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## COMPARATIVE ANALYSIS OF IMMIGRATION POLICY IN EU MEMBER-STATES AND UKRAINE <sup>1</sup>

This article presents an in-depth comparative analysis of the migration policies of the European Union and Ukraine. The study aims to identify and examine the similarities and differences between these two migration systems, considering their underlying objectives, legal frameworks, and approaches to managing migration flows. By analyzing various aspects of migration policies, including labor migration, combating of illegal migration, as well as international protection systems, such as asylum, subsidiary and temporary protection, the article aims to provide a comprehensive understanding of the different strategies employed by the EU and Ukraine in managing migration.

The analysis begins by discussing the drivers of migration in both EU and Ukraine, highlighting the diverse dynamics and complexities that have shaped their migration policies. It explores the EU's migration policy framework, encompassing the common asylum system. Similarly, it delves into Ukraine's migration policy framework, emphasizing its legal framework and analyzing policies towards beneficiaries of temporary protection and cooperation with EU in this sphere.

Through a comparative lens, the article evaluates various dimensions of migration policies in the EU and Ukraine. Firstly, it examines the policy objectives in EU and Ukraine, assessing how they align with broader socio-economic, security, and demographic considerations.

Secondly, the article examines the legislative framework and analyzes the legislative instruments that regulate migration in both the EU and Ukraine. It also emphasizes the compatibility of supranational EU legislation with the legal system of Ukraine, which is extremely important given Ukraine's status as a candidate for accession to the EU.

Finally, the article identifies areas of convergence and divergence between the migration policies of the EU and Ukraine and reflects on their implications for both regions. It recognizes the challenges and limitations faced by each system. The analysis aims to provide insights for policymakers in the EU and Ukraine to enhance their migration management strategies and foster greater collaboration

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in addressing the complexities of migration. Overall, this comparative analysis of EU and Ukrainian migration policies contributes to a comprehensive understanding of the various dimensions of migration management, offering a foundation for further research, policy development, and collaboration between the EU and Ukraine.

**Keywords:** *EU migration policy, Ukrainian migration policy, labour migration, illegal migration, international protection*

**JEL classification:** *K33, J10*

У статті надається поглиблений порівняльний аналіз міграційної політики ЄС та України. Дослідження має на меті вивчити подібності та відмінності між цими двома міграційними системами, враховуючи їхні цілі, законодавчу основу та підходи до управління міграційними потоками. Аналізуючи різні аспекти міграційної політики, *inter alia*, трудову міграцію, боротьбу з нелегальною міграцією, а також міжнародні системи захисту, такі як політика надання притулку, допоміжного і тимчасового захисту, стаття спрямована на дослідження стратегій, які використовують ЄС та Україна у сфері управління міграцією.

Стаття починається з обговорення рушійних сил міграційних потоків як в ЄС, так і в Україні, наголошуючи на різноманітній динаміці та викликах, які спричинили формування їхніх міграційних політик. Також у статті досліджується спільна система надання притулку у ЄС у контексті сучасних викликів, зокрема, активізації тимчасового захисту і аналізу прав, які передбачені для бенефіціарів такого захисту.

Через призму порівняння в статті вивчаються різні виміри міграційної політики в ЄС та Україні. По-перше, розглядаються цілі міграційних політик в ЄС та Україні, аналізуючи, як вони узгоджуються з ширшими соціально-економічними, безпековими та демографічними вимірами.

По-друге, у статті розглядається законодавча база, що регулює міграційні процеси в ЄС та Україні. Також наголошується на необхідності імплементації наднаціонального законодавства ЄС, *inter alia*, у сферу правового регулювання міграційних процесів в Україні, що є надзвичайно важливим з огляду на отримання Україною статусу кандидата на вступ до ЄС.

У статті визначено сфери міграційної політики ЄС та України, які є подібними та відмінними, а також виділяються виклики та обмеження, з якими стикається кожна система. Аналіз спрямований на те, щоб надати законотворцям в ЄС та Україні пропозиції щодо вдосконалення існуючих стратегій управління міграцією. Загалом, цей порівняльний аналіз міграційної політики ЄС та України сприяє всебічному розумінню різних вимірів управління міграцією, пропонує основу для подальших досліджень, розробки політики для поглиблення співпраці між ЄС та Україною.

**Ключові слова:** *міграційна політика ЄС, міграційна політика України, трудова міграція, нелегальна міграція, міжнародний захист*

**JEL classification:** *K33, J10*

**Introduction.** The demographic landscape across EU member states is marked by a trifecta of challenges: a declining fertility rate, a rapidly aging population, and a shrinking economically active cohort. According to Eurostat data from 2021, the EU's total fertility rate stood at 1.53 live births per woman, with figures ranging from 1.13 in Malta to 1.84 in France [1]. As of January 1, 2022, the median age of the EU population was 44.4 years, signifying that half of the populace surpassed this age threshold. Furthermore, over one-fifth (21.1%) of the EU's inhabitants were aged 65 and above [2]. These demographic

shifts are poised to impact various sectors, including social care, healthcare systems, labor markets, public finances, and pension schemes. To stabilize the situation, the EU is developing a migration policy to attract labor migrants, especially highly qualified ones, fighting illegal migration and implementing a set of actions regarding refugees and people in need of temporary protection.

Meanwhile, the demographic situation in Ukraine is currently also quite challenging. The military migration crisis of 2022 surpasses all migration phenomena observed in Ukraine from 1991 to 2021 in terms of scale and level of threat. The demographic crisis in Ukraine

has significantly intensified following the full-scale invasion by the Russian Federation on February 24, 2022, escalating into a demographic catastrophe. It is imperative to consider the number of Ukrainian civilians and soldiers systematically killed by Russian invaders since 2014. The potential magnitude of irreversible migration losses, contingent upon military and economic factors, ranges from 600,000 to 700,000 up to 5 million to 5.5 million people. It is also noteworthy that approximately 3 million Ukrainians were already studying or working abroad before 2022 [3]. By the end of May 2023, more than 4 million non-EU citizens who fled Ukraine as a consequence of Russia's invasion were under temporary protection in the EU. Germany (28% of the total), Poland (25%), and Czechia (8%) served as the primary hosts for beneficiaries of temporary protection [4]. This trend results in a reduction of the working population, a decline in consumer spending, a contraction of the domestic market, and crises in the labor market and pension system.

Therefore, the migration policy of Ukraine, particularly following the victory over the Russian Federation, should aim to repatriate its citizens and attract migrants to fill gaps in the employment sector, develop the economy, and rebuild the post-war country. Considering Ukraine's attainment of candidate status for accession to the EU, as well as its Eurointegration course, it is imperative to compare EU migration legislation with Ukrainian legislation to implement EU *acquis* and harmonize national legislation with EU supranational laws.

**The purpose of this article** is to compare the migration policies of the EU and Ukraine, aiming to harmonize this domain, especially considering Ukraine's attainment of candidate status for EU membership.

**Literature review.** The existing literature seeks to explain EU policy regarding labor migration, with a particular focus on skilled workers, intra-corporate transferees and seasonal workers. Furthermore, considerable attention is paid for the issues of combating illegal immigration to the EU. Additionally, a pivotal topic

within European academic and policy circles is forced migration, stemming from discussions surrounding the EU migration crisis of 2015, the emerging phenomenon of the instrumentalization of migration, and the activation of temporary protection measures in 2022 following Russia's full-scale invasion of Ukraine. However, relatively few studies have explored the comparative aspects of EU migration policy with Ukrainian migration policy. Given Ukraine's status as a candidate for EU membership and the close ties in migration between the EU and Ukraine, we have endeavored to compare these two policies in the context of labor migration, combating illegal migration, as well as granting international protection, encompassing asylum, subsidiary, and temporary protection.

Most research on EU labor migration analyzes the immigration of highly skilled migrants to the EU. For instance, scholars such as S. Carrera, A. Atger, F. Anaïs, and E. Guild have noted that the EU's labor immigration policy is currently characterized by a high degree of fragmentation. This fragmentation is partly due to the failure to reach agreement on the Commission's 2001 proposal for a directive on the conditions of entry and residence for the purpose of paid employment and self-employment. This directive aimed to horizontally regulate the entry and residence conditions for all third-country nationals engaging in paid and self-employed activities [5]. Consequently, labor immigration remains primarily a national prerogative, and EU rules have done little to overcome normative competition between EU member states [6].

At the same time, F. Roda analyzed that EU migration policy facilitates the entry of highly skilled workers or intra-corporate transferees while preventing the entry of unskilled migrant workers [7]. Similarly, P. Minderhoud emphasized that the proper management of labor migration not only helps to reduce the incentives to use irregular routes but also enables the EU to attract the right sets of talent and skills,

allowing admissions to be tailored to labor market needs. This contributes to the overall economic growth of the EU [8].

Ukraine's labor migration policy should also aim to attract highly skilled migrants. For example, H. Vogel analyzed the problem of developing coordinated and targeted activities of state authorities, focusing on the adoption of responsible programs and decisions in the field of migration policy to stimulate the influx of highly qualified Ukrainian migrants and young scientists while minimizing their emigration [9]. Additionally, O. Demydenko examined the scale of Ukrainians departing abroad as part of scientific and educational migration processes, noting a gradual decrease in the number of specialists due to migration phenomena [10]. These findings underscore the need for Ukraine to develop a national strategy for attracting highly qualified and intelligent migrants, drawing on the EU's experience in this area.

A number of scientists have conducted research on the issues of illegal migration. For instance, B. Gonzalez and J. Koopmans analyzed legal pathways to the regularization of illegally staying migrants in EU Member States [11]. K. Sheryzdanova conducted research on illegal immigration and the fight against illegal migration in member states of the European Union [12]. Z. Smutchak discussed the prerequisites, features, and possible consequences of illegal migration in Ukraine [13].

However, researchers in the sphere of migration, both in the EU and Ukraine, currently focus mostly on the issues surrounding the activation of temporary protection. Some scientists argue that such activation was driven by the EU's fear of the Russian threat to Europe, while others see it as discrimination against previous waves of refugees.

For instance, D. De Coninck compared Ukrainian and Afghan refugees and the EU's reaction in accepting them. It was mentioned, among other things, that one unique feature of the EU's response to Ukrainian refugees is that the looming fear of the aggressor in this conflict (Russia) may play a larger role in the

European and American public's reactions than in other refugee crises [14].

Other scientists, such as S. Carrera, M. Ineli Ciger, L. Vosyliute, and L. Brumat, researching the activation for the first time in the EU of temporary protection for people fleeing war in Ukraine, came to the conclusion that this case was about unequal solidarity in EU asylum policy and double standards based on whether individuals were of European or non-European origin [15].

Certainly, the activation of temporary protection helps alleviate the burden on the asylum systems of accepting states in the EU, particularly those situated on the external borders of the EU.

Moreover, despite short-term challenges, there are several positive economic effects for migrant-receiving countries in the EU in the medium term due to migrants' active integration into the labor market and society as a whole. Conclusions to this effect have been drawn by economists such as O. Pogarska, O. Tucha, I. Spivak, and O. Bondarenko [16]. It has also been emphasized that Ukrainian refugees could assist the EU market in responding to the currently buoyant demand for labor and address worsening skill shortages [17].

At the same time, the future of temporary protection remains unclear, as it could be activated for just 3 years. Such issues were discussed by C. Katsifias et al. [18], as well as by J. Laisic, who analyzed a possible scenario of having to extend temporary protection into a more permanent one after the protection period ensured under Directive 2001/55/EC on temporary protection finishes [19].

Ukrainian researchers have analyzed the influence of mass displacement of people from Ukraine on the future post-war reconstruction of the country. For instance, E. Libanova and O. Pozhniak examined the scale and consequences of the war-driven wave of Ukrainian emigration to Europe [3]. Similarly, O. Malynovska, in an attempt to predict the post-war reconstruction of Ukraine, investigated the fate of war refugees from Yugoslavia after the end of active hostilities in the Balkans [20].

### **Research results.**

#### *1) Policy of the EU and Ukraine regarding labor immigration.*

The EU implements the endogenous growth theory, which is based on a knowledge-based economy, in its common immigration policy. The historical development of EU migration policy for highly skilled migrants demonstrates a tendency to attract such individuals to the EU territory. The liberalization of EU supranational rules for highly skilled migrants regarding access to the EU territory, as well as the broadening of the scope of rights for them, aims to enrich the EU economy with highly skilled migrants who would benefit the host society.

Among the first EU member states to introduce legislation to attract highly skilled migrants was Germany, which launched a green card system in the early 2000s, prompting the EU to develop a similar program [21]. Subsequently, the EU adopted Directive 2009/50/EC on blue cards at the supranational level, which has been replaced by the new Directive 2021/1883. EU member states are required to implement this directive by November 18, 2023, at the latest.

According to Eurostat data, 29,000 highly qualified non-EU workers received an EU blue card in 2021, granting them comprehensive socio-economic rights and residency in the EU [22].

To qualify for a blue card, an individual must have a valid employment contract or a mandatory offer of employment, a valid travel document, and health insurance. Additionally, the individual must not pose a threat to public policy, public safety, or public health. Furthermore, the individual must receive a salary higher than the average annual gross salary for EU citizens [23].

EU Directive 2021/1883 [24] has liberalized the conditions for obtaining a blue card. For instance, according to the new rules, a blue card is issued for the duration of the employment contract, which must be at least 6 months. Previously, the minimum term of the employment contract was 1 year. The minimum wage threshold for filling vacancies has been reduced to at least 1, times compared to the average annual salary

in the EU member states. Additionally, a blue card holder can change jobs or employers in another EU country after 12 months of continuous work in the first EU member state that issued the blue card, a timeframe that has been shortened.

In 2016, Directive 2016/801 [25] on the conditions of entry and residence of third-country nationals for the purpose of conducting research, training, professional development, volunteering, student exchanges, educational projects, and work under the au pair program was adopted. This directive aimed to harmonize the rules of entry and residence in the EU for third-country nationals intending to study or conduct research in the EU.

Directive 2016/801 [25] has broadened the scope of rights for third-country nationals. For instance, it grants students, who are third-country nationals, the right to engage in economic activity, including employment for no less than 15 hours per week in each EU member state, even during the first year of residence, a right that was previously unavailable. Additionally, scientists, besides conducting research activities, are allowed to participate in teaching activities. Upon completion of research or training, researchers and students are permitted to remain in the territory of a Member State for up to 9 months in order to seek employment or establish a business.

At present, migration policy of Ukraine is characterized by a phenomenon known as brain drain. Despite the global competition for qualified labor resources, there is a lack of a system for attracting highly skilled specialists from abroad who could contribute to the innovative development of Ukraine's national economy [9]. This deficiency has negative repercussions on the economy, culture, and politics of the country. Additionally, as noted by J. Page and S. Paza, the outflow of skilled personnel leads to detrimental effects such as decreased wages for less skilled workers and reduced levels of foreign direct investment [26]. Given these challenges, it is crucial to implement a policy that balances emigration and immigration flows. Consequently, the development of

Ukraine's migration policy should prioritize attracting highly skilled migrants to its territory.

According to Article 4 of the Law of Ukraine "On Immigration" [27], the immigration quota, denoting the maximum number of foreigners and stateless persons eligible for immigration permission within a calendar year, is determined by the Cabinet of Ministers of Ukraine. This determination is made according to specified categories of immigrants, including highly qualified specialists and workers whose expertise is deemed essential for Ukraine's economy. The Decree of the Cabinet of Ministers of Ukraine dated February 7, 2023 No. 111-r "On the establishment of the immigration quota for 2023" defines a quota for highly qualified specialists at 5,000 people [28].

Upon analysing the Resolution of the Cabinet of Ministers of Ukraine dated December 26, 2002 No. 1983 "On the approval of the Procedure for the formation of the immigration quota, the procedure for applications for the granting of an immigration permit and submissions for its cancellation, and the implementation of the decisions made" [29], it is not explicitly stated who is responsible for proposing the establishment of an immigration quota for highly qualified specialists for a given calendar year to the State Migration Service of Ukraine.

It also remains unclear how Ukraine assesses the economy's demand for highly qualified labor, and there is insufficient statistical data on the number of highly qualified migrants already residing in Ukraine. In order to attract immigrants, it is necessary to understand the scale of the shortage of highly qualified labor resources. To solve this problem, the private, state and non-profit sectors of the economy, which are interested in highly qualified personnel, should be given the right to submit proposals to the State Migration Service of Ukraine regarding the establishment of an immigration quota for highly qualified specialists.

In addition, considering Ukraine's candidacy for accession to the EU, it would be prudent to adopt EU practices, such as

the introduction of blue cards. These cards would grant comprehensive socio-economic rights to highly qualified workers upon finding employment in Ukraine, serving as a significant incentive for immigration to the country.

Until recently, the most prepared and integrated group of foreigners, specifically foreign students educated in Ukraine, faced limited opportunities to access the Ukrainian labor market [9]. However, significant amendments to the Law of Ukraine "On Employment of the Population" [30] were enacted on October 15, 2022, which addressed this issue among others. Therefore, a new category of foreigners emerged: those who come to Ukraine for the purpose of studying at higher education institutions and intend, during their period of study and following graduation, provided they secure employment no later than 30 calendar days before completing their studies, to carry out labor activities in Ukraine. At the same time, work permits for these individuals are issued free of charge for a duration matching the term of their employment contract, though not exceeding one year during their training period. If necessary, the validity period of the permit can be extended. These amendments in Ukrainian legislation will positively contribute to the attraction of foreign students to employment opportunities and facilitate the filling of vacant positions in Ukraine.

## *2) Combating illegal migration in the EU and Ukraine*

Illegal migration has become an integral element of world processes in the age of globalization. Among the main reasons for its emergence and evolution into a global phenomenon are the unevenness of world development, the division of the world's countries into rich and poor, etc. Another significant factor is armed conflicts, which trigger the displacement of refugees and the simultaneous resettlement of millions of people. The growth of "migratory pressure" is also facilitated by the development of illegal schemes for the movement of people and trafficking. At the same time, migration and demographic changes, even in prosperous countries, can cause significant

shifts in traditional social structures, which leads to an increase in social and political tension [13].

The fight against illegal migration stands as one of the most challenging tasks within EU migration policy. a surge of 64% compared to 2021 and marking the highest figure since 2016 [31]. It should be noted, that at the supranational level, EU law assigns responsibility for illegal migration to carriers, employers, and those aiding in illegal migration.

For example, Directive 2001/51/EC [32] establishes that carriers must ensure that third-country nationals intending to enter the territory of EU Member States possess the requisite travel documents and, where necessary, visas. EU member states are obliged to impose financial sanctions on carriers found to have violated their obligations in this area. States must ensure that the maximum fine is no less than 5,000 euros, the minimum fine is no less than 3,000 euros, and the maximum fine imposed as a lump sum for each violation is no less than 500,000 euros.

Directive 2002/90/EC [33] imposes an obligation on states to punish those who, for the purpose of financial gain, deliberately help an illegal migrant to enter and/or live in the EU. This provision can potentially extend to landlords who rent apartments to illegal migrants, among others.

Directive 2009/52/EC [34] defines sanctions and measures to be applied in the EU member states to employers who hire migrants from third countries. Employers are obliged to ensure that third-country nationals working for them are legally present in the territory of the respective Member State and to inform the competent authorities about the employment of legal migrants. Penalties imposed on employers vary based on the number of illegally employed migrants and may include covering their travel expenses. Employers who hire illegal migrants may face repercussions such as deprivation of certain rights and privileges, such as the right to receive assistance and grants from state bodies, as well as the right to participate in public procurement procedures, among

others. To enforce the Directive, member states conduct inspections. It's important to note that the Directive does not establish the liability of illegal workers, as this matter is regulated independently by member states within the EU.

Given that illegal migration poses a threat to national security, combating it is an essential component of Ukraine's migration policy.

To combat illegal migration, Ukrainian legislation places the responsibility on employers to obtain permission from the State Employment Service to hire a foreigner. This permission serves as the basis for issuing a temporary residence permit to the foreigner in Ukraine. Furthermore, according to Article 204 of the Code of Ukraine on Administrative Offenses [35], violation of the procedures related to employment, admission to training, provision of housing, registration of foreigners, and processing of their documents is punishable by a fine ranging from UAH 1,700 to 3,400. According to statistical data, in 2022, 239 individuals were held administratively accountable for violations under Article 204 of the Code of Ukraine on Administrative Offenses, which represents nearly half the number compared to 2021 [36].

Likewise, according to Article 206 of the Code of Ukraine on Administrative Offenses [35], in case of violation of the procedure for providing foreigners and stateless persons with housing, means of transport and assistance in the provision of other services, a fine of UAH 5,100-8,500 is imposed. According to statistical data, in 2022, 78 people were brought to administrative responsibility for violating Article 206 of the Code of Ukraine on Administrative Offenses, which is almost three times fewer than in 2021.

Therefore, both EU and Ukrainian legislation place responsibility not only on illegal migrants themselves, but also on employers, carriers and those involved in facilitating illegal migration for violations of migration legislation. In order to strategically reduce the risks associated with irregular migration, it is crucial to strengthen

the protection of the external borders and intensify the control of the influx of citizens of third countries [37].

3) *EU common policy of asylum, subsidiary and temporary protection and Ukrainian policy in these areas*

The competence of the EU in the field of the common policy of asylum, subsidiary and temporary protection is determined by the founding treaty of the EU, namely Article 78 of the Treaty on the Functioning of the EU [38]. In addition, Article 18 of the EU Charter of Fundamental Rights [39] specifies that the right to asylum in the EU must comply with international standards in this area, in particular the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 [40].

The obligations for EU member states regarding asylum are outlined in secondary legislation, with key directives including the Qualification Directive of 2011 [41], which establishes requirements for international protection and the associated fundamental rights; the Asylum Procedure Directive of 2013 [42], which addresses procedures for granting and revoking international protection; the Reception Directive of 2013 [43], which governs the reception of asylum seekers; and the Dublin III Regulation of 2013 [44], which determines the EU member state responsible for processing an asylum application.

At the same time, the migration crisis of 2015 in the EU highlighted the ineffectiveness of EU legislation in the realm of a common asylum policy. Specifically, under current EU legislation, the responsibility for processing asylum applications rests with the “country of first entry.” This placed a significant burden on countries located along the EU’s external borders. In addition, the EU lacked solidarity in ensuring a fair distribution of asylum seekers among all member states. As a result, there is a pressing need to update and reform the common asylum policy in the EU.

Therefore, on June 8, 2023, changes were proposed to the current EU supranational legislation in the field of providing international protection [45].

According to the proposals, the principle of mandatory solidarity is expected to be introduced. EU Member States will have the option to determine their contribution to the EU asylum system, whether by facilitating relocation, providing financial contributions, or participating in alternative solidarity measures such as staff placement or capacity-building activities. At the same time, member states have full autonomy regarding the type of solidarity they contribute. Such a mechanism for ensuring the principle of solidarity in the field of common asylum policy replaced the quota system of refugee allocation in the EU, which proved to be ineffective. In particular, the new mechanism will contribute to the distribution of the burden for asylum seekers among all EU member states.

In 2021, a new phenomenon emerged: the instrumentalization of migration. The Belarusian authorities orchestrated a migration crisis on the external border of the EU, notably with Poland, Lithuania, and Latvia. Provocations by the PMC “Wagner” on the territory of Poland, involving mass infiltration of migrants and sabotage groups, are also anticipated to be the next step [46].

In such a situation, it is proposed to introduce the right of derogation from obligations in the field of international protection in order to ensure the security. In this aspect, it is important that such a derogation should be proportionate to the purpose, necessary and fair, which will make it impossible for EU member states to abuse this right [47]. It is extremely important to find a solution to the conflict, which consists in balancing national security and sovereignty, on the one hand, and the proper functioning of the common asylum policy in the EU, taking into account the principles of solidarity and fair distribution of responsibilities within the EU.

It should be also noted, that following the full-scale invasion of the Russian Federation into Ukraine, the flow of forced migration from Ukraine to EU has significantly increased as people tried to protect their lives and find a safe place to live [48]. As a result, for the first time the

EU activated the Directive 2001/55/EC on temporary protection [49].

The Directive 2001/55/EC on temporary protection [50] establishes a supranational mechanism for collective response to cases of sudden and massive influx of displaced persons. Thus, EU member states have a common obligation to implement coordinated actions in the field of temporary protection, ensuring common equal rights for potential beneficiaries who are forced to flee war. In particular, one of the main goals of temporary protection is to prevent the asylum system from being overloaded due to a sudden mass influx of displaced persons.

According to the Directive 2001/55/EC [50] on temporary protection, temporary protection involves the provision of a one-year residence permit issued by EU member states, which can be extended for justified reasons. The maximum extension of temporary protection is possible for up to three years, which in the case of Ukraine is expected until March 2025. However, it remains undefined what the legal basis for the stay abroad of individuals fleeing from the full-scale invasion of the Russian Federation against Ukraine will be if the war persists beyond this time. To address this issue, the EU should promptly find a coordinated approach.

Regarding Ukrainian legislation, it should be noted that, like EU legislation, it complies with international law in terms of protection of asylum seekers and refugees. In particular, Ukraine ratified the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967. To fulfill international obligations, in 2011 Ukraine adopted the Law “On Refugees and Persons in Need of Additional or Temporary Protection” [51], which provides for three statuses: the status of a refugee, the status of a person in need of additional protection, the status of a person in need of temporary protection.

However, in practice, asylum seekers in Ukraine encounter issues accessing the asylum application process, violations of the right to family reunification and freedom of

movement due to document shortages, as well as challenges accessing employment, education, and medical services. Additionally, the lack of documentation for asylum seekers in Ukraine restricts their access to humanitarian aid.

It should also be noted that refugees encounter discrimination when attempting to access health services, education, and employment [52]. One of the primary reasons for restricting the rights of refugees is the absence of identifying documents. Therefore, it would be appropriate to recognize the application for protection certificate as a valid identity document for them.

**Conclusion.** The research is focused on comparing the policies of the EU and Ukraine regarding labor immigration, combating illegal migration in both regions, and the EU’s common policies concerning asylum, subsidiary protection, and temporary protection, as well as Ukrainian policies in these areas.

Currently, the EU has a more comprehensive and integrated policy framework, given its status as a regional bloc. It focuses on legal migration, border control, and a common asylum system. In contrast, Ukraine’s migration policy is more focused on regulating migration flows through bilateral agreements.

Taking into consideration Ukraine’s obtaining of the status of a candidate for accession to the EU, it is important to harmonize Ukrainian migration policy with EU migration policy. The successful implementation of the EU migration policy in Ukraine would require a phased approach, stakeholder engagement, and continuous monitoring and evaluation to ensure effectiveness and compliance with EU standards.

Both the EU and Ukraine prioritize legal migration as a means to manage migration flows and attract skilled workers. They have implemented policies to facilitate legal pathways for migration, such as visa liberalization agreements and work permits for foreign nationals. However, Ukraine is characterized by mass emigration of highly skilled and intellectual workers from its

territory, which was intensified by the large-scale invasion of Russia into Ukraine. It necessitates the development of a national strategy for attracting highly qualified and intelligent migrants to Ukraine, drawing on the EU's experience in this area, among other factors.

In the sphere of combating illegal migration, both the EU and Ukraine have strengthened border control measures to manage migration flows and ensure the security of their borders. They have implemented various border management tools such as surveillance systems, border patrols and visa requirements to control the entry of migrants into their territory. At the same time, supranational EU legislation imposes sanctions on employers, carriers and intermediaries in illegal migration, which also exists in Ukrainian legislation.

While there are similarities between the international protection systems in the EU and Ukraine, such as adherence to the Geneva Convention Relating to the Status of Refugees 1951, as amended by the New York Protocol 1967, there are also significant differences in the legal frameworks, procedures, and reception conditions. The EU's common asylum system provides a harmonized approach among its member

states, while Ukraine operates under its national legislation. EU member states are bound by the EU's common asylum system. They have a shared responsibility to cooperate and ensure consistent application of asylum standards. As a non-EU country, Ukraine is not obliged to comply with the EU's common asylum system. However, after becoming an EU member state, Ukraine will have obligations to join the EU acquis in the sphere of the EU's common asylum system.

Researchers in the field of migration, both in the EU and in Ukraine, are currently focused mainly on the activation of temporary protection. Some scientists claim that such activation was caused by the EU's fear of the Russian threat to Europe, while others perceive it as a response to the discrimination experienced by previous waves of refugees. Nonetheless, analysis suggests that forced migrants from Ukraine have a positive impact on the economy of the host states, particularly in the long term. Future research could delve into potential scenarios for temporary protection and the legal framework governing the stay in EU member states after the conclusion of the three-year period of temporary protection in 2025.

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## COMPARATIVE ANALYSIS OF IMMIGRATION POLICY IN EU MEMBER-STATES AND UKRAINE

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This article presents an in-depth comparative analysis of the migration policies of the European Union and Ukraine. The study aims to identify and examine the similarities and differences between these two migration systems, considering their underlying objectives, legal frameworks, and approaches

to managing migration flows. By analyzing various aspects of migration policies, including labor migration, combating of illegal migration, as well as international protection systems, such as asylum, subsidiary and temporary protection, the article aims to provide a comprehensive understanding of the different strategies employed by the EU and Ukraine in managing migration.

The analysis begins by discussing the drivers of migration in both EU and Ukraine, highlighting the diverse dynamics and complexities that have shaped their migration policies. It explores the EU's migration policy framework, encompassing the common asylum system. Similarly, it delves into Ukraine's migration policy framework, emphasizing its legal framework and analyzing policies towards beneficiaries of temporary protection and cooperation with EU in this sphere.

Through a comparative lens, the article evaluates various dimensions of migration policies in the EU and Ukraine. Firstly, it examines the policy objectives in EU and Ukraine, assessing how they align with broader socio-economic, security, and demographic considerations.

Secondly, the article examines the legislative framework and analyzes the legislative instruments that regulate migration in both the EU and Ukraine. It also emphasizes the compatibility of supranational EU legislation with the legal system of Ukraine, which is extremely important given Ukraine's status as a candidate for accession to the EU.

Finally, the article identifies areas of convergence and divergence between the migration policies of the EU and Ukraine and reflects on their implications for both regions. It recognizes the challenges and limitations faced by each system. The analysis aims to provide insights for policymakers in the EU and Ukraine to enhance their migration management strategies and foster greater collaboration in addressing the complexities of migration. Overall, this comparative analysis of EU and Ukrainian migration policies contributes to a comprehensive understanding of the various dimensions of migration management, offering a foundation for further research, policy development, and collaboration between the EU and Ukraine.

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