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From halt to hurry: external and domestic influences on Ukrainian asylum policy

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Abstract

The European Union (EU) and Ukraine have cooperated on asylum policy for many years with the aim of introducing EU and international standards in Ukraine. Reforms, however, were developing slowly and have accelerated only after 2010. This timing represents a puzzle because the reforms advanced most significantly in a situation when Ukraine’s orientation toward the EU became more reluctant again while it increased toward the Russian Federation. The latter in turn became increasingly hostile toward EU activities in Ukraine and eager to pull Ukraine toward the Eurasian Customs Union as an alternative integration project. The timing of reforms can be explained by paying more attention to domestic forces. On the one hand, these forces operate with some degree of independence from the country’s geo-strategic orientation, responding to sector-specific costs and benefits, and in particular, sector-specific conditionality. On the other hand, the more autocratic rule under former President Yanukovych ended a

period of unproductive political muddle and facilitated the adoption of EU rules. Russian influence did not play a role in this particular policy sector, which was thus de-coupled from the broader macro-level developments.

Keywords:

Ukraine | European Union | Russia | asylum policy | reforms

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Notes

1. Detected illegal border-crossing between/at border-crossing points with the purpose of irregular migration at the EU eastern borders reported by Belarus, Moldova, Ukraine, Norway, Finland, Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary and Romania: 2012: 366/6; 2013: 1565/156; 2014: 1868/109; 2015 (January–June): 1131/79 (FRONTEX 2015a, 40–41; 2015b, 16); According to FRONTEX (2015a, 28), most illegal border-crossings of non-regional migrants take place at the Slovakian–Ukrainian border. Ukraine is among the countries that report the highest numbers of illegal border-crossings between border crossing points at the EU eastern borders (FRONTEX 2015a, 18–19). See also http://frontex.europa.eu/trends-and-routes/migratory-routes-map/.

2. Number of new asylum seekers in Ukraine: 1443 in 1996; 2716 in 1997; 1667 in 1998; 1739 in 1999; 1893 in 2000; 916 in 2001; 535 in 2002; 1367 in 2003; 1364 in 2004; 1740 in 2005; 2075 in 2006; 2155 in 2007; 2155 in 2008; 1255 in 2009; 1500 in 2010; 890 in 2011; 1573 in 2012; 1310 in 2013; 1173 in 2014; 1443 in 2015; for 1996–2012, see Brunarska and Weinar (2013), 4; for 2013–2015, see http://unhcr.org.ua/en/resources/statistics.

3. Personal interview with EU official in the then-European Commission Delegation. Kyiv, March 5, 2008.

4. Personal interview, State Committee for Nationalities and Religion, Kyiv, February 28, 2008.

5. In general, (initial) gaps between rule adoption and implementation are no exception in the field of migration and asylum (see for instance Freyburg et al. 2015). Among the identified reasons are decoupling strategies used by the authorities or a lack of implementation capacity. In the given case, implementation has been addressed during the meanwhile successfully concluded second phase of the VLAP, starting in 2014.

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