TO THE EVALUATION OF STATE INTEGRATION POLICY

The effectiveness of programmes for integration of foreigners, i.e. essentially social programmes, may be evaluated in terms of their economic and social effects. The cost effectiveness of implementation of any state policy is generally evaluated as a ratio of economic benefits to implementation costs incurred. However, assessing the financial aspects of the implementation of programmes for integration of migrants is beyond the scope of this research study. The authors only evaluated the social effects of immigrant integration programmes. Moreover, it is particularly important to evaluate the social effects, as social policies in Ukraine (as is the case in several other countries) are often implemented in the context of insufficient budgetary allocations.

To evaluate the social effectiveness of a policy is much more difficult than evaluating its cost effectiveness. Evaluation criteria may include the implementation completeness of the actions planned and level of improvement of the socio-economic situation of a target group as a result of the actions. An evaluation relying on an assessment of the relative improvement of a situation following the implementation of specific state program actions entails comparative analysis of selected indicators measured before the program implementation. The same indicators are subsequently measured at the time of the evaluation (such an evaluation may be conducted after the completion of the program, or at some stage of the program implementation in order to monitor the implementation effectiveness). Unfortunately, applying this approach may be possible only in cases where systematic statistical data on appropriate evaluation indicators are available. However, for the time being, information support for analysing the situation of foreigners in Ukraine and their integration is insufficient, and systematic information on the majority of necessary indicators is not available.

Evaluating the social effectiveness of the state programmes in order to assess the implementation completeness of the actions envisioned may be appropriate if a relevant program stipulates specific qualitative indicators (e.g. if the program seeks to cover a specific numbers of persons by certain actions or to implement a specific number of actions). The state programmes evaluated within the framework of this project do not stipulate such quantitative parameters. As a result, theoretically, the evaluation of implementation completeness may be limited to mere listing of completed/incomplete actions. However, such an approach is not sufficient as lists of completed actions may include both *de facto* implemented actions and actions implemented only formally. These different types of completed actions may be distinguished through an expert assessment, i.e. subjectively. The programmes did not stipulate any on-going progress assessments.

Due to an almost complete lack of necessary systematic statistical data needed to evaluate the effectiveness of the state programmes for integration of immigrants, we opted to rely on qualitative indicators that could be realistically assessed on the base of already available information. In fact, in some cases of evaluation of the state programme efficiency, the analysts have no other options but to rely on surveys results. The survey findings cannot be considered representative for the whole target population of foreigners, but the main indicators (particularly the ones estimated for specific categories of foreigners) may be considered very likely approximations of the actual situation.

In order to ensure that the selected indicators are relevant, it is appropriate to supplement the survey data collected in the framework of the project with findings from other surveys already conducted among immigrants in Ukraine. In particular, we looked to surveys conducted by the East European Development Institute in 2008 and the Kyiv International Institute of Social Studies in 2011. This approach was substantiated by applying a scientific principle, which suggests that if data from different sources produce similar results, the similarity of results is a sufficient indicator to conclude that the data are relevant even if each individual source is not absolutely reliable.

Based on the main indicators used in the evaluation of integration policies in EU MS (see section 1.1), the experts identified the main indicators for the integration and discrimination level for immigrants in Ukraine for all six areas during the course of the research study. The system of indicators incorporates parameters that may be estimated based on already available statistical information or data that may be realistically collected.

## **1. Indicators in the sphere of access of immigrants and refugees to naturalization**

- 1.1. The ratio of the number of permanent residence permits annulled in connection with granting Ukrainian citizenship, to the number of permanent residence permits issued. The indicator reflects the relative rates of granting citizenship to foreigners vs. the rates of expansion of the group of persons seeking to naturalise. In other words, high values of the indicator would reflect a gradual reduction of the number of persons seeking to naturalise, but still were not granted citizenship, and vice versa.
- 1.2. The ratio of the number of refugees who have received Ukrainian citizenship, to the number of persons granted refugee status. The indicator is similar to the previous one, but is applied on the refugee population.

## **2. Indicators in the sphere of employment**

- 2.1. The number of hired employees per one self-employed person among foreigners. The indicator reflects a degree of incorporation of foreigners into the large (and generally international) workplace collectives that facilitate their integration.
- 2.2. The number of persons employed in the economic sectors with higher than average wages, to the overall number of employed foreigners. This is an indirect indicator of foreigners' income level.

### Indicators that serve as proposals for development of the information collecting system

- 2.3. The ratio of the number of the foreigners/refugees employed by the state employment services to the number of foreigners/refugees who applied for employment assistance. The indicator reflects the effectiveness of the state employment services in employing foreigners.
- 2.4. The ratio of the number of foreigners/refugees who were granted status as unemployed to the number of foreigners/refugees who applied for employment assistance. The indicator reflects the availability of the option to be granted the status as unemployed (with associated social benefits) for foreigners/refugees.
- 2.5. The labour force participation rate of foreigners. The indicator is estimated similarly to the relevant indicator of the general population (as the ratio of the number of economically active foreigners, to the overall number of foreigners of the age group from 15 to 70 years).
- 2.6. The unemployment rate among foreigners. The indicator is estimated similarly to the relevant indicator for the general population (as the ratio of the number of unemployed foreigners, to the number of economically active ones).

### **3. Indicators in the sphere of access to education**

- 3.1. The ratio of the number of foreigners/refugees who were issued language proficiency certificates, to the number of foreigners/refugees who attended language courses. The indicator reflects the quality of language courses and training effectiveness.
- 3.2. The share of persons with fluent Ukrainian language skills among all adult foreigners. The share is an important indicator of integration or naturalisation prospects of foreigners (the indicator reflects a level of meeting a naturalisation requirement).
- 3.3. The share of persons with fluent Ukrainian or Russian language skills among all adult foreigners. The indicator reflects foreigners' ability to communicate with local residents.

#### Indicators that serve as proposals for development of the information collecting system

- 3.4. The ratio of recognised foreign higher education diplomas, to the number of foreigners' diploma recognition applications submitted. The indicator reflects the quality of the recognition procedure.
- 3.5. The level of attendance in pre-school education by foreigners' children. The ratio of the number of foreigners' children who attend kindergartens, to the overall number of foreigners' children of pre-school age.
- 3.6. The level of attendance in secondary school education by foreigners' children. The ratio of the number of foreigners' children who attend secondary schools, to the overall number of foreigners' children of school age.

### **4. Indicators in the sphere of access to health care services**

- 4.1. The share of persons covered by medical insurance. This is an indirect indicator of the accessibility of health care services.

#### Indicator that serves as proposals for development of the information collecting system

- 4.2. The share of foreigners' households with at least one household member who was not able to get necessary health care services in 12 recent months, to buy necessary medicine or medical items among the overall number of foreigners' households with at least one member in need of getting necessary health care services, buying medicine or medical items. The indicator reflects the availability of health care services.

### **5. Indicators in the sphere of access to housing**

- 5.1. The ratio of real estate owners to non-owners. The indicator reflects the availability of housing to foreigners.

#### Indicator that serves as proposals for development of the information collecting system

- 5.2. The ratio of the number of persons in temporary accommodation centres (TACs) for refugees, to the overall number of applicants. The indicator reflects the capacity of the state authorities to provide accommodation in TACs to persons in need of accommodation.

### **6. Indicators in the sphere of protection from discrimination and hate crimes**

#### Indicators that serve as proposals for development of the information collecting system

- 6.1. The ratio of the number of criminal cases transferred to courts with stated elements of hate crimes, to the number of registered cases of violent hate crimes (the indicator reflects the investigation effectiveness in such criminal cases).
- 6.2. The ratio of the number of criminal cases transferred to courts with stated elements of hate crimes, to the number of closed criminal cases from the range of registered cases of violent

hate crimes (the indicator reflects the quality of activities of law enforcement bodies in this sphere).

6.3. The ratio of the number of cases transferred to courts with stated elements of discrimination, to the number of registered cases (this indicator shows the percentage of cases with a relevant classification of the offence).

6.4. The ratio of the number of cases transferred to courts with stated elements of discrimination, to the number of closed cases (this indicator reflects the quality of activities of relevant state authorities in this sphere).

These indicators, designed by the report authors, should be considered indicators of the effectiveness of the state policies for integration of immigrants in general, not as effectiveness indicators of particular state programmes. At the same time, the experts also suggested *indicators that might be used for evaluating the effectiveness of implementation of individual actions*.

To summarize, the already existing system for collection of information on migration processes does not provide the necessary set of data for an adequate evaluation of the level of integration of immigrants, and to what extent they experience discrimination. In Section 2 we will provide a detailed description of information that would be appropriate for collection in certain spheres for development of the precise indicators for evaluation of the integration policy effectiveness.

## CONCLUSIONS AND RECOMMENDATIONS

The study of integration, hate crimes and discrimination of immigrants, which has been carried out within the framework of the MIGRECO Project, was the first analytical research study in Ukraine that incorporated a comprehensive review of legislative and socio-economic aspects of the situation in the sphere of integration of immigrants and the incidence of discrimination towards these immigrants. Within the framework of the research study, we interviewed foreigners who reside in Ukraine. In total, 300 persons in six cities were interviewed. The respondents were selected using pre-set quotas in terms of sex and categories of respondents. Besides that, in-depth interviews were conducted with experts, public officials, MoI investigators and leaders of the migrant communities. Based on the analysis of the data collected over the course of the surveys, as well as state statistical reports, laws and regulations, and information from other sources, the researchers assessed the level of foreigners' integration. They also evaluated the effectiveness of the state programmes in the sphere of integration of immigrants and developed recommendations on how to improve the state policy for integration of immigrants, and on how to combat discrimination and hate crimes.

### Coherence of the state programmes and their compliance with EU standards

On the basis of EU best practices and recommendations presented in Section 1.1, we can identify the following issues that need to be further addressed:

The European Union provides **definitions of immigrants and integration** (see Section 1.1.) in order to outline the concept of its integration policy, while the Concept of the State Migration Policy<sup>42</sup> (approved in 2011) does not contain these terms and fails to outline approaches to integration. The range of its

42 <http://zakon3.rada.gov.ua/laws/show/622/2011>

fundamental principles incorporates only the freedom of movement; free choice of residence place; combating manifestations of racism, xenophobia and religious intolerance; promotion of a tolerant attitude of local population towards migrants.

The Ukrainian legislation provides definitions of “refugees”, “foreigners”, “stateless persons” and “immigrants”, but fails to specify which categories of migrants should be covered by the integration efforts. Besides that, such term as “migrants” is not legislatively defined. The term is broadly used in two out of three state programmes reviewed: in the Action Plan for Integration of Migrants into the Ukrainian Society for 2011-2015 and the Action Plan for Implementation of the Concept of Migration Policy of Ukraine. Refugees and persons in need of complementary protection are main target groups of the state integration programmes, while less attention is paid to other categories of migrants. In addition, all migrants – except refugees and persons in need of complementary protection – are usually treated as a single category in the state programmes, almost without any further differentiation (except migrant children and foreign students of higher education facilities of Ukraine).

### **Approach to identify specific integration actions**

Based on framework documents outlined by the European Commission, which stipulate duties both for the immigrants and the authorities of the host country related to integration actions, we can make the following observations on the approach to integrating migrants and refugees in Ukraine:

- both integration action plans stipulate provisions of opportunities to immigrants, which allow them to study the host country language; its legal, political and social systems; promoting their respectful attitude to the host country customs and traditional social patterns;
- the state integration action plans, to a certain extent, envisage actions that facilitate immigrants' access to the labour market, social welfare and education system (although without including the non-discrimination approach), as well as access to housing accommodation for a certain groups. At the same time, the actions do not cover access to the health care system.

During the course of the research study, we identified a number of inconsistencies in the already approved integration programmes. In particular, this included:

- actions associated with integration (e.g. education) are duplicated in integration action plans for migrants and refugees;
- similar actions in different state programmes stipulate different terms of completion.

**This means that the responsible executive agency would have to implement the same action twice, at different periods of time and for different categories of migrants.**

The already approved integration programmes often use wording such as “to consider the issue...”. Such wording does not impose any obligations on the implementing agency. Some provisions of the integration programmes are not implemented timely and duly. From the overall range of about 40 actions of three state programmes reviewed, reports are available on the implementation of only a third of them.

Reports on the implementation of the state integration programmes generally do not specify numbers of persons covered by the programmes' actions. In other cases, available quantitative data

suggest an insufficient level of coverage of target groups by relevant actions. Besides that, many actions prescribed to governmental agencies are actually implemented by non-governmental or international organizations. On the other hand, it is worth noting that insufficient actions of the governmental agencies in the sphere of integration of immigrants are often caused by underfunding of the relevant programmes.

**11 general basic EU principles in the sphere of implementation of the migrants' integration policy** (see Section 1.1) are not fully represented in the Ukrainian programmes:

1. In addition to actions for adaptation of migrants to the host society, the programmes also envisage actions to promote tolerance in the local population. However, the latter is paid less attention.
2. The Ukrainian state integration programmes do not directly envisage actions to ensure respect for fundamental EU values.
3. In general, the state programmes reflect employment as an important element in the integration of migrants.
4. The programmes stress the importance of studying the Ukrainian language, history and basic facts on the system of state governance of Ukraine. However, only measures for language training of migrants are actually implemented.
5. The programmes fairly well stress the importance of education of migrants, particularly in connection with children of migrants.
6. The state programmes do not regulate the access to goods and services in a direct manner. However, non-discrimination principles are regulated by relevant provisions of the legislation of Ukraine.
7. The programmes do not envisage special actions to promote contacts between migrants and local residents.
8. The state integration programmes do not include special actions that ensure religious freedoms and support cultural diversity. However, these issues are regulated at the legislative level.
9. The Ukrainian legislation does not envisage participation of migrants in political activities and in the development of integration policies.
10. Unfortunately, integration of migrants is not among the priorities of the state policy of Ukraine, and relevant issues are not duly accounted for in the development of the strategic legislative acts.
11. The programmes do not incorporate indicators for evaluation of their implementation.

The challenge of researching immigration, integration of immigrants and their discrimination is further complicated by the insufficient level of relevant information support. Due to the lack of objective statistical data, researchers often have to rely on results of surveys conducted by foreigners in order to evaluate the state programmes. However, survey results are not sufficiently representative and tend to reflect subjective views of the respondents. Another substantial problem is associated with setting threshold values of integration as it may be suggested that a sufficient level of integration in the particular spheres has been reached once the threshold value is reached.

#### **Assessment of the situation of foreigners and level of their integration**

The level of immigrants' integration and the extent to which they experience discrimination were assessed in six different spheres: Access to the procedures of getting citizenship; level of employment and access to it; access to education, in particular access to language courses of the host country; ac-

cess to health care services; accessibility of housing accommodation; hate crimes. Besides that, the relationship between migrants, local population and the governmental authorities were also assessed. The analysis results led to the following conclusions on the situation of foreigners and their integration:

### **In the sphere of access to naturalization**

More than a half of the foreigners intended to settle in Ukraine for permanent residence, and only one fifth is definitely not inclined to do so. Moreover, the majority of the potential permanent residents of Ukraine decided to settle in the country while staying there.

Half of the surveyed foreigners (51%) expressed their intentions to apply for Ukrainian citizenship. The following motivating factors were registered: Older age, high education level, being married, employment, sufficient Ukrainian language skills and good relations with the local population. Refugees are mostly interested in naturalization.

The overall share of respondents who reported their intentions to apply for Ukrainian citizenship and having already started to prepare necessary documents, reaches only 9.6%.

Main problems concerning foreigners' access to the necessary procedures for applying for citizenship of Ukraine include the following:

- lack of access to information on the procedure;
- cases of inadequate translation of names and family names, which causes mismatches of personal data in different documents;
- inconsistency of practices in specifying places of birth in documents;
- strict conditions for granting citizenship for the majority of migrants and difficulties related to the actual naturalisation procedure.

The reviewed programmes do not contain measures to promote naturalisation of foreigners or to streamline the naturalisation procedure itself. The state programmes are limited to measures aimed to develop the qualification requirements and procedures to assess Ukrainian language proficiency for persons who apply for Ukrainian citizenship.

In the framework of the research study, four actions envisaged in paragraphs 2.2 and 2.3 of the Action Plan for Integration of Migrants, paragraph 4.4. of the Action Plan for Integration of Refugees and paragraph 55 of the Action Plan for Implementation of the Concept of the State Migration Policy of Ukraine were analysed. The reports do not contain information on the implementation progress concerning measures for development of methodological recommendations on evaluation of Ukrainian language proficiency and setting common requirements to evaluate professional skills.

According to NGOs that provide assistance to migrants, applicants do not go through any testing that evaluates their Ukrainian language proficiency.

## **RECOMMENDATIONS**

### To the legislation

- To develop Draft Law of Ukraine "One Amendments to the Law of Ukraine "About citizenship of Ukraine" and Draft Law of Ukraine "About Amendments to the Law of Ukraine "About Immigra-

tion” that are aimed to simplify the procedure of granting citizenship of Ukraine to foreigners that graduated from Ukrainian Universities.

- To amend paragraph 2.2. of the Action plan on integration of migrants into Ukrainian society for 2011-2015 and paragraph 4.4. of the Action plan for integration of refugees and persons in need of supplementary protection in the Ukrainian society by 2020 in order to specify terms and coordinate activities for implementation.

#### To implementation of the Action Plans

- To develop qualification requirements as well as procedures needed to assess the level of Ukrainian language proficiency of persons who apply for citizenship of Ukraine. This should be done in accordance with suggestions made by the Council of Europe with regard to the implementation of the paragraph 2.2. of the Action plan on integration of migrants into Ukrainian society for 2011-2015.
- To develop methodological recommendations for public officials in order to assess the level of Ukrainian language proficiency of persons applying for Ukrainian citizenship and formulate unified requirements to their professional level within framework of the paragraph 2.3. of the Action plan on integration of migrants into Ukrainian society for 2011-2015.
- To supplement state integration programmes with the following:
  - Actions aimed to simplify the procedure of obtaining citizenship;
  - Actions aimed to improve the access of immigrants to information about this procedure;
  - Actions aimed to improve monitoring of this procedure in order to regulate inconsistency of personal data, as well as the practice of specifying place of birth in identification documents.

#### To the central and local executive bodies

- To develop methodological recommendations concerning the education of officials of executive bodies on all levels to facilitate the countering and prevention of discrimination.
- To support the development and inclusion of the training module on prevention and combating discrimination in the sphere of legalization procedures into the curricular course of the mandatory in-service training for officials responsible for the implementation of both integration plans.
- To develop a system of collection and assessment of complaints concerning discrimination during the citizenship application procedure.
- To collect information about the number of persons who apply for citizenship of Ukraine, as well as on the outcomes of these applications. It should be determined which authority is responsible for the collection, analysis and publication of such information. It would be relevant to set the collection of information about distribution of the applicant groups and recipients. These statistics should be disaggregated by sex, age, country of origin, and region of residence in Ukraine. This would facilitate monitoring and evaluation of the effectiveness of the state programmes in this field.

#### **In the sphere of access to employment**

The share of employed persons among resident migrants has reached 80% (76% among refugees). Besides that, 8% of foreign students work part time. Most often, foreigners are employed in the sphere of trade, services and construction. Only about 40% of the employed respondents work officially. Among entrepreneurs, this number was just over 50%.

Only 5% of the respondents have submitted an application to the State Employment Service, and among them only one person was fully satisfied with the assistance provided by the Service.

Some of the main problems in the sphere of foreigners' access to employment include: Low level of official employment; difficulties in processing permits for entrepreneurship activities; and low awareness of available assistance provided by the State Employment Service (particularly among resident migrants).

The State Programmes aim to promote employment, but they mainly focus on refugees. According to Ukrainian legislation, those foreigners who have refugee status or permanent residence permits formally enjoy the same rights in the sphere of employment as Ukrainian nationals. However, foreign citizenship and racial differences often create barriers for employment. Many employers are reluctant to employ foreigners, particularly representatives of "visible minorities". Almost two thirds of the respondents agreed with the statement that foreigners face more difficulties in employment, particularly when applying for well-paid jobs, than the local population.

Public authorities implement measures aimed to promote employment of migrants, in particular employment of refugees through small vacancy fairs. However, the jobs offered are often unappealing. The reviewed state programmes do not contain actions to support entrepreneurship among migrants.

## **RECOMMENDATIONS**

### To the legislation

- To harmonise Order # 135 of the Ministry of Social Policy on Approval of the Technical Description of the Format of Permits for Employment of Foreigners and Stateless Persons in Ukraine with the Regulation # 437 of the Cabinet of Ministers of Ukraine on Matters of Issuance, Extension and Annulling Permits for Employment of Foreigners and Stateless Persons.
- To amend Regulation # 437 of the Cabinet of Ministers of Ukraine on Issuance, Extension and Annulling Permits for Employment of Foreigners and Stateless Persons. Foreigners and stateless persons who were granted refugee status or complementary protection should be excluded from the list of persons who need to be issued permits for employment.
- To define a procedure for paying unemployment benefits to refugees and foreigners who are permanent residents of Ukraine, in line with paragraph 11.3. of the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020.
- To amend Draft Order of MoI on Approval of Typical Regulations on Centres for Social Integration of Refugees and Persons in Need of Complementary Protection of the State Migration Service of Ukraine. Access of all categories of immigrants to services of Social Integration Centres should be ensured.

### To implementation of the Action Plans

- To envisage the development of a mechanism that facilitates employment of foreign students and foreigners who reside in Ukraine temporarily. In particular, preferential terms should be provided for issuance of temporary employment permits to foreign students and stateless persons; a mechanism should be developed for issuance of permits for stay and employment of

foreigners. Graduates from higher education institutions in Ukraine, if Ukrainian employers are willing to provide them jobs according to their education specialisations, should also benefit from this mechanism pursuant to paragraph 61 of the Action Plan for Implementation of the Concept of State Migration Policy.

- To introduce a simplified procedure for employment of foreigners; specialists on demand in Ukraine, particularly in the case of highly skilled ones. To exempt such highly skilled specialists from the obligation to receive employment permits in Ukraine.
- To simplify employment procedures for foreigners who entered Ukraine without a visa, and to incorporate corresponding amendments into the Law of Ukraine on Legal Status of Foreigners and Stateless Persons. To switch from the procedure of issuing permits to use foreign labour to employers, to issuance of permits to foreigners allowing them to seek employment in the country. The amount of necessary documents needed to obtain an employment permit should be reduced to: An application form; two colour photographs (3.5 x 4.5 cm); a receipt of payment of the document processing fees into the state budget (UAH 250 for 90 days); photocopies of the foreigner's passport pages with key ID data, accompanied by a notary certified translation into the state language.
- To consider referring foreigners to skill enhancement training or retraining; or to employ them in the public sector, rather than granting them status as unemployed.
- To introduce a system granting individual licences to work in households (nurses, cleaners, gardeners, etc.) for resident migrants.

#### To the central and local executive bodies

- To develop a system for collection and processing of complaints concerning cases of discrimination in the sphere of employment, as well as to raise the awareness among immigrants on the availability of this system.
- To develop methodological recommendations aimed to enhance the training of officials of executive agencies at all levels on prevention and combating discrimination in the sphere of employment.
- To ensure that the training module on prevention and combating discrimination in the sphere of employment is included into the curricular course of the mandatory in-service training of officials responsible for implementing both the integration plans.
- The State Employment Service should keep statistics on foreigners/refugees who apply for employment assistance at Employment Centres (i.e. registration of unemployed persons broken down by citizenship). These measures would extend the range of indicators used to evaluate the effectiveness of relevant state programmes.
- To introduce surveys on the situation of foreigners (such surveys may be implemented after the completion of the next Census).

#### **In the sphere of access to education**

The education level of the foreigners is fairly high. More than three quarters of the respondents reported having higher, higher incomplete or secondary special education. Persons with primary education or illiterates were extremely rarely encountered among the respondents.

Migrants in Ukraine face serious language problems. Only one tenth of the respondents reported fluency of the Ukrainian language, and a little less than a half reported fluency in the Russian language. 75%

of those respondents who speak Ukrainian attended Ukrainian language courses, and 84.8% of them have certificates from completed training courses. The current network of facilities that offer Ukrainian language courses is inadequate, and courses on Ukrainian history and culture do not exist.

In general, pre-school and school education is accessible for migrants' children (this claim is supported by the respondents themselves, by leaders of migrant communities, and by representative of the authorities). Difficulties related to the admission of children to kindergartens or schools usually are not associated with citizenship or ethnic origin, and such problems are in fact similar to those faced by Ukrainian nationals. At the same time, measures aimed to promote pre-school and school education for migrants' children are envisaged only for children of refugees and asylum seekers.

There are certain problems related to the process of recognizing foreigners' education diplomas. In particular, recognizing diplomas of refugees is often impossible as requesting information that can confirm their validity from the country of origin can be problematic. Notwithstanding that agreements on recognition of diplomas have been signed with 22 countries, cases of foreigners' diploma nostrification in Ukraine are rare. For example, in 2012, only five foreigners' diplomas were recognised. Representatives of public authorities recognize that the diploma nostrification procedure is complicated, but stress at the same time that it non-discriminatory.

When reviewing the underlying legislative framework of implementation of the state programmes, some provisions were identified that may limit the access of different categories of immigrants to higher education. As far as the implementation progress of state programmes is concerned, it is worth noting the following achievements: The identification of education facilities set to introduce adaptation training courses; development of a specialised training course on "Inter-cultural Dialogue" at the level of the Ministry of Education; the development of training programmes and methodological recommendations in higher education facilities of Odesa and Chernigiv.

## **RECOMMENDATIONS**

### To the legislation

- To amend Decree # 778 of the Cabinet of Ministers of Ukraine on Approval of the Regulation on General Education Facility of 27.08.2010, in order to further clarify the procedures concerning admission of children to general education facilities. In particular, it should be emphasized that lack of information on immunisation cannot be used as a reason to reject admission to an education facility.
- To adjust the system of submitting applications on admission to universities on-line by adding another category of applicants ("refugees").
- To regulate at a legislative level the Medical Certificates (information on immunisation) to refugees in order to provide guarantees for their admission to higher education facilities.
- To amend Order # 632 of the Ministry of Education, Youth and Sport of 28.05.2012 in order to eliminate barriers for recognition of education diplomas when refugees cannot apply directly to the public authorities of their countries of origin.
- To consider introducing additional categories of persons entitled to benefit from services provided by Social Integration Centres. Such categories can be migrants, refugees and foreign students. This should be done by amending relevant by-law documents.

#### To the implementation of the Action Plans

- To amend paragraph 2.1. of the Action Plan for Integration of Migrants into the Ukrainian Society for 2011-2015 and paragraph 3.3. of the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020, to specify terms of the completion and coordination of the relevant activities.
- To amend paragraph 1.1.2. of the Action Plan for Integration of Migrants into the Ukrainian Society for 2011-2015 and paragraph 10.1. of the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020, to specify terms of the completion and coordination of the relevant activities.
- To develop and approve model curricular courses to facilitate the integration of migrants, in particular the integration of refugees, as well as to incorporate them into the education curriculum, pursuant to paragraph 4 of the Action Plan for Integration of Migrants into the Ukrainian Society for 2011-2015.
- To approve procedures regulating the issuance of state-recognised certificates on completion of adaptation courses for refugees, courses of the Ukrainian language, history, culture and the state governance system of Ukraine, pursuant to paragraph 9.1. of the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020.
- To specify a mechanism that provides state study allowances to migrants, refugees and foreign students for the entire period of attending adaptation courses for refugees, as well as courses of the Ukrainian language, history, culture and the state governance system of Ukraine, pursuant to paragraph 9.2. of the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020. Sources of funding should also be identified.
- Special training methodologies aimed to facilitate the integration of migrants and refugees with poor proficiency in the state language should be developed. Specific training manuals should be developed to that end. To complement the Action Plans by the following actions:
  - to develop a training course on human rights within the framework of training programmes for refugees and migrants with a particular focus on matters of protection and prevention of discrimination;
  - to develop general curricular courses for Ukrainian children on matters of tolerance and respect of diversity. Such courses should include practical exercises and provide a broader insight into non-discrimination and equality issues in order to promote a tolerant attitude towards migrants.

#### To the central and local executive bodies

- To develop a system that collects and processes complaints regarding cases of discrimination in the sphere of education, as well as to raise awareness among immigrants on the availability of such a system.
- To develop methodological recommendations concerning the training of officials of executive agencies at all levels on prevention and combating discrimination in the sphere of education.
- To ensure that the training module on prevention and combating discrimination in the sphere of education is included into the curricular course of the mandatory in-service training of the officials responsible for implementing both integration plans.

- The Ministry of Education and Science of Ukraine should register children of migrants and refugees who attend kindergartens and schools. It should also collect information on the numbers of applications for recognition of diplomas submitted by foreigners/refugees, as well as information on the outcome of the processed applications. Furthermore, information on foreigners/refugees attending Ukrainian language courses and associated training results should be collected. Such measures would extend the range of indicators for evaluating the effectiveness of state programmes in this sphere.
- To introduce surveys on the situation of foreigners (such surveys may be implemented after completion of the next Census).

### **In the sphere of access to health care services**

Two thirds of the respondents reported that they had made use of health care services. Foreigners predominantly approach public health facilities, but tend to make use of private dental clinics. Among the respondents who have made use of public health facilities, 27.5% reported having experienced problems. Problems related to payment are frequent (for registration, for doctors' services, etc.). Leaders of migrant communities admitted that wealthier community members help their poorer friends to pay for medicine. Sometimes migrant communities raised funds for medical treatment of their fellow countrymen, sometimes foreign embassies or consular facilities allocated money for serious medical treatment or surgery.

About 40% of foreigners reported having medical insurance policies. Foreign students comprise the largest group possessing medical insurance policies (among them more than four fifth have medical insurance policies). Resident migrants and refugees rarely make use of medical insurance services.

In general, the respondents consider their access to health care services to be much better than access to other services. The majority of the respondents did not agree with the statement that foreigners face more difficulties when requesting medical assistance than Ukrainians do.

The state programmes include a broad range of actions intended to improve the access to health care services for refugees, persons in need of complementary protection, asylum seekers and, in particular, for children uprooted from their families. At the same time, the state programmes do not address the issue of improving health care services provided to other categories of migrants. The main problem is here associated with the fact that health care services are provided to all categories of migrants on a pay-for-service basis, even in the case of emergency medical assistance. The Government of Ukraine has signed international agreements on provision of free emergency medical assistance only with 16 countries. The framework legislation amendments to the law of Ukraine on health care and the Law of Ukraine on Childhood Protection are among the key achievements of the integration plan implementation. The fact that refugees in the Rivnenska oblast now receive medical, psychological and psychiatric assistance is also worth noting in this regard.

## **RECOMMENDATIONS**

### To the legislation

- To amend the Draft Law of Ukraine on the Mandatory State Medical Insurance. The requirement to keep records of insured persons in terms of places of residence/registration should be eliminated. So should a person's obligation to have a registered place of residence in order to conclude an agreement on voluntary medical insurance.

- To amend the Draft Law of Ukraine on the Mandatory State Medical Insurance in order to make it clear that refugees are eligible for mandatory state medical insurance.

#### To the central and local executive bodies

- To develop a system that collects and processes complaints concerning cases of discrimination in the sphere of healthcare services, as well as to raise the awareness among immigrants on the availability of such a system.
- To develop methodological recommendations concerning the training of officials of executive agencies at all levels on prevention and combating discrimination in the sphere of healthcare services.
- To ensure that the training module on prevention and combating discrimination in the sphere of healthcare services is included into the curricular course of the mandatory in-service training for officials responsible for implementing both integration plans.
- To introduce surveys on the situation of foreigners in the sphere of access to health care services and medical insurance (such surveys may be implemented after completion of the next Census).

#### **In the sphere of access to housing accommodation**

Almost half the respondents reported having a need for state support in addressing their housing problems. About four fifths of foreigners managed to find housing accommodation within a month. The respondents distributed almost equally between those who searched for housing independently, and those who searched for housing with support from their relatives or the government officials.

According to the survey data, every sixth foreigner owns a flat or a house. The share of respondents who rent housing individually or jointly with their family members was twice that. However, the majority of respondents cannot register their place of residence as landlords often are reluctant to register foreigners renting their property. The lack of residence registration substantially hinders access of foreigners to education, health care and administrative services.

The survey results suggest that foreigners often pay higher rent than Ukrainian nationals, whereas half the respondents noted that Ukrainian landlords prefer to rent out their property to Ukrainian nationals.

Activities carried out by public authorities in the sphere of housing support for immigrants are limited to refugees and persons in need of complementary protection. Refugees may be provided accommodation in temporary accommodation centres, but the centres' capacity is insufficient. Only one out of eight refugees reported staying in such a center. The establishment of the social housing reserve for temporary accommodation of refugees and persons in need of complementary protection in the rural areas of Odeska and Khmel'nitska oblasts failed to produce intended effects as beneficiaries found housing in remote villages little attractive due to the lack of employment opportunities.

#### **RECOMMENDATIONS**

##### To the legislation

- To harmonise relevant legislative acts with Art. 2 paragraph 2 of Law of Ukraine on Freedom of Movement and Free Choice of Places of Residence in Ukraine, as the presence of a registration of place of residence or stay cannot be a precondition for the safeguarding of human rights and

freedoms as guaranteed by the Constitution, laws or international treaties signed by Ukraine. Neither can it serve as a ground for limitation of these rights and freedoms.

- To introduce changes to the Law of Ukraine About the list of the Administrative Services and Administrative Fees for Them in order to clarify the definition of the administrative services. According to experts, the current definition is too broad.
- To further develop the procedure for application for administrative services for persons who have applied for asylum in Ukraine.
- To amend MoI Order # 1077 of 22.11.2012. The procedure for inserting the residence registration stamps into certificates when applying for protection should be outlined.
- To amend Law of Ukraine on Social Services in order to extend the list of person who are eligible for provision of social services. Migrants and foreign students should be added to the list.
- To harmonise Regulation # 422 of the Cabinet of Ministers of Ukraine of 31.03.2004 with the Law of Ukraine on Refugees and Persons in Need of Complementary or Temporary Protection, by replacing references to the Law of Ukraine on Refugees with relevant references to the Law of Ukraine on Refugees and Persons in Need of the Complementary and Temporary Protection.
- To develop the procedure related to the status determination of children deprived of parental care and orphan children separated from their families.
- To adjust and approve a MoI Order on the Approval of the Typical Regulations for centre (centres) for reception and accommodation of children-refugees; children recognised as persons in need of complementary protection and children separated from their families who applied for recognition as refugees or; persons in need of complementary protection, on the basis of temporary accommodation centres for refugees of the State Migration Service of Ukraine.
- To develop a regulation on the establishment of a reception and accommodation centre for single mothers and single pregnant women who are refugees or persons in need of complementary protection. This should be based on existing temporary accommodation centre for refugees in Yagotyn (Kyiv region).

#### To implementation of the Action Plans

- To ensure the provision of social housing to refugees, pursuant to paragraph 6.3 of the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020.
- To develop and introduce mechanisms and incentives aimed to motivate resettlement of migrants and refugees in depressive regions, pursuant to paragraph 6.6 of the Action Plan for Integration of Refugees and Persons in Need of Complementary Protection into the Ukrainian Society up to 2020.

#### To the central and local executive bodies

- To develop methodological recommendations related to the training of officials of executive agencies at all levels on prevention and combating discrimination in the sphere of healthcare services.
- To ensure that the training module on prevention and combating discrimination in the sphere of healthcare services is included into the curricular course of the mandatory in-service training of officials responsible for implementing both integration plans.

- To produce statistics on the number of persons who seek to stay in temporary accommodation centres for refugees. This would allow for an extension of the list of indicators used to evaluate the effectiveness of the state programmes in this sphere.
- To introduce surveys on the situation of foreigners (such surveys may be implemented after completion of the next Census).

### **Relations with the local population and public authorities**

Two thirds of surveyed migrants actively communicate with the local population, and the same share considers the attitudes of the hosting society as friendly. The migrants actively follow and discuss events taking place in the country using TV and Internet, but also by communicating directly with the local population. However, one third of the respondents that belong to the category of non-traditional migrants face some unfriendly attitudes. These are usually expressed by passer-byers and law enforcement officers. Every fourth respondent reported to have experienced unequal treatment based on his/her ethnic origin and religion, predominantly when using public transport and when communication with public officials.

The reviewed state programmes include some actions aimed to prevent xenophobia, both among migrants and local populations. At the same time, they do not include actions aimed to promote tolerance and prevent intolerance among public officials, including law enforcement officers.

Results of survey conducted among immigrants, as well as interviews with their community leaders, indicate low awareness of the on-going state programmes on integration.

### **RECOMMENDATIONS**

1. To develop a full-fledged system aimed to raise public awareness about the necessity of proactive immigration policies, as well as to promote tolerance in the society. This system should include regular public service announcements; special media releases and TV shows; a system of optional courses in higher education facilities of Ukraine; production and distribution of information booklets. It is necessary to conduct regular training in schools and Universities on this topic involving at least 10% of all school pupils annually.
2. To extend the State Migration Service mandate with the promotion of tolerant attitudes to foreigners and stateless persons, while the Ukrainian Government Commissioner for Ethnic Policy and Ministry of Culture of Ukraine should fulfil functions pertaining ethnic minorities.
3. To strengthen the cooperation of governmental agencies with migrant communities in order to raise awareness among migrants on state programmes, as well as to increase the level of their utilisation. To engage NGOs in the processes of developing training programmes and monitoring their implementation.
4. Both public authorities and NGOs should facilitate raising awareness of migrants about opportunities of participation in the voluntary system of pension insurance, available employment opportunities and the possibilities of launching private businesses in Ukraine.
5. To develop and disseminate information and awareness raising material in order to make migrants aware of the mechanisms for protection from discrimination on native languages of migrants.
6. To organise information exchange between communities, NGOs and governmental agencies of Ukraine, including information on the qualitative and quantitative composition of migrants' organisations, problems they face and assistance they need.

### **In the sphere of protection from discrimination and hate crimes**

Less than one quarter of the surveyed foreigners were aware of the Law of Ukraine on Prohibition of Discrimination in Ukraine, and only 15.5% of the respondents said that their rights on protection from discrimination are duly guaranteed.

Interviewed representatives of public authorities generally tend to deny the existence of complaints from foreigners on discrimination in their agencies. At the same time, more than one quarter of the surveyed foreigners encountered unfriendly treatment and refusals to provide assistance in their communication with public authorities, and more than one third of them reported maltreatment by the police. Currently the Ombudsman Office of Ukraine is the only authority responsible for monitoring foreigners' complaints (equally with Ukrainian nationals) on violation of their rights. However, the statistics provided by the Secretariat hardly allow differentiating cases on discrimination on ground of citizenship, ethnicity or religion among cases of human rights violations that may be typical for both migrants and citizens of Ukraine.

The legislation that regulates the prosecution of hate crimes has serious gaps. These include difficulties in proving the intent, the presence of discriminatory aspect as well as broad application of such legislation to prosecute hate speech.

Public information on hate crimes is limited to registered court cases under article 161 of the Criminal Code of Ukraine (CCU). Public information on the registration of criminal cases initiated under other articles of CCU is not available as relevant reporting forms do not exist. No summarized statistics is available on reported cases, cases in investigation proceedings, cases transferred to courts, as well as cases with judgements for conviction or acquittal. Hence, it is impossible to provide an objective assessment of hate crimes dynamics, effectiveness of the law enforcement activities and the court practice.

The lack of public information on indicators applied by MoI in order to document, categorise and investigate hate crimes prevents us from understanding the current approaches of law enforcement bodies. Furthermore, it makes it difficult to compare with methodologies used by NGOs.

The survey results suggest that migrants have little faith in the law enforcement system. This consequently leads to underreporting of committed hate crimes

No information is available on measures taken aimed to promote cooperation between law enforcement bodies, NGOs and migrant communities. The aforementioned factor also discourages migrants to approach police for assistance.

Based on our findings, we find that it is the education component, as well as communication with the migrant communities and NGOs that should lay as a foundation for law enforcement bodies that seek to enhance the effectiveness of their operations in the sphere of combating hate crimes.

When replying to the key questions of the survey "How well does the due legislation protect rights of foreigners in Ukraine?" and "In your opinion, are preconditions for integration of immigrants provided in Ukraine into the Ukrainian society?" the majority of the respondents selected intermediate response

options. These findings suggest that the country has already made some achievements in the sphere of immigrants' integration policy, but the implemented actions are definitely not sufficient.

Therefore, the study results demonstrate that discrimination of immigrants in Ukraine is evident, and that the effectiveness of state policies in the sphere of integration of immigrants still remains insufficient.

Laws and regulations of Ukraine pertaining to access of foreigners to employment, education, health care services and housing have been developed and enacted. However, the access is limited due to some legislative inconsistencies and discriminating provisions, low legal awareness and poor language proficiency of migrants, as well as due to other actors (employers, public health workers, etc.) and due to objective reasons (e.g. inadequate quality of services for migrants' needs).

From the overall list of nine indicators of the effectiveness of the state policy in the sphere of integration of immigrants (the ones that were developed in the course of this research study and may be used with application of the contemporary migration statistics), only two indicators were found to reach acceptable level. They include rates of granting Ukrainian citizenship to refugees (one out of two indicators of effectiveness of the state policy in the sphere of access to naturalisation) and the level of attendance of language courses (one out of the three indicators of the access to education).

The key to success of the integration policy of Ukraine lies with its consistent implementation, reliance on study of international experience and continuous research, and application of clear implementation effectiveness indicators.

In order to improve the state policy in the sphere of integration of immigrants, it is necessary to amend the already effective laws and regulation (in particular to harmonise them), as well as to develop new measures. First of all, it is necessary to simplify access of foreigners to employment opportunities and health care services, and make steps for elimination of discrimination of foreigners. Particularly relevant measures include raising awareness of migrants and local population about integration measures and importance of the integration policy in general.