

IMPACT OF THE RUSSIAN-UKRAINIAN WAR ON MIGRATION PROCESSES IN THE REGION

The purpose of this research is to identify some problematic aspects of the migration processes that resulted from the large-scale Russian aggression against Ukraine, as well as to identify possible ways to address these problems.

Methods. A method of content analysis of existing publications over the past few years has been used, which have been published in the mass media and address the problem of migration processes around Ukraine. Also, a statistical method was used, which analyzed official statistics for 2020-2021 and the first half of 2022, collected by border institutions of Ukraine, Moldova and other countries, adjacent to Ukraine.

Results. The Russian-Ukrainian war declared by Russia in 2022 has a significant impact on migration processes in this region. It has influenced both the qualitative and the quantitative characteristics. The traditional and already habitual migration of citizens from other continents has been completely replaced by the mass movement of Ukrainian citizens to neighboring countries in search of international protection. At the same time, military operations continue and therefore migration flows are consistently high. The simultaneous mass movement of people across the State border leads to an accumulation of people at checkpoints and the need for their rapid registration and evacuation from territories dangerous for their lives. This was difficult for Ukraine, so it had to simplify border control procedures and stop entering information on border crossings into the relevant database, as well as simplifying the availability of passport documents for border crossing. However, other problems may arise when simplifying classic border control procedures. We are talking about the possibility of criminals escaping from the search and the possibility of trafficking in persons, including children.

Conclusions. The solution of the problem of fast and safe border crossing by the seekers for asylum could be implemented via joint border control of people on the territory of a neighboring State, where there are safer conditions for processing migrants. It will also provide an opportunity for representatives of the two countries to simultaneously check the problems that may arise during border control.

Key words: migration processes; regional migration; international migration; war; immigration law; Ukraine.

JEL Classification: F22, H56, R23, K37, O15.

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Introduction

In 2020–2021, the world community implemented a series of activities to contain the spread of the Covid-19 pandemic. This has made it possible to make the world's migration processes more controlled, safe and orderly. After prolonged isolation, the borders of many states have opened, the rules of crossing state borders have become clear to travelers and are already familiar to a certain extent.

At the same time, another threat was “smoldering” and brewing in the center of Europe, which could radically affect migration in this region. More specifically, it is the annexation by Russia of part of the territories of neighboring states.

This has resulted in more than 280,000 internally displaced persons from Abkhazia and the Tskhinvali region / South Ossetia registered in Georgia as of 31 December 2020, for example (UNGA, 2021). The number of internally displaced persons in Georgia has increased. In Ukraine (as of 2019), the number of internally displaced people from the illegally annexed Crimea by Russia and occupied Donbas amounted to more than 1.4 million people (In Ukraine, 2020). More than 51,000 civilians were registered as internally displaced persons in the right-bank part of Moldova (Moraru, 2012).

Russia's local territorial claims in Georgia, Moldova, Ukraine and other countries have clearly led to massive movements of migrants from the occupied territories both within the country and to other countries, especially neighboring states.

Since 24 February 2022, when Russia launched a large-scale war with Ukraine, such migratory movements have changed their nature and became of global rather than local concern.

Internal displacement of citizens increased dramatically to more than 8 million (UNCM, 2022). At the same time, it is worth noting the transformation of these processes and the departure of migrants from the country to seek temporary protection in countries of Western Europe and other continents.

In the first four months of the war alone, more than 7 million people left Ukraine. Of these, 89% went to the EU member states and 11% to Moldova. Many migrants left neighboring countries for the American continents, and residents of areas bordering Russia were forcibly deported by the aggressor state to their territory.

The problems of migration in the modern world, and in particular in the Central European region bordering Ukraine, have been studied by a small number of authors. These include studies by N. Bortnyk, A. Górný, E. Libanova, O. Malynovska, S. Odyneć, S. Khalymon, M. Jaroszewich and some others. At the same time, the problem of the impact of the Russian-Ukrainian war on migration processes in the region has not been the subject of research and is of significant research interest. That problem was linked to a new wave of migration that would go down in history and should be studied in greater depth, including through the perspective of neighboring countries.

Purpose and methodology

The purpose of this research is to identify some problematic aspects of the migration processes that resulted from the large-scale Russian aggression against Ukraine, as well as to identify possible ways to address these problems.

General scientific and special methods were used to achieve this goal. Thus, a method of content analysis of existing publications over the past few years has been used, which have been published in the mass media and address the problem of migration processes around Ukraine. Also, a statistical method was used, which analyzed official statistics for 2020-2021 and the first half of 2022, collected by border institutions of Ukraine, Moldova and other countries, adjacent to Ukraine.

Migration on the Ukrainian-Moldovan section of the state border

Migration has been, is and will continue to be a widespread phenomenon due to a number of factors. For most of the world's nations, this was a tangible and growing phenomenon until 2020. Over the years, the influx of migrants has increased dramatically, primarily due to the unstable situation in the Middle East, the emergence of terrorist organizations, the difficult economic situation, etc. (Kuryliuk, 2020). It is known that from the existing problems, especially from illegal migration, EU member States have been suffering for quite some time, as there has been a significant influx of refugees from Syria, Iraq and other countries into the region for many years.

Over the past 20 years, Ukraine and Moldova have become transit countries for illegal migration to EU countries. According to various analytical estimates, over the past ten years, from 800 thousand to 1.6 million illegal immigrants have been permanently housed on the territory of Ukraine alone (Luptakova, 2009). They were patiently waiting for their chance to move to one of the neighboring member States of the European Union. Therefore, Ukraine and Moldova, having a good geographical location, have significant opportunities for significant migration flows.

Moldova is a country in southeastern Europe that borders Ukraine and Romania. The total population is 3.3 million people. About 12.3% of the territory is occupied by unrecognized Transnistria. The total length of Moldova's border is 1,906 km, of which 1,222 km is the border with Ukraine.

For 2.5 decades, migration flows from Ukraine were divided by almost half between Russia and Europe, with a pronounced circular nature of the labor exchange with Russia, and a large number of Ukrainian citizens ate to stay in European countries for a long time (Libanova, 2018).

The situation with Moldova is similar. Thus, labour migration in Moldova is considered to be one of the highest in the world. Approximately 300,000 persons, or 25% of the economically active population, who recently returned to the country, worked or intended to work abroad (Cajka, 2014).

At the same time, labour migration to Russia, compared to 2019, is becoming less diversified, as more than 80% of Russian migrant workers are mainly citizens of Tajikistan, Uzbekistan and Kyrgyzstan. Their number decreased by only 12%. If you look at the number of migrants from Ukraine and Moldova,

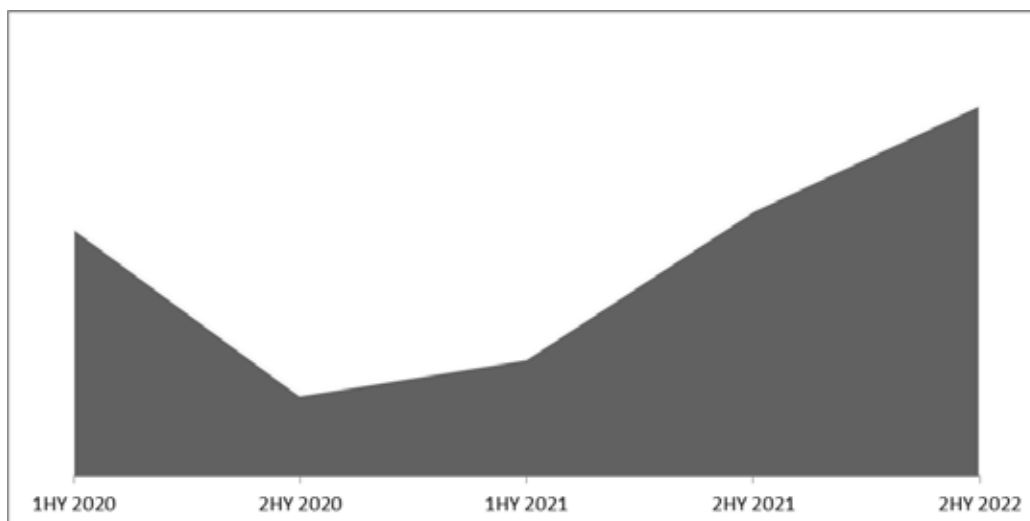


Figure 1. Dynamics of Moldovan-Ukrainian state border crossing

it decreased by 5 times. At the same time (compared to the end of 2014 and the beginning of 2022) the number of Moldovans in Russia decreased by 7.5 times (Moldovans, 2022).

However, this decline was short-lived. With the establishment of clear rules for crossing state borders in the conditions of COVID-19, a gradual increase in cross-border mobility began by mid-2021, and by the end of the same year it became even greater than it was before the quarantine. At the same time, the proportion of Ukrainian citizens crossing the Ukrainian-Moldovan part of the border varied annually around 32%, until the beginning of the open military aggression of Russia against Ukraine on February 24, 2022.

Migration on the Ukrainian-European section of the state border

Migration processes on the Ukrainian-European section of the state border have always been characterized by the active movement of citizens, both to European countries and to Ukraine.

Ukraine is a State in the geographical center of Europe that borders with Moldova, Romania, Slovakia, Hungary, Poland, Belarus, Russia, as well as by sea with Georgia, Bulgaria and Turkey. The total length of the border of Ukraine is almost 7 thousand km.

Over the past decades, the number of trips of Ukrainian citizens to the EU has increased markedly and only in 2015 amounted to 12.5 million, and in 2014 – 10.5 million. In conditions of sharp impoverishment of the population, the purpose of leaving for Europe, as a rule, was employment. A survey conducted in 2015 by GfK-Ukraine commissioned by IOM showed that the number of Ukrainians planning to find a job abroad in the near future or who have already found such a job increased by 2% compared to 2011 (IOM, 2015).

Between 2020 and 2021, the COVID-19 pandemic undoubtedly had a major impact on these processes. It was reflected in various fields and could not help influencing migration processes. However, restrictions on cross-border mobility caused by the pandemic did not stop migration from Ukraine to the EU, although they significantly hindered its implementation. Departure from Ukraine was in some way not so much reduced, but simply suspended, postponed for some time.

Since the introduction of the lockdown, according to some estimates, 300–400 thousand Ukrainians have returned to Ukraine in 2020, who faced serious difficulties in finding job and immediately tried to return to the country of employment at the first opportunity. Thus, according to a survey of Ukrainians who lived in Poland before lockdown, conducted in June 2021, a third of them could not find a job in Ukraine, 70% expressed a desire to return to work in Europe in the near future (Malynovska, 2021).

In total, 3.1–4.3 million people leave Ukraine annually to the EU member states. Of these, the share of Ukrainians is about 88%. On average, more than half of these crossings take place on the Ukrainian-Polish border and a quarter on the Ukrainian-Hungarian border (see fig. 2)

Analyzing statistical information on the Figure 2, it can be concluded that, unlike the situation on the Ukrainian-Moldovan border, restrictions on movements introduced in 2020 to prevent the spread of COVID-19, did not lead to a sharp decrease in the mobility of citizens to Hungary and Romania and only contributed to a decrease in the number of crossings of the Ukrainian-Polish and Ukrainian-Slovak parts

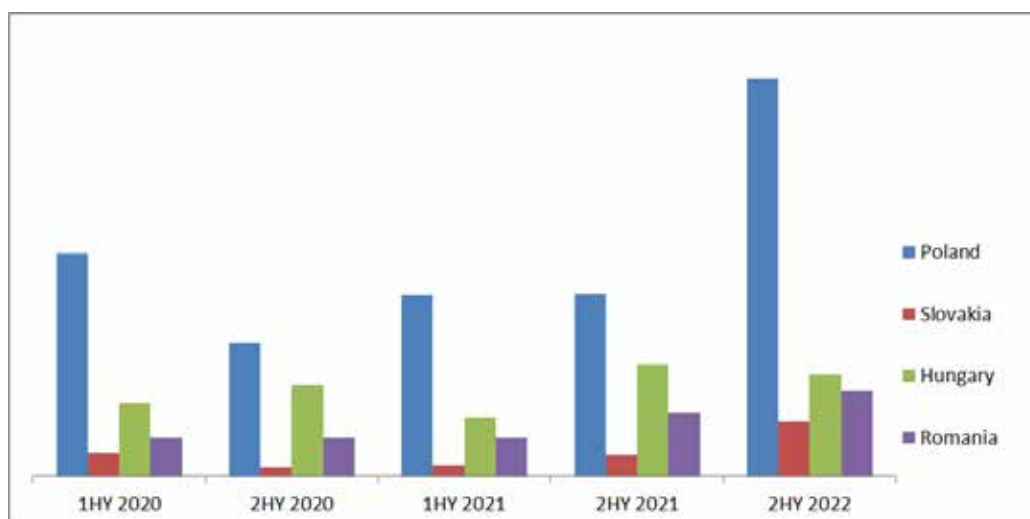


Figure 2. Dynamics of border crossing from Ukraine to EU countries

of the state border. This can be attributed to the different approaches in the implementation of countries' health policies and related restrictions (Nikitin et al, 2020).

Significant changes in the migration processes of these member states of the European Union have already occurred since Russia's open military aggression against Ukraine, which began on February 24, 2022, which is clearly visible in the results of statistics on border crossing from Ukraine to the EU.

Changes in migration processes in the region after February 24, 2022

Since Russia unleashed a large-scale Russian-Ukrainian war on February 24, 2022, a sudden migration of people to the European Union countries and Moldova began, as well as transit through these countries and other states, seeking temporary refuge for themselves and their family members.

Such a sharp migration flow is undoubtedly historical, but it is incomparable in its consequences with the migration crisis of 2015, when European countries resisted the flow of migrants. In the same year, Moldova and the EU demonstrated their commitment to the principles of humanism and good-neighbourliness and created an opportunity for the residents of Ukraine to leave as quickly as possible the dangerous region and move to their countries. At the same time, crisis centres and camps for asylum seekers were established in their territories. The European, Moldovan and other international community, including human rights organizations, united in one rush and provided humanitarian support to Ukrainian refugees, accommodated them in their homes, gave them clothes and everything they needed, since many Ukrainians abandoned everything and left in almost what they were in and with children in their arms.

Undoubtedly, the beginning of the Russian-Ukrainian war on February 24, 2022 led to qualitative and quantitative changes in migration flows in the region.

Qualitatively, compared to previous years, and logically, among both internally displaced persons and international migration, Ukraine has seen a significant increase in its citizens, and the traditional migration of East and Asian citizens has virtually ceased. In addition to armed conflict, this trend is due to the complete closure of the Belarusian-Ukrainian and Russian-Ukrainian sections of the state border and the blocking of traffic routes in southern Ukraine, including maritime.

Also, due to the war, there is an increase in cases of illegal crossing of the state border by EU citizens to leave Ukraine. Thus, for the whole year 2020, 60 illegal crossings of the Ukrainian border, both for entry and exit, committed by citizens of EU member states were recorded. Whereas, in the first half of 2022 alone, and only for departure from Ukraine, Ukrainian border guards recorded 64 attempts to illegally cross the border by such a category of citizens. However, it should be noted that Ukrainian citizens, when leaving Ukraine, crossed the state border in various ways (legally and illegally), and the incidences of illegal border crossing increased six fold.

The greatest "blow" to the border infrastructure from the simultaneous influx of a significant number of migrants (see fig. 2) was taken by Poland, which allowed more than 4.5 million people into its territory in the first half of the year, which is three times more than, for example, in the second half of 2020,

when only 1.5 million people entered Poland from Ukraine. Also, the flow of Ukrainians to Slovakia increased significantly, which annually let about 370 thousand people to pass. However in the first half of 2022 the number of Ukrainians to Slovakia was estimated more than 623 thousand people. Hungary received a relatively smaller influx of migrants, where the number of people crossed the country this year (1.1 million) was even less than in the second half of last year (1.2 million).

However, it should be noted that, unlike refugees from the East and Asia, the stay of Ukrainian citizens in the EU member states is temporary. This trend has been noted by other researchers before (Gorny, 2020) and is confirmed now. Despite the ongoing hostilities in Ukraine, the citizens of this country are returning to their homes. This is evidenced by official statistics. Starting from February 24 to August 1, 2022, more than 5.1 million Ukrainians have been registered to enter Ukraine.

However, the analysis of statistical data of the Ukrainian authorities and border institutions of the EU member states neighboring Ukraine (Romania, Hungary, Slovakia and Poland) demonstrated significant quantitative differences between persons who left Ukraine and those who are officially registered to enter the EU.

In particular, since the beginning of the active phase of the large-scale Russian–Ukrainian war until August 1, 2022, according to the Ukrainian border service, 8.7 million people have left Ukraine for the EU, including more than 7.7 million citizens of Ukraine. At the same time, according to information received from the countries of entry of these citizens, almost 780 thousand more citizens of Ukraine were registered for entry.

The situation is similar on the Ukrainian–Moldovan section of the state border. If Ukraine accounted for 1 million 43 thousand people to travel to Moldova in the first half of 2022, then Moldovan border guards accounted for 1 million 348 thousand.

Such statistical differences are due to the fact that in the first few weeks of an unforeseen increase in the intensity of departure from Ukraine, which arose due to military aggression on the part of Russia, the Border Agency of Ukraine decided to simplify the border control procedure. The simplification included the temporary suspension of the entry into the relevant database of information on the crossing of the state border by women and children from the number of citizens of Ukraine.

In addition, during the mass and almost simultaneous departure from Ukraine in search of temporary protection, many citizens of Ukraine did not have foreign passports, including biometric ones, which would give them the right to enter the EU and other countries. In this regard, the host states, due to the real danger to the lives of Ukrainian citizens, gave them the opportunity to enter their territory using other documents that confirmed their identity (common civil internal passports, identity cards, driver's licenses, birth certificates, etc.), and in some cases by photocopies of such documents.

However, differences in border crossing statistics are not such a big problem that may arise when simplifying border control procedures. In our view, more dangerous consequences may arise if the verification of persons by databases is abolished. Such simplification can lead to the fact that the following people can leave the country: wanted people, or people prohibited from leaving the country due to existing tax or alimony obligations, as well as persons who are under investigation with a written undertaking not to leave the country.

The threat of child smuggling can also be quite dangerous when border controls are simplified. These may be cases of children leaving on their birth certificates and accompanied by one of the parents, who will only have a copy of the passport. In addition, there may be situations in which citizens will not be checked against the database, and it will contain information about the ban on the departure of a minor child according to one of the parents, due to unresolved family relationships between parents at the place of residence of their child. Such actions are on the verge of trafficking and require special attention to prevent criminal acts against vulnerable categories, such as children. These problems indicate the huge role of each of the classical border control procedures and the need to carry them out even in case of crisis or emergency situations. This can protect both the state of departure and the host country from the risk of a threat to their national security.

It also avoids the violation of fundamental human rights, including possible gender-based violence or sexual exploitation of persons leaving with copies of passports, as well as the violation of the rights of children who may be trafficked out of the country.

Conclusions

The study showed that the Russian-Ukrainian war declared by Russia in 2022 has a significant impact on migration processes in this region. It has influenced both the qualitative and the quantitative characteristics.

The traditional and already habitual migration of citizens from other continents has been completely replaced by the mass movement of Ukrainian citizens to neighboring countries in search of international protection. At the same time, military operations continue and therefore migration flows are consistently high. A significant number of internally displaced persons are becoming asylum seekers, and the attitude of EU member states to this influx of migration is significantly different from that of the 2015 migration crisis. Migration caused by the Russian-Ukrainian war demonstrated the commitment of Moldova, the EU and many other States to the principles of humanism and good-neighborliness.

However, such mass movements have demonstrated some organizational problems affecting the speed and effectiveness of border control, ensuring international protection, etc.

In particular, the simultaneous mass movement of people across the State border leads to an accumulation of people at checkpoints and the need for their rapid registration and evacuation from territories dangerous for their lives. This was difficult for Ukraine, so it had to simplify border control procedures and stop entering information on border crossings into the relevant database, as well as simplifying the availability of passport documents for border crossing.

Of course, this simplification makes it possible to quickly let people through the border and save their lives, which is fully consistent with the Universal Declaration of Human Rights of 1948. However, other problems may arise when simplifying classic border control procedures. We are talking about the possibility of criminals escaping from the search and the possibility of trafficking in persons, including children.

The solution to this problem can be the possibility of implementing joint border control of people on the territory of a neighboring state, where there are safer conditions for processing migrants. It will also provide an opportunity for representatives of the two countries to simultaneously check the problems that may arise during border control. In our view, it is in the settlement of such problems that States should deal with in the future, as in the experience gained by Ukraine.

References:

1. Cajka P., Jaroszewicz M., Strielkowski W. (2014). Migration Incentives and Flows between Belarus, Ukraine and the European Union: a Forecasting Model. *Economics and Sociology*. Vol. 7, No 4. pp. 11-25. doi: 10.14254/2071-789X.2014/7-4/1
2. Górný A., Madej K., Porwit K. (2020). Evolution or revolution? Immigration from Ukraine to the Warsaw agglomeration from the perspective of 2015-2019. *CMR Working Papers*. No 123/181. URL: https://www.migracje.uw.edu.pl/wp-content/uploads/2020/10/WP123181_end2.pdf (in Poland)
3. In Ukraine – 1.44 million internally displaced persons from Donbass and Crimea. (2020). URL: <https://www.golosameriki.com/a/ukraine-refugees-and-displaced/5469633.html> (in Ukrainian)
4. IOM (2015). Дослідження з питань міграції та торгівлі людьми: Україна. URL: https://iom.org.ua/sites/default/files/pres_kit_gfk_iom2015_ua_fin_3_2.pdf [in Ukrainian]
5. Kuryliuk Yu.B. (2020). State border & Law and order: legislation, theory, practice. Kyiv: “Dakor”. (in Ukrainian)
6. Luptakova M. (2009). Legal and Illegal Migration from Ukraine: An analysis of social and security issues. *International Journal of Criminal Justice Sciences*. Vol. 4(2). pp. 144–159.
7. Libanova E.M. (2018). External labor migration of Ukrainians: scope, causes, consequences. *Demography and Social economy*. No 2(33). pp. 10-26. doi: 10.15407/dse2018.02.11 (in Ukrainian)
8. Malynovska O. (2021). Migration and Migration Policy in Ukraine: transformations of the Age of Independence. *Migration & Law*. Vol. 1 (issue 1). pp. 10-26. doi: 10.32752/2786-5185-1-1-10-26 (in Ukrainian)
9. Moldovans have left Russia en masse: in 2 years, their number has decreased by 3.5 times. (2022). URL: <https://point.md/ru/novosti/obschestvo/moldavane-massovo-pokinuli-rossiiu-za-2-goda-ikh-chislo-umen-shilos-v-3-5-raza/?amp=1>
10. Moraru V., Mosneaga V., Rusnyak G. (2012). Migration pendulum. Chisinau: “Tipografia-Sirius”.
11. Nikitin Y., Zolka V., Korol M. et al. (2020). Constitutional Right to Health Protection and Medical Care in Ukraine in the Context of the Pandemic COVID-19. *Journal of Politics and Law*. Vol. 13, No. 4. pp. 99-109. doi: 10.5539/jpl.v13n4p99
12. UN counts more than 8 million internally displaced persons in Ukraine (UNCM). (2022). URL: <https://www.dw.com/ru/oon-naschitala-v-ukraine-bolee-8-mln-vnutrennih-pereselencev/a-61749063> (in Ukrainian)
13. UN General Assembly adopted a resolution on the situation of internally displaced persons and refugees in Georgia (UNGA). (2021). URL: <https://www.news.un.org/ru/story/2021/06/1404842> (in Ukrainian)

ВПЛИВ РОСІЙСЬКО-УКРАЇНСЬКОЇ ВІЙНИ НА МІГРАЦІЙНІ ПРОЦЕСИ В РЕГІОНІ

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Метою цього дослідження є визначення окремих проблемних аспектів міграційних процесів, що стали наслідком широкомасштабної російської агресії проти України, а також визначення можливих шляхів вирішення цих проблем.

Методи. Використано метод контент-аналізу наявних публікацій за останні кілька років, які публікувалися у ЗМІ та присвячені проблемі міграційних процесів в Україні. Також було використано статистичний метод, за допомогою якого проаналізовано офіційну статистику за 2020-2021 роки і перше півріччя 2022 року, зібрану прикордонними відомствами України, Молдови та інших суміжних з Україною країн.

Результати. Значний вплив на міграційні процеси в цьому регіоні має російсько-українська війна, оголошена у 2022 році. Це вплинуло як на якісні, так і на кількісні характеристики. Традиційну і вже звичну міграцію громадян з інших континентів повністю замінило масове переміщення громадян України до сусідніх країн у пошуках міжнародного захисту. Водночас військові дії тривають, тому міграційні потоки залишаються стабільно високими. Одночасне масове переміщення людей через державний кордон призводить до скупчення людей у пунктах пропуску та необхідності їх швидкого оформлення та евакуації з небезпечних для життя територій. Для України це було важко, тому їй довелося спростити процедури прикордонного контролю та припинити внесення інформації про перетин кордону до відповідної бази даних, а також спростити наявність паспортних документів для перетину кордону. Однак при спрощенні класичних процедур прикордонного контролю можуть виникнути інші проблеми. Мова йде про можливість втечі злочинців від розшуку та ймовірність торгівлі людьми, в тому числі дітьми.

Висновки. Вирішення проблеми швидкого та безпечного перетинання державного кордону шукачами захисту може бути реалізовано шляхом спільного прикордонного контролю осіб на території сусідньої держави, де є більш безпечні умови для оформлення мігрантів. Це дасть також можливість одночасної перевірки представникам двох держав тих проблем, які можуть виникнути під час прикордонного контролю.

Ключові слова: міграційні процеси; регіональна міграція; міжнародна міграція; війна; міграційне право, Україна.