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The abolition of the visa requirement for Ukrainian citizens: possible migration consequences for the European Union

Expert opinion from the Centre for Eastern Studies (OSW)

SUMMARY

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1. Overall conclusions

- On 26 April 2017, the European Council approved a resolution by the European Parliament of 6 April to add Ukraine to the list of countries whose citizens do not need visas for short-term stays (up to 90 days) within the Schengen zone. Visa-free travel within the EU entitles visitors to tourist, family and business visits, but not to work (the principles for foreigners' employment are governed by national laws). Only holders of biometric passports are entitled to travel in the framework of visa-free regime. The new rules came into force on 11 June 2017. The abolition of visas is a success for Ukraine, the European institutions and the countries involved in the process of liberalisation, both in the light of the severe political situation in Europe and the prolonged conflict in the east of Ukraine.
- The introduction of visa-free travel for Ukraine was accompanied by the coming into force of an EU visa suspension mechanism in case of an increase in security and migratory risks. The European Commission may activate the new mechanism at the request of one or more member states, *inter alia* if the following phenomena become significantly more common: a substantial increase in the risk to the public policy or internal security of the member states; a substantial increase in the number of refusals of entry or apprehensions for illegal residence, substantial increase in the refusal rate of asylum applications. This mechanism may be activated and can apply to either specific categories of third-country nationals or all nationals of a given third country, and can also lead to the temporary or permanent restoration of visa movement.
- In political discourse within the European Union, it is usually assumed that the liberalisation of visas in relations with the third country, and more specifically the abolition of short-stay visas, will entail an increase in migration from that country. At this time in particular, with the increased migratory pressure on EU countries, EU politicians fear that visa liberalisation will bring about an uncontrolled influx of migrants. Such a link, however, has not been clearly proven, and has not been confirmed by earlier waves of visa liberalisation. It is possible that irregular migration and illegal employment will increase if a visa waiver programme is introduced; however, there is no data or research which would clearly confirm this correlation.
- Rises in legal migration have not been observed, either in the case of the abolition of the visa requirement for citizens of Central and South-Eastern European countries, for the countries of the Western Balkans, or in the case of Moldova. However, in the case of the abolition of the visa regime for the countries of the Western Balkans, the pressure on the asylum systems of specific EU countries has increased significantly. In the case of the abolition of visas for citizens of Moldova, the number of refusals of entry has increased. The fundamental increase in migration from the countries of Central Europe was observed only after their accession to the EU and the opening up of labour markets.
- In the EU as a whole, we should not expect a fundamental increase in the influx of Ukrainian migrants (apart from an increasing influx to Poland, which is occurring for other reasons, mainly favourable employment rules). The introduction of visa-free travel seems to have had only a minor impact on the migration flows of Ukrainian citizens to the EU, as tourist visas for this category of foreigners had earlier been readily available on a large scale. Poland has also issued a significant number of national visas for temporary work. It is possible that there will be some re-orientation of the migratory flows out of Poland to countries such as the Czech Republic and Germany, or the countries of southern Europe, which are experiencing higher demand on their labour markets and have hitherto

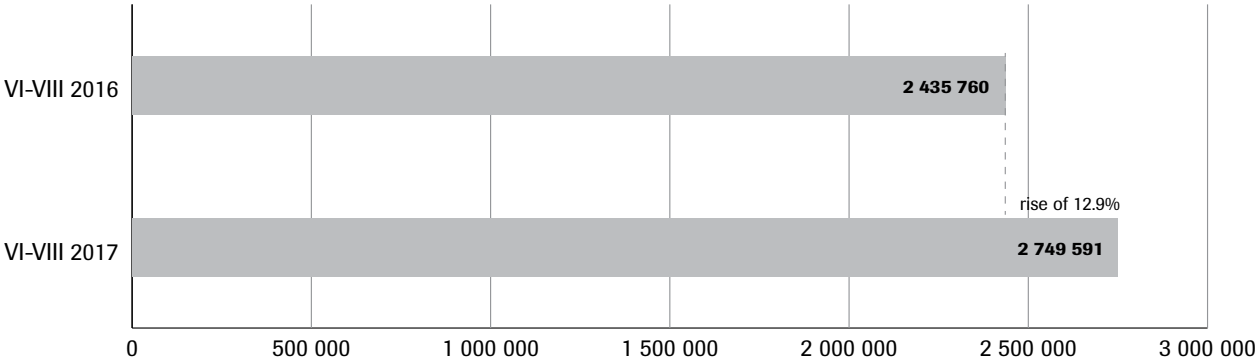
implemented restrictive visa and migration policies. It is likely that these countries will change their migration policies and open their labour markets to a greater degree than before.

- One state currently facing this dilemma is the Czech Republic, the country with the lowest unemployment in the EU and an increasing deficit of workers. Despite strong pressure from employers, the opening-up of the labour market to foreign workers has been prevented by the ongoing electoral campaign, during which the Czech Social Democratic Party, a member of the ruling coalition, has argued that a mass influx of workers from abroad will slow down wage increases on the Czech labour market. Some left-wing politicians have also highlighted possible challenges to the security of the local communities where foreign workers could settle. The employers' needs have been however acknowledged by the leader of the ANO 2011 party, Andrej Babiš, who has a good chance of becoming Prime Minister after the elections scheduled for 20-21 October; he argues that the shortage of workers is the biggest problem for the Czech economy. In his opinion, priority should be given to activating those people who are out of work, but he has also stated it would be beneficial to take in workers from abroad, for example Ukraine.

2. Conclusions for Poland

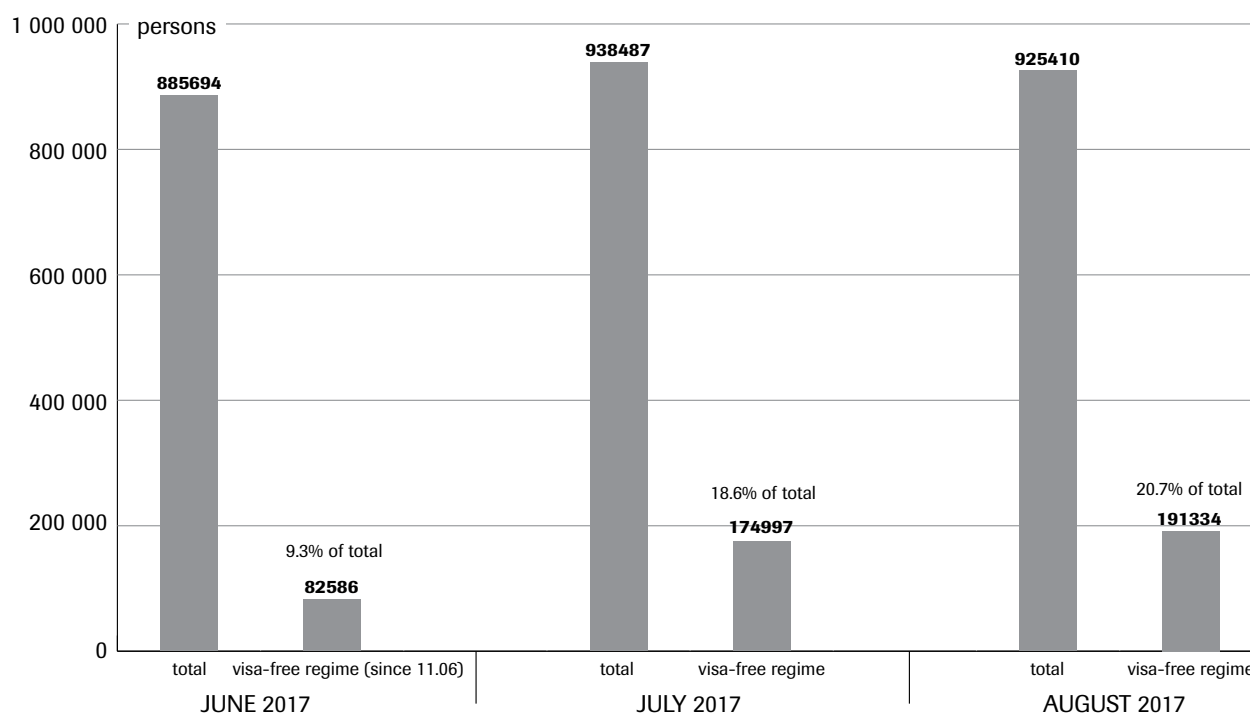
- On the bases of the available administrative data, participatory observation and analysis of the media discourse, it must be stated that since the introduction of the visa-free travel regime with Ukraine (from 11 June 2017) there has been no fundamental change in the dynamics or the patterns of passenger traffic at the Polish/Ukrainian border, or in the nature of the journeys made by Ukrainian citizens.
- During the first three months of the visa-free programme's operation (June, July, August), the dynamics of passenger traffic rose by 12.9% compared to the same period in 2016. The slight increase in the dynamics of border movement could also be a natural consequence of the increasing number of Ukrainian citizens living in Poland and visiting their country of origin. There was also a rise in the number of people using biometric passports when crossing the border (see Figures 1 and 2).

Figure 1. The number of Ukrainian citizens entering Poland from June to August 2016 and June to August 2017



Source: Headquarters of the Polish Border Guard

Figure 2. The number of Ukrainian citizens entering Poland from June to August 2017 (in total, and under the visa-free regime)



Source: Headquarters of the Polish Border Guard

- At present, when the legal mechanisms allowing citizens of Ukraine to access the Polish labour market are being expanded, it does not seem that lifting the requirement to hold a short-term visa will affect the dynamics and patterns of Ukrainian migration. Poland is likely to remain the main destination country for Ukrainian migrants within the EU. However, the introduction next year of changes to the terms for employing foreigners (by imposing limitations on the system of so-called employers' declarations, and the introduction of permits for seasonal work) may at least temporarily make the situation of Ukrainian citizens on the Polish labour market more difficult.
- The migrant stock of Ukrainians currently resident in Poland may be estimated at 500,000 people at least, a figure which is rising exponentially. In the Polish context, it is also important to distinguish between long-term and temporary migration. The former, although it also is showing an upward trend, is actually small in absolute terms. The second kind is probably rising much more quickly, but at the moment it is difficult to capture this statistically. It is important to recall the specific nature of Ukrainian temporary migration to Poland. This type of migration is actually a complement to the way people within Ukraine conduct their lives, and does not indicate that they are necessarily willing to change their permanent residence.
- Although an unequivocal relationship has been observed in the Western Balkan countries between the abolition of visa traffic and the number of asylum applications submitted, this is due in large part to the specific situation of the Roma population in Europe. With regard to Ukrainian citizens applying for international protection in Poland, the rising figures for the recognition rate of asylum applications may be significantly more important than the fact of short-term visa abolition.

3. Migration from Ukraine based on Ukrainian data

The annexation of Crimea in March 2014 and the outbreak of conflict in Donbas in the spring of that year, together with the rapid deterioration of the economic situation, faced Ukraine with unprecedented challenges such as an increase in migration, both internally (persons displaced due to the armed conflict) and abroad. It is worth considering whether the current wave of migration should be seen as a qualitatively new wave. Some of its trends and patterns are new: forced migration, migration of young people and students, young professionals, small and medium-sized enterprises, and family reunifications. On the other hand, many Ukrainians who are potentially considering migration have become poorer as a result of the crisis, and do not have the resources that would allow them to prepare to migrate. Interestingly, this sharp increase in migration in fact concerns only Poland and Russia.

This new wave of migration to the EU and Poland since 2014 has a different structure than earlier waves. The predominance of men and young people is more clearly visible. Moreover people from eastern Ukraine, who had previously been largely absent from the migration flows to Poland, are participating for the first time.

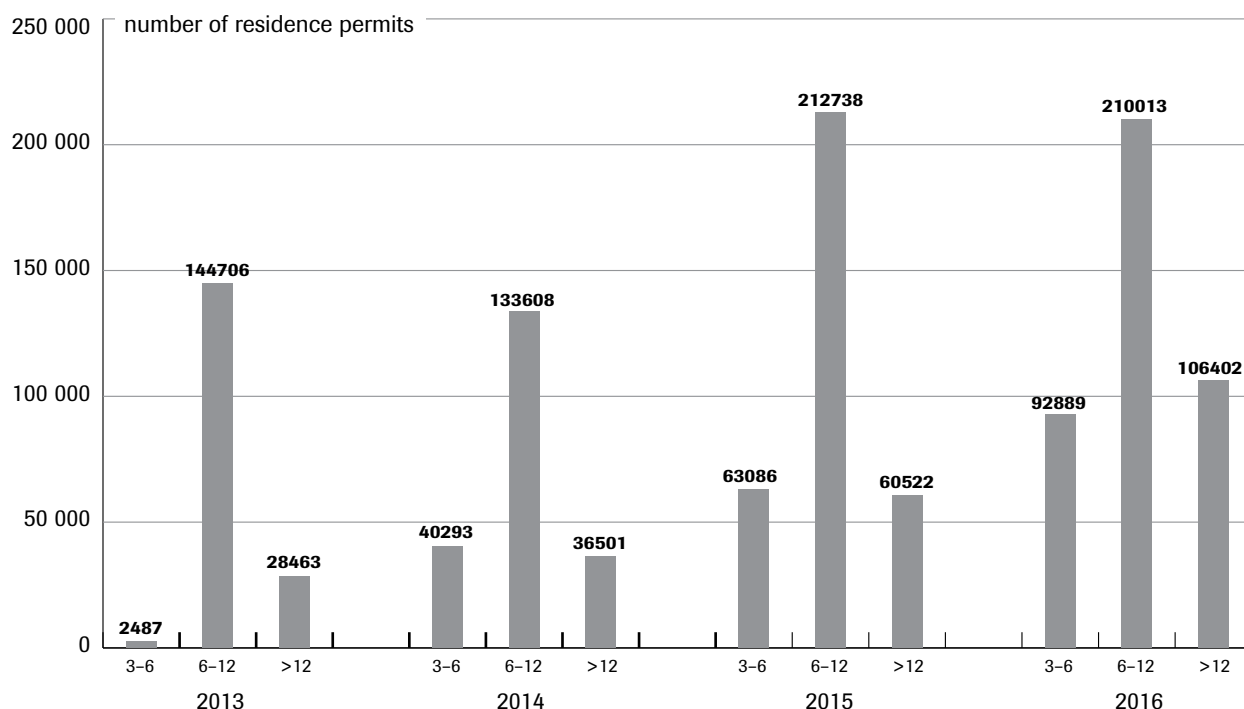
The main methodological challenge, which makes it practically impossible to present any clear theses concerning migration since 2014, is the lack of research and trustworthy statistical data on the Ukrainian side.

4. Migration from Ukraine based on Polish data

The only EU country which has seen a significant increase in migration from Ukraine since 2014 is Poland. A particular factor which attracts Ukrainians is the employer's declaration system. In accordance with a regulation of the Polish Ministry of Family, Labour and Social Policy (*Ministerstwo Rodziny, Pracy i Polityki Społecznej*) of 21 April 2015 concerning cases in which a job can be given to a foreigner on Polish territory without having to obtain a work permit, a citizen of Ukraine who wants to work temporarily in Poland (for a period not exceeding six of the next twelve months) is exempt from having to obtain a work permit.

According to data conveyed to Eurostat by the Office for Foreigners in Poland (*Urząd do Spraw Cudzoziemców*), the number of Ukrainian citizens who held valid residence permits at the end of 2012 numbered 122,000; at the end of 2013 the figure was 175,000; at the end of 2014, 210,000; and at the end of 2016, the figure was 409,000 (see Figure 3).

Figure 3. The total number of valid residence permits issued to citizens of Ukraine in 2013–2016, as of the end of each year, broken down by length of residence permit (from 3 to 6 months; 6 to 12 months; 12 months and above)



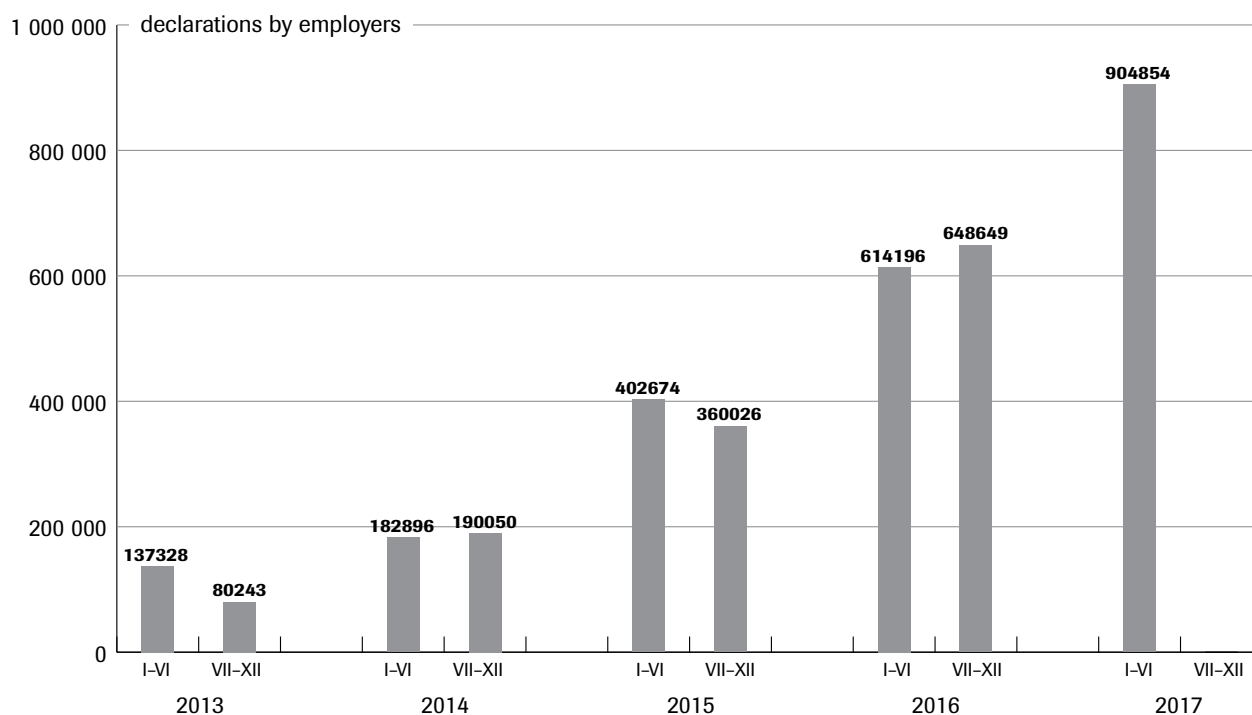
Source: Office for Foreigners

It is worth emphasising that to a great extent the migration of Ukrainians to Poland concerns new arrivals. Large part of all these valid residence permits have in fact been issued for the first time. In 2014 the number of first permits was 250,000; in 2015 430,000, and in 2016 512,000.

As of 31 August this year, 312,512 foreigners on the territory of the Republic of Poland held a valid residence permit, of whom 133,818 were citizens of Ukraine. These represented 43% of foreigners with a valid residence permit. A month earlier, the number of Ukrainians was 132,606. At the end of June this year, the number of foreigners in total amounted to 302,316, so over two months the number rose by 10,000. Citizens of Ukraine played a large part in this rise; in August this group received 5500 new residence permits.

The increase in the number of employer's declarations permitting temporary work is significant. In 2013 the number of Ukrainians issued such declarations amounted to 217,000, while in 2016 as many as 1.26 million such were issued to Ukrainians. In the first half of 2017 the figure was 904,853, which means a double-digit percentage rise in comparison to the number of declarations issued during the first half of 2016. The final figure for 2017 will probably jump by several dozen per cent compared to 2016 (see Figure 4). According to data from the Ministry of Family, Labour, and Social Policy, as of 1 September 2017, the number of Ukrainian citizens who held valid employer's declarations was 669,000, while 186,000 Ukrainians had work permits (migrants' stock).

Figure 4. The number of declarations by employers issued to Ukrainian citizens registered in Poland in 2013–2017 (half-yearly data, migration flow data)



Source: Ministry of Family, Labour and Social Policy

Experts differ as to how this data should be interpreted. Some believe that because the 'declarations' procedure is cost-free and simple, the number of permits issued demonstrates the scale of the employers' interest in taking on Ukrainian citizens. In turn, Ukrainian experts stress the importance of the number of employer's declarations issued in interpreting Ukrainian migration plans, or the uncertainty of the Ukrainian population in a wider sense as to how the situation in the country will develop. Holding a declaration is often thought of as a form of guarantee if travel abroad becomes necessary. In this context, it will be interesting to see how the declarations' data evolves after the introduction of visa-free travel, and whether some citizens of Ukraine might lose interest in retaining this form of permit. It is also worth remembering that on 1 January 2018, amendments will come into force to the law on the promotion of employment and labour market institutions, restricting the categories of situations in which people can work on the basis of a declaration. *Inter alia*, it introduces a new type of work permit for seasonal work.

Due to the ongoing armed conflict in the east of Ukraine and the annexation of Crimea, Poland is an important destination for Ukrainian citizens applying for protection. In total, during the period from 1 January 2007 to 1 October 2017, 6866 Ukrainian citizens submitted applications for refugee status in Poland, the majority of which (2318) did so immediately after the outbreak of the armed conflict in 2014. In 2017 this number amounted to 574 people. In the period from 1 January 2013 to 1 October 2017, based on decisions by the Head of the Office for Foreigners and the Refugee Board (Rada do Spraw Uchodźców), 92 citizens of Ukraine were granted refugee status, 268 were granted subsidiary protection, and 26 tolerated stay.

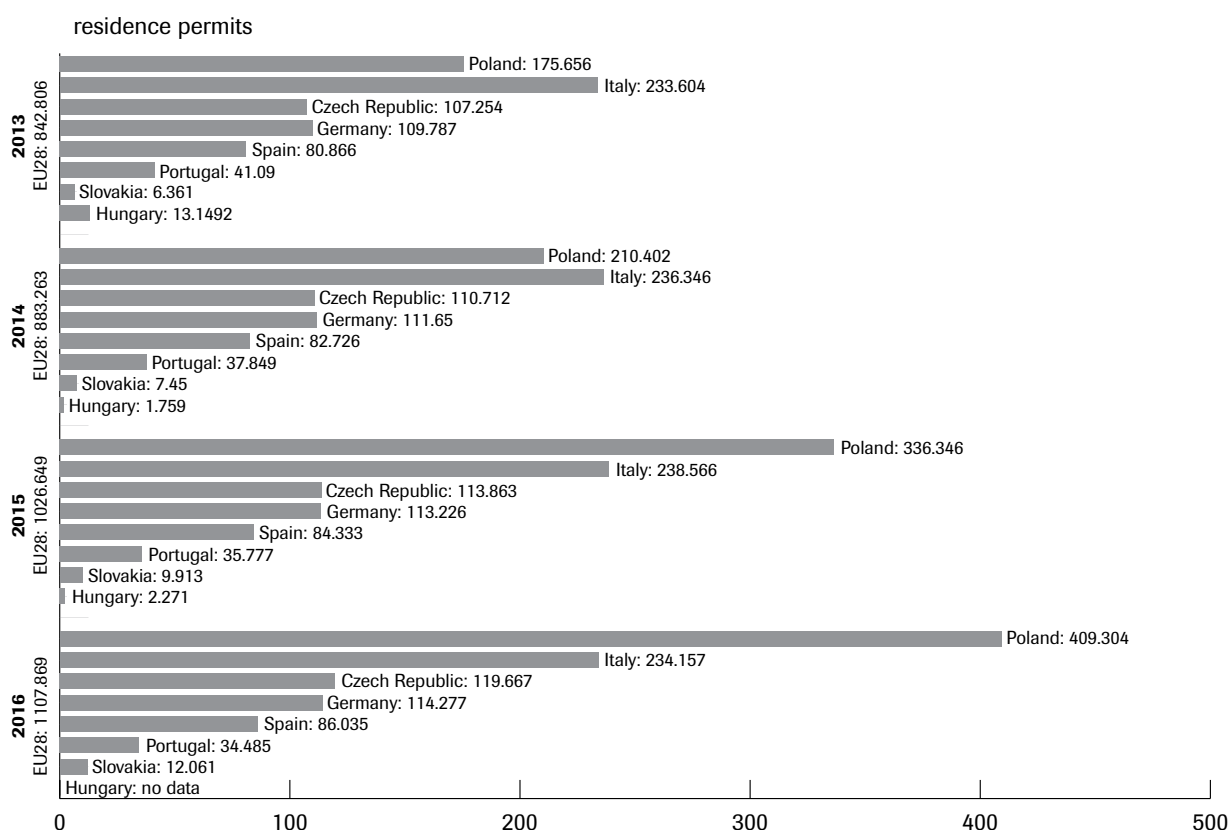
5. The EU-wide context

According to data from Eurostat, at the end of 2016 there were 1,110,000 Ukrainian citizens in the EU28 with valid residence permits, of which 403,000 were in Poland (see Figure 5). The second most popular country was Italy (234,000 permits issued to Ukrainians), where until the economic crisis of 2008 there had been a much greater number of Ukrainians (mostly working in the construction industry and agriculture). Later the number fell and has stabilised at the constant level, and now mainly consists of middle-aged women working in the domestic service sector, particularly in care for the elderly. Ukrainian residents in Spain and Portugal are characterised by a similar migration profile.

In Germany at the end of 2016, the number of Ukrainians legally resident was 114,000. At present, however, Ukrainians with work permits are virtually absent from Germany; those who are there have residence permits for educational or family purposes.

At the end of 2016 119,000 Ukrainians were legally resident in the Czech Republic. For several months the Czech labour market has been observing a growing number of citizens of Ukraine with Polish visas, who are being brought to the Czech Republic via the Polish companies. The vast majority (several thousands) hold short-term Polish work visas issued in the declarations system, and have been sent to the Czech Republic by Polish employment agencies. A number of Ukrainian migrants are also resident in the Czech Republic as delegated workers posted by Polish employers.

Figure 5. The total number of valid residence permits issued to citizens of Ukraine by the EU28 between 2013–2016, as of the end of that year (migrants' stock, selected countries)



Source: Eurostat database

<http://ec.europa.eu/eurostat/web/population-demography-migration-projections/population-data/database>