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G.-M. IVEGESH

Master of Arts in International Relations
and European Studies
Central European University,
Hungary, Budapest, 1051, Nador, 9
E-mail: igannamaria@gmail.com

RETHINKING EU MIGRATION POLICY: CASE STUDY OF UKRAINE

The current study is focused on migration of Ukrainian citizens to the European Union for the purposes of work. It considers unique characteristics of Ukrainian migrants and the Union's reaction to immigrants. While European migration policies are effective, they are not sufficient in dealing with labor migrants in general and with what this study focuses on – Ukrainian labor migrants. The main problem is the misunderstanding of key features of immigrants, hence instead of state-level policies more attention should be paid to migrants themselves. Once the governments of European countries start to understand key characteristics and motivations of immigrants, they will be able to deal with them in a more effective way. This is where diaspora can become a policy tool. Ukrainian migrants stick to each other and support each other in a foreign country, furthermore, diaspora is the key channel of transfer of reliable information and not the other open sources. By creating a regulated relationship between governments of European countries and Ukrainian diaspora two important results will be achieved: firstly, the government will have better knowledge of what the migrants are doing once they are in the country, and secondly, the migrants can gain access to a larger amount of vital for them information (key aspects of relevant legislation, help available for them, information about labor or housing markets, etc.). With liberalization of the visa regime between the Union and Ukraine, a rethinking of Union's migration policies is necessary.

Key words: migration policy, Ukraine, diaspora network, labor migrants, integration, host society, Association Agreement.

Ivegesh G.-M. B.

магістр в галузі міжнародних відносин та європейських досліджень
Центрально-європейський Університет, Угорщина
Угорщина, Будапешт, 1051, Надор ул., 9
E-mail: igannamaria@gmail.com

ПЕРЕОСМИСЛЕННЯ ПОЛІТИКИ ІМІГРАЦІЇ ЄС: ПРИКЛАД УКРАЇНИ

Дослідження зосереджено на міграції українських громадян до Європейського Союзу у пошуку роботи. Розглянуто унікальні характеристики українських мігрантів і реакцію Європейського Союзу на іммігрантів. Європейська міграційна політика є ефективною, але вона не є достатньою в частині роботи з трудовими мігрантами взагалі і з українськими трудовими іммігрантами. Основною проблемою є нерозуміння ключових особливостей іммігрантів. Стверджується, що замість політики на державному рівні, більше уваги необхідно приділяти самим мігрантам. Коли уряди європейських країн почнуть розуміти ключові характеристики і мотивації іммігрантів, вони зможуть взаємодіяти з ними більш ефективно. Діаспора тоді може стати інструментом політики. Українські мігранти тримаються

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разом і підтримують один одного в чужій країні, крім того, саме діаспора є основним каналом передачі достовірної інформації, а не інші відкриті джерела. Шляхом створення регульованих відносин між урядами європейських країн та українською діаспорою буде досягнуто два важливих результати: по-перше, уряд матиме краще знання про те, що мігранти роблять, коли вони знаходяться вже в країні, по-друге, мігранти можуть отримати доступ до більшого обсягу життєво необхідної інформації (про основні аспекти відповідного законодавства, про доступну допомогу, про ринки праці або житла тощо). З лібералізацією візового режиму між Європейським Союзом та Україною переосмислення міграційної політики ЄС є необхідним.

Ключові слова: міграційна політика, Україна, мережа діаспори, трудові мігранти, інтеграція, Угода про Асоціацію.

Ивешеш Г.-М. В.

магістр в області міжнародних отношений и европейских исследований
Центрально-європейський Університет,
Венгрія, Будапешт, 1051, Надор, 9
E-mail: igannamaria@gmail.com

ПЕРЕОСМЫСЛЕНИЕ ПОЛИТИКИ МИГРАЦИИ ЕС: ПРИМЕР УКРАИНЫ

Исследование сосредоточено на миграции украинских граждан в Европейский Союз с целью поиска работы. Рассмотрены уникальные характеристики украинских мигрантов и общая реакция Европейского Союза на иммигрантов. Европейская миграционная политика является эффективной, но она не достаточна в части работы с трудовыми мигрантами в целом и с украинскими трудовыми мигрантами в частности. Основной проблемой оказывается непонимание ключевых особенностей иммигрантов. Утверждается, что вместо политики на государственном уровне, больше внимания необходимо уделять самим мигрантам. Как только правительства европейских стран начнут понимать ключевые характеристики и мотивации иммигрантов, они смогут более эффективно с ними взаимодействовать. Именно здесь диаспора может стать инструментом политики. Украинские мигранты держатся вместе и поддерживают друг друга в чужой стране, кроме того, именно диаспора служит основным каналом передачи достоверной информации, а не другие открытые источники. Создание регулируемых отношений между правительствами европейских стран и украинской диаспорой даст два важных результата: во-первых, правительство будет иметь лучшее представление о том, что мигранты делают, когда они находятся уже непосредственно в стране, во-вторых, мигранты смогут получить доступ к большему количеству жизненно необходимой для них информации (о нюансах соответствующего законодательства, о доступной помощи, о трудовых рынках и рынках жилья, и т. д.). С либерализацией визового режима между Европейским Союзом и Украиной, переосмысление миграционной политики ЕС – необходимый шаг для развития партнерских отношений.

Ключевые слова: миграционная политика, Украина, диаспора сети, трудовые мигранты, интеграция, принимающее общество, Соглашение об ассоциации.

Introduction. In theory the imperfections in the labor market of the European Union are solved by the forces of a single market – the excess or shortage of workers in one state can be fixed by opposite dynamics in another state. However, this equilibrium was offset by two events: firstly, by fall of the USSR which led to large labor immigration from less developed Soviet countries to more advanced European countries, and secondly, by Eastern enlargement which brought into the Union politically and economically unprepared states¹. Thus the equilibrium mechanism is currently not working.

Unmet demand for workers is often satisfied by immigrants from outside of the Union. As a result, security of external borders became an important issue for which considerable resources were allocated. The budget for those activities has been considerably increased, most noticeably in France, UK, Poland, Italy and Estonia [8].

¹ Most of the members of 2004 enlargement were at the same level as older states of the Union.

Analysis of existing literature. Lately there have been a lot of developments in migration politics, as well as in migration literature. Frankie et al (2010) stated the need for ENP² to focus on individual strategies and interests of partner-countries. It is indeed important to have a good understanding of particularities of each country to be able to develop an effective framework for cooperation. Kuzio (2000) in his paper pointed out a tendency to focus on Russia's influence over Ukraine and failure to take into account Ukraine's longer contact with and influence of its Western neighbors. This one-sided approach to Ukraine suggests that European Union policy makers might not have deep enough understanding of migration tendencies in order to be able to create the most effective and mutually convenient system.

Mouhoud and Oudinet (2010) noted a rise in the number of skilled migrants who in order to maintain their status in working environment develop different mobility strategies (for example, repeat migration – when person travels to country A and from there goes to country B). In terms of emigration of Ukrainians to Poland, recent statistics outline an overall decline of migration and preference for temporary migration [5]. However, for those who want to move permanently and build their career, European and, in particular, Polish systems cannot offer a lot of options. In some cases marriages act as a link between temporary and settlement migration.

Gorny and Kepinska (2004) refer to neo-classical economic model of migration – individual decision-making involves utility maximization – to outline that wage gap between Poland and USSR served as one of the reasons for emigration from Soviet states and later post-Soviet states. The choice of Poland as the country of destination could be explained by several points: geographical proximity, shared history, existing similarities between countries. Importantly, statistics provided by the authors show an increase in Polish-Ukrainian marriages between 1992 and 2001. Ukrainians tended to be younger and better educated, while Polish partners had higher income and better standards of living. These marriages are both decisions to create family and an opportunity to legally enter European Union.

It is important to understand what kind of information migrants have about migration control and integration policies of receiving country. Anna Triandafyllidou (2008) discussed in her paper what information they receive and where they attain it from. Different knowledge of the structure will result in different choices made by migrating workers. She also outlined that migrants motivations may be more complex than policy makers think. This means that some of the policies in reality could be ineffective, and my research argues that this is the case with Ukrainian labor migrants. As Teitelbaum [2] notes the effectiveness of both direct and indirect measures of controlling migration flows will vary depending of time and space. Effectiveness of European migration policies differs across the Union, for example, the results are better for countries located further away from external border rather than for those at the border. While there is much attention paid to the screening of migrants, little is done to manage them once they are in the EU. The later would be beneficial for three reasons: first, it will allow for the better use of labor resources of immigrant workers; second, it will enable a greater integration of immigrants into the society and make migration less stressful for the native population; third, it will allow a greater control over immigrants³.

The aim of this study is to determine a way of improving the migration policy of the European Union in relation to Ukrainian labor migrants. Special focus is on Ukrainian Diaspora, which could become a powerful political tool in the light of future liberalization of visa regime⁴.

² European Neighborhood Policy.

³ This will both ensure security within the country and decrease illegal migration

⁴ Effect of the undergoing changes in Ukrainian governance on behavior of labor migrants will have to be assessed separately.

My research is focused on Ukrainian labor migrants who possess characteristic most relevant to such policies – they rely more on their connections rather than on support of home government and thus do not fall into the network of state-level policies.

Results of research. The problem appears to lie in the state-level approaches pursued by the EU which do not reach their objective – labor migrants. All labor migrants, no matter their nationality, receive little support from their government once they decide to explore their work opportunities in another country. Ukrainians tend to contact their diaspora in search of either advice or assistance. Once a visa-free regime enters into force we could expect an increase in number of Ukrainian labor migrants coming to the EU and thus it is important to evaluate existing migration policies in order to be fully prepared to deal with increased labor supply in the Union.

Migration and the EU. During the past several decades the economy of the European Union has been expanding and this created job opportunities which in their turn attracted external migrants. However, over the past years the number of immigrants has been declining.

One of the concerns is the affect of migration trends on the labor market. The table presents employment (E) and unemployment (U) rates of the EU and Poland between 2007 and 2012 [20]. Migrant labor force is made up of unemployed and employed people, therefore, unemployment rate is the number of unemployed persons as a percentage of labor force. Some important observations can be made from data in the table below, most interesting being the opposing trends for the EU and Poland. By the end of the period, foreign-born employment within the EU decreased by 2.4 % (from 63.8 % in 2007 to 61.4 % in 2012), while in Poland it increased by 25.1 %, (from 36.8 % in 2007 to 61.9 % in 2012) and similar dynamics are observed for foreign-born unemployment. The impact on the European economy is negative as foreign-born unemployment increased and foreign-born employment decreased. Moreover, we can observe a similar trend of increasing unemployment for native-born workers. On the other hand, economy of Poland benefited as there was a large increase in foreign-born employment coupled with a decrease in foreign-born unemployment and no considerable change in native-born employment.

This shows that different effects on economies of member states have to be taken into account when migration policy is being prepared and different frameworks should be proposed.

A closer look at migration legislation and policies. There are strict conditions [7] for third-country nationals who wish to enter the EU. Member states cooperate and share expertise regarding screening candidates as well as border control management.

In addition to controlling the inflow of migrants, the European Union also implements external dimension migration policies – partnership agreements with other countries. The priority is on «creating a common transnational framework for cooperation on labor migration, including «circular migration» schemes, allowing for a «triple win» for Member States, the third country and the nationals thereof» [14]. Agreements touch upon such aspects of migration as irregular migration, legal migration, migration and development.

One of the approaches is circular migration scheme – «a form of managed migration allowing some degree of labor mobility back and forth between the two countries» [14]. The policy was criticized by Maroukis and Triandafyllidou (2013) for not being able to provide the type of migration that it aims to – very small number of highly-skilled workers are willing to participate and with the skills acquired return to home country where their professionalism will not receive an adequate reward [17].

Tabl. Employment and unemployment rates, foreign and native born⁵

Parameter	EU (27 countries)					Poland							
	2007	2008	2009	2010	2011	2012	2007	2008	2009	2010	2011	2012	
E	foreign-born	63,8	63,4	61,8	62	62,2	61,4	36,8	43,5	45,5	50,4	55,2	61,9
	native-born	65,4	65,9	64,7	64,3	64,4	64,5	57,106	59,3	59,4	58	59,3	59,7
U	foreign-born	10,8	10,9	14,5	14,5	14,4	15,6	9,401	5,1	11,6	11,6	11,9	6,9
	native-born	6,8	6,6	8,4	9,1	9,1	9,9	9,716	7,2	8,3	9,8	9,8	10,2

Source : calculated based on the statistics from OECD. StatExtracts [21].

Circular migration schemes also received a critique from Carrera and Sagrera who noted the predetermination of temporary migration, as the focus of the approach was on return and readmission of immigrants [14].

In addition, rotation of immigrant workers creates the need for constant training of newcomers which requires time and resources and over the long run is cost ineffective for business. The circular migration scheme acts rather as a security blanket ensuring that immigrant workers will return home in a short time.

Ukraine and migration to the EU. The Partnership and Co-operation Agreement signed between the European Union and Ukraine entered into force in 1998. Negotiations on the successor agreement – EU-Ukraine Association Agreement – started in March 2007 and in February 2008 negotiations started regarding the Deep and Comprehensive Free Trade Area. The Association Agreement was signed in Spring 2014 and ratified later in September. Article 19 of the document deals with movement of persons and sets the following steps: parties will fulfill the agreement of 2007 on Readmission of Persons and agreement of 2007 on Facilitation of the Issuance of Visas, as well as take «gradual steps towards a visa-free regime in due course» [8]. The partnership also emphasizes transfer of skills from the EU to Ukraine in order to facilitate development of the latter. However, the agreement does not include any type of management of immigrants once they arrive into the EU.

Immigrants from Ukraine started to come to the EU in great numbers after Ukraine declared its independence. The economy of the country had to undergo changes, which had a negative effect on labor market and as a result a lot of citizens made a decision to go abroad for work. Fig. 1 shows the migration patterns of Ukrainians between 2002 and 2013 [18].

The number of emigrants has been consistently decreasing throughout the period of observations. Before 2005 number of out-migrants was larger than number in-migrants, but after 2005 pattern reversed. One of the explanations could be the Orange Revolution of 2004, which gave people hope that the situation in the country would improve and thus made them more likely to stay. Following 2013–2014 winter revolution the pattern could repeat itself. However, there might be an opposite effect due to changes in visa regime between

⁵ For the purpose of analysis the data is rounded up to one decimal.

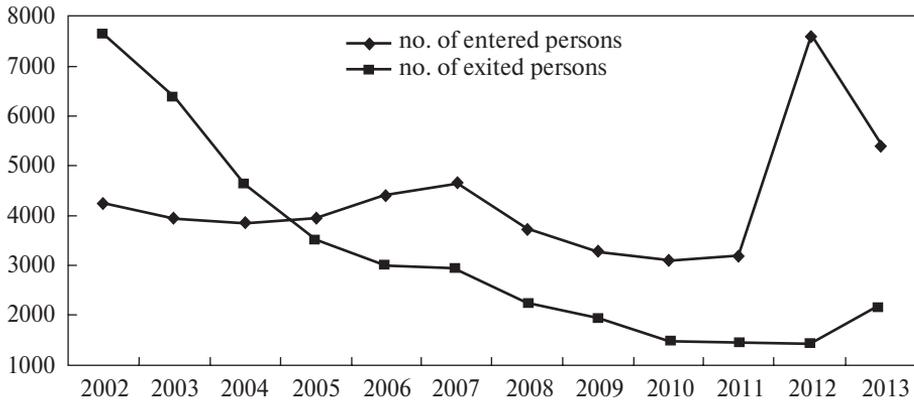


Fig. 1. Flow of Ukrainians in and out of Ukraine

Source : Migration Policy Centre [18].

the EU and Ukraine which will certainly have effect on household's decision-making and must be looked at closer.

Among the most popular destinations for Ukrainian labor migrants are Russian Federation, Poland, Czech Republic, Italy and Spain. Gender ration is relatively equal, but there is a difference in type of work: men, predominantly, employed in construction, and women in house care [18].

Those Ukrainians that choose to go to the EU are often engaged in low-skilled work, although more than half of the migrants have complete secondary education back home and significant percentage are professionals [18]. While some of the knowledge is outdated relative to the European standards, with some training their skills and potential could be used more effectively than in low-skilled jobs.

The duration of migration varies from a couple of months (summer job) up to 10–15 years. Migrants also make a choice between eventually bringing their family to the EU and returning home. The latter is a more common choice and one can talk about temporary nature of migration with the main aim of supporting families back home. Fig. 2 shows the flow of remittance both in terms of actual value and as a percentage of GDP for the period between 2000 and 2010 in millions US dollars [18]. Level of remittances had a sharp increase in 2007 and stayed high in 2008 to 2010; this was matched by an increase in net migration figure for the country.

The determination of Ukrainian labor migrants to enter European labor market is obvious as they would often choose to take on low-paid jobs in the EU for which they are overqualified, rather than seek employment back home where opportunities are limited. This combination of push and pull factors has been the driving force in the latest wave of Ukrainian labor migration to the Union and is unlikely to change in the near future.

What is missing from migration policies? European migration policies are primarily restrictive and focus on managing quality and quantity of immigrants. While, no doubt, this is fundamental to any migration policy, there are other aspects that do not receive the necessary attention. Once migrants cross the border of the EU they are left to themselves – getting familiar with new society, new legislation, and completely different environment⁶ Ukrainian labor immigrants tend to come for a fixed period of time, nevertheless, they still need certain level of assistance to successfully integrate into the society and labor market.

⁶ Countries outside of the EU have different settings and it could be challenging for some people to adopt quickly.

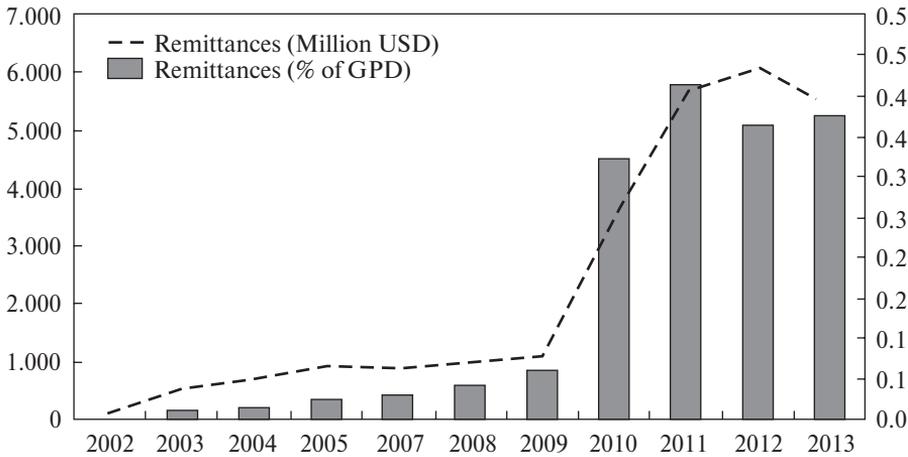


Fig. 2. Flow of remittances to Ukraine for the period of 2000-2010 in US dollars

Source: Migration Policy Centre [18].

Schneider and Crul (2012) define integration as the «structural aspect of incorporation into society, especially with regard to educational achievements and access to labor market» [22]. In their work authors refer to comparative integration theory stating that differences in integration context will influence the success of integration process, and thus integration policy should be a complex system in which different variables, such as characteristics of both indigenous population and immigrants, have to be taken into account. The authors applied the theory to permanent immigrants and 2nd generation immigrants, but same approach can be applied to Ukrainian labor migrants as the both groups face the need to adapt to new environments and learn to cooperate with host society. Current study focuses only on four factors – national attitudes, labor market, housing and legislation.

First of all, Member States vary in their treatment of labor immigrant both in terms of governmental rhetoric and national attitudes. The latter is often marked by a negative attitude towards immigrants primarily because of a belief that they have a negative effect on the economy. Hollifield (2008) stated that «the state is merely the reflection of social interests» and «policy outputs are heavily contingent upon ideational, cultural, and institutional factors, which often distort market interests of different groups, to such an extent that some groups ... may end up pursuing policies that would seem to be irrational or at odds with their economic interests» [2]. In the EU governments are reflections of both national interests and attitudes, but society is not necessarily able to correctly identify those interests. Therefore, it is the responsibility of a government to identify and pursue the true interests of population, which in case of migration is to properly explain and weight all the disadvantages and advantages of labor immigration.

Secondly, prior to leaving their country migrants need to familiarize themselves with the legislation of the country of destination. These are several layers of laws acting in the EU, most important being national and European. What are the channels for obtaining the necessary information? Most of the information could be found in open sources such as internet. However, the Union is a multi-level organization with a complex governing system and even European citizens are often confused about its functioning. In such a large pool information immigrants need assistance with getting to know the parts of the system that directly concern them.

Thirdly, labor migrants come to the EU for better job opportunities and the majority of Ukrainians are employed in low-skilled sector. However, this does not mean that they do not possess qualifications necessary for better paid jobs, it is rather a matter of being accepted to those places or having information about their existence. While the former depends on the skills of the migrant and requirements of the open positions, the latter – on research and networks. As immigrants are new to labor market they gather most of the information from their own nationals in that country. Here the problem becomes circular – as majority of migrants are employed in low-skilled sectors the information they can provide to newcomers would most likely be about low-skilled jobs and therefore some new immigrants end up missing on other opportunities. As migrant labor resources might often not be used to their fullest, management of the process will make allocation of immigrant workers in the market more effective.

And lastly, geographical clustering of immigrants disturbs indigenous population. Asselin et al. referred to the concept of segregation as «the processes of social differentiation and to the spatial patterns that result from such process, which are usually located at the urban scale» [21]. According to authors, ethnic segregation of immigrants is affected by socio-economic status, status of migrant in the housing market, discriminatory mechanisms within host society, the handling of migrant families by public housing authorities (not relevant in case of short-term labor migrants as they tend to come without families), legislative frameworks and affiliation demonstrated by migrants themselves. Concentration of migrants could occur as a result of spatial differentiations of the economy, mechanisms of housing market, or resulting from immigrants' choice. Spatial isolation of immigrants from the host society is a stick with two ends: on the one hand, it gives immigrants a feeling of security and support, and on the other hand, it prevents their integration into the host society. The latter creates social tensions in indigenous population and facilitates the dislike of immigrants. Those attitudes are often not objective, but rather subjective as they are fulfilled by feeling of discomfort and not economic considerations. Therefore, it is necessary for host government to ensure certain level of spatial distribution of immigrants which in its turn will facilitate their integration into society.

Diaspora as policy tool. Networks between Ukrainians play an important role in their labor emigration to the EU, they serve as a source of information and support for newcomers. These networks develop into diaspora which is defined as «any transnational migrants community which maintains material or sentimental attachments to its country of origin, while adapting to the limitations and opportunities in its country of settlement (its host country)» [19]. Diaspora is not a direct result of migration, but is rather made up of those immigrants that for different reasons fail to melt into host society, put differently – an established group of third-country nationals with a slow turn-over of its members. When some members integrate into the host society, the size of diaspora decreases and this creates free spaces that can be filled by new migrants.

Regarding its activity, Ukrainian diaspora is heavily engaged in democracy promotion and educational programs. They provide sponsorships for education and practice abroad, mostly in the USA and Canada⁷. Members of diaspora are often involved in national politics of host country as well as in world politics issues. For example, Ukrainian World Congress coordinates work of different organizations such as Shevchenko Scientific Society and World Federation of Ukrainian Women's Organizations. In early 2000s the Congress included more than 93 different organizations located in 32 diaspora countries [10]. While Ukrainian diaspora creates different organizations, labor migrants in the EU tend to group around churches and Ukrainian schools [16].

Igor Markov (2012) in his work refers to a study on migration from Ukraine to the EU conducted in 2007–2008 by International Charity Fund «Caritas Ukraine» in cooperation with the ethno-social research sector of Institute of Ethnology of Ukraine supported by actions of solidarity of German Catholics with people of Central and Eastern Europe «Renovabis» [16]. Results of interview with Ukrainian labor migrants outlined quick transfer of information between Ukrainians through social networks, most effective being churches, which allowed them to adapt to changes in labor market, social contacts acted as self regulation mechanism of Ukrainian migration.

When a labor migrant crosses the border of a country of destination, he or she tends to lose contact with their own government and is highly unlikely to develop connections with government of the host country. Diaspora acts as a middle agent between a migrant and both the host society and the government. However, currently there is no place for diasporas in European migration policies.

This study suggests that diasporas have a potential to become a useful policy tool. Collier proposed a migration policy package which included the following steps: ceiling, selection of migrants, integration of diasporas, and the legalization of illegal immigrants [4]. Firstly, while the majority of migration policies put a ceiling on number of immigrants, what they should be doing is focusing on the ceiling for diaspora and the rate of its absorption [4]. The ultimate objective of migration policy should be migration diversity and achieving the rate of diaspora which society can observe. The «right» size of diaspora is different for each host society and it is the job of the policy makers to discover it. The economy of European countries is growing and so are their job markets, however, there are limits to the number of migrants job markets can intake and still sustain high-productivity employment. Some countries use lottery systems for controlling migration which automatically creates a ceiling on gross inflows.

The second step proposed by Collier (2013) – selection of potential migrants based on level of education and employability – has already been applied by the European authorities.

The third step is integration of immigrants and focus on increasing the rate of absorption – open slots in diaspora enable new immigrants to fill them up without putting additional pressure on society [4]. The size of diaspora decreases as immigrants integrate into society – learn the language, find stable jobs, become part of indigenous community. The author indicated that the «rate at which diasporas are absorbed depends in part upon the choice between multiculturalism and assimilation». This in turn depends on policies pursued by the government which should go against racism and discrimination. Governments should provide more opportunities for migrants to integrate, for example through language training or culture sharing activities. The more hospitable national attitudes are, the less reasons immigrants have to estrange themselves from the host society.

Fourth, work should be done towards legalizing illegal immigration. Collier (2013) proposed that once people succeeded in entering the country they should receive legal status to allow them to work in the legal economy, such as status of guest worker. This measure was already implemented in the US where after certain period of time illegal immigrant can receive legal status. After years of living in a country the person has already become a part of the society and thus it is more rational to grant him/her legal status which will enable supervision rather than eviction. But it is important that the penalty for illegal entrance should be much higher than costs of legal entry in order to prevent future illegal migration [4].

⁷ Ukrainian diaspora in Canada is one of the strongest compared to other host countries.

In his conclusion Collier (2013) argued that in the long-run policies which combine migration and diaspora will be the most effective [4]. He evaluated the policy package and came up with several results: initially migration will accelerate, but with the time will stabilize. Similarly, the size of the diaspora will initially grow, but then will stabilize and reach an optimal level.

Conclusions. This study proposes to include the concept of diaspora into the European migration policies with the focus on integration of labor immigrants. This will both decrease the existing tensions in society and create space for future migrants. In addition, it will allow governments to transfer some responsibilities regarding immigrants onto diasporas, which could be in a way liberating for them.

In addition, it is crucial to implement the third step of Collier's model – focus on increasing the rate of absorption of migrants – when creating migration policies that focus on Ukrainian labor immigrants. As migration flow to the EU is unlikely to stop, policies should ensure integration of Ukrainian migrants into European economy and society. Especially so in the light of the signed Agreement which provides for visa liberalization and close political as well as economic cooperation between the EU and Ukraine. Implementation of integration policies at this point will become an investment into the future relationship between the two actors. Close contact with the Ukrainian diaspora will enable a better understanding of particular characteristics of the nation, their motivations and aspirations. This knowledge should be used to create targeted programs which include diasporas as their policy tool to create more effective approach to Ukrainian migrants. This can either be in the form of governments addressing diasporas, or by providing a point of contact which can be used by members of diaspora. The latter will be relevant in those situations when immigrants require information or assistance, while the former can be used to enhance government supervision and understanding of Ukrainian labor immigrants.

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