

PUBLIC ADMINISTRATION FOR SUSTAINABLE DEVELOPMENT



**MECHANISMS AND STRATEGIES OF STATE AND
REGIONAL ADMINISTRATION IN THE CONDITIONS
OF WAR AND RECONSTRUCTION OF UKRAINE**

Mariupol State University (Ukraine)
University of Economics and Humanities (Poland)

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AND RECONSTRUCTION OF UKRAINE**

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The monograph is dedicated to the pressing issues and prospects of Ukraine's recovery after the armed conflict. The study focuses on public administration reforms aimed at strengthening the country's potential during the war and in the reconstruction phase, as well as the role of these reforms in the process of European integration. The authors examine a wide range of topics, from the organizational and legal mechanisms for engaging citizens in local governance to strategies for managing public finances in wartime. Attention is given to decentralization, sustainable regional development, crisis management in the field of water use, and the restoration of key economic sectors. Particular emphasis is placed on the analysis of women's social entrepreneurship and its impact on social processes in conflict and post-conflict situations, as well as a comparative study of migration policies in Ukraine and EU member states. This monograph represents a contribution from scholars and experts, offering a critical perspective and comprehensive approaches to addressing public administration and economic development challenges in the post-war recovery period of Ukraine. It aims to serve as a guide for policymakers, researchers, and all those involved in the process of recovery and sustainable development of the country, providing a solid foundation for long-term changes. The monograph is designed for scientists, graduate and undergraduate students who are researching these above-mentioned problems in the Public Administration scientific sphere.

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1.4. Comparative analysis of migration policy in EU member states and Ukraine ¹

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Despite the war with Russian aggressors and the general socio-economic crisis, Ukraine is rapidly moving towards aligning its legislation, policies, and governance strategies with those in the European Union, as it aims to become a full-fledged member of this European community.

However, alignment does not imply blind copying of rules and regulations. The rules and regulations in Europe are built based on the actual needs of the countries that make up the union and the governance practices that have developed over hundreds of years. This applies to all areas of life, including the important area of migration.

It is well-known that in recent decades, the European Union countries have been massively accepting migrants from countries experiencing armed conflicts or those suffering from various social dangers. Demographic problems in the EU member states particularly drive this. For example, in their work, T. Kortukova and V. Tokar² identify the major demographic challenges of the EU, such as declining birth rates, rapid population ageing, and the shrinking of the economically active population cohort. They show how these demographic changes can impact various sectors, including social security, healthcare systems, labour markets, public finances, and pension schemes. Thus, focusing on addressing these key issues, the EU develops migration policies aimed at attracting labour migrants with different skill levels, formulates rules for admitting highly skilled professionals, enhances legislation and practices to combat illegal migration, and, in recent times, the EU's administrative apparatus has particularly focused on developing a comprehensive set of measures for refugees and those requiring temporary protection.

If we highlight the key problems of Ukraine, based on which its migration policy was built before the full-scale Russian invasion, according

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² Kortukova, T. & Tokar, V. (2024). Comparative analysis of immigration policy in EU member states and Ukraine. *ACADEMY REVIEW*. 2 (61), 256-273. <https://doi.org/10.32342/2074-5354-2024-2-61-18>

to O.S. Borisov³, they were caused by the mass emigration of citizens abroad for employment purposes to support their families in Ukraine, the predominance of mortality over birth rates, and the reduction of the economically active population within Ukraine itself, which diminished the prospects for its socio-economic development. Thus, the most pressing issues for Ukraine at that time, which it had to consider when shaping its migration policy, were:

a) recognition of labour migrants as an effective economic force contributing significantly to the country's GDP;

b) ensuring the protection of the rights of Ukrainian citizens working and residing abroad;

c) reintegration of citizens returning from abroad and guaranteeing them social protection.

After Russia's full-scale invasion of Ukraine in 2022, a military migration crisis unfolded, associated with the mass exodus of war refugees abroad. This crisis, in terms of scale and level of threats, surpasses all the migration issues that Ukraine had to resolve before. Similarly, the demographic crisis has worsened significantly, with the population, especially the working-age population that did not flee, being rapidly destroyed by the aggressor on the battlefield and as a result of systematic Russian strikes using various weapons on Ukrainian cities and villages, regardless of their proximity to the frontline. According to estimates by Ukraine's leading expert in the field of demography – the Ptukha Institute of Demography and Social Research – the potential size of irreversible migration losses, dependent on military and economic factors, ranges from 600,000–700,000 to 5–5.5 million people⁴. They also note that around 3 million Ukrainians studied or worked abroad before 2022. The European Union's statistical service, Eurostat, as of July 2024, reported more than 4.1 million Ukrainian citizens receiving temporary protection in the EU as a result of Russia's invasion⁵.

³ Borysov, O.S. (2019). Derzhavna mihratsiynna polityka Ukrayiny ta zabezpechennya zakhystu prav hromadyan Ukrayiny, yaki pratsyuyut' i prozhyvayut' za kodonom. In Problemy realizatsiyi stratehiyi derzhavnoyi mihratsiynoyi polityky Ukrayiny: Conference Papers (Kyiv, 19.12.2019). Kyiv, NISD, 21-25

⁴ Libanova, E., Pozhniak, O. (2023). War-driven wave of Ukrainian emigration to Europe: an attempt to evaluate the scale and consequences (the view of Ukrainian researchers). A New Role for Statistics: Joint Special Issue. 1, 257-274, <https://doi.org/10.59170/stattrans-2023-014>.

⁵ Eurostat. (2024) Temporary protection for persons fleeing Ukraine - monthly statistics. Available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Temporary_protection_for_persons_fleeing_Ukraine_-_monthly_statistics

Therefore, the formation of modern Ukraine's migration policy, apart from adhering to Eurointegration rules, should also incorporate the above-mentioned problems, threats, and challenges. These measures will allow the repatriation and reintegration of its citizens after the war ends, as well as attract migrants to fill gaps in the employment sector, drive economic development, and contribute to the post-war reconstruction of our country.

This article aims to compare the migration policies of the EU and Ukraine to harmonise this field, enabling Ukraine to meet the requirements for joining the EU and to identify the features of the national Ukrainian migration policy that will assist in its post-war reconstruction.

Presentation of the main material. If we analyse within the framework of existing thematic directions of EU migration policy, as outlined by researchers from Europe and other parts of the world, attention should be focused on the following: (1) labour immigration to the EU; (2) research on illegal migration and its prevention; (3) the common EU policy on asylum, supplementary, and temporary protection.

Given the strengthening of migration ties between the EU and Ukraine and Ukraine's status as a candidate for EU membership, we will use this thematic structure to compare the migration policies of the EU and Ukraine in the context of the mentioned topics.

EU and Ukraine's Policy on Labor Immigration

The EU's labour migration policy was examined in a study by S. Carrera, A. Anger, F. Anaïs, and E. Guild⁶. In particular, they analysed the 2001 EU directive on the conditions of entry and residence for the purpose of paid employment and self-employment. As the authors point out, this directive provides for horizontal regulation of conditions (i.e., standardised across EU rules) for the entry and residence of all third-country nationals engaged in paid or self-employment. However, as indicated in the study, this has not yet fully occurred, and the conditions of labour migration remain regulated within the individual member states. S. Ferran⁷ also contributed significantly to the first research direction by comparing the EU's migration measures for highly skilled and unskilled migrant workers, while P. Minderhoud characterised the policy as aimed at attracting highly

⁶ Carrera, S., F. Anaïs and E. Guild (2011) Labour Immigration Policy in the EU: A Renewed Agenda for Europe 2020. CEPS Policy Brief, 240 p. Available at <https://ssrn.com/abstract=1898653>.

⁷ Ferran, C. (2019) The approach of the European Union towards economic immigration for work purposes, *Revue de droit comparé du travail et de la sécurité sociale*, no. 4. Available at <http://journals.openedition.org/rdctss/1336>.

skilled migrant labour, contributing to the overall economic growth of the EU, and reducing illegal migration⁸. The scientific and theoretical foundation of Ukraine's migration policy can be found in the works of O. Malynovska⁹, H. Fogel¹⁰, and O. Demidenko¹¹, who have thoroughly analysed the key issues of Ukraine's migration policy before the full-scale Russian invasion. In her renowned monograph, Olena Malynovska characterises the general migration situation in Ukraine, identifies the largest trend at that time – social and economic labour migration of Ukrainians abroad – and reflects on the socio-economic consequences of this process.

It is crucial that O. Malynovska considers the European integration vector of Ukraine to be an important factor in improving Ukraine's migration policy, which, as we can see, is now increasingly acquiring concrete timelines and forms. In the work of H. Vogel, there is an analysis of the problem of developing coordinated and targeted activities by public authorities in terms of adopting responsible programs and decisions in the field of migration policy to stimulate the inflow of highly skilled migrants and young scientists while minimising their emigration. O. Demidenko studied the scale of Ukrainians' departure abroad within the framework of scientific and educational migration processes, noting the gradual decrease in the number of specialists due to migration phenomena.

Thus, a comparative analysis of scientific research on labour migration shows that the common tasks of the subjects of our comparison are, and remain, despite the changing basic conditions, the attraction of skilled labour to their economies on a legal basis (in Ukraine's case, also retaining it within the national economy), reducing illegal migration methods, and thereby increasing their economic strength.

⁸ Minderhoud, P. (2021). Regulation of EU Labour Migration: At a Crossroads after the New Pact on Migration and Asylum?. *Utrecht Law Review*, vol. 17, no. 4, pp. 31–44. <https://doi.org/10.36633/ulr.749>.

⁹ Malynovska, O. (2018). *Mihratsiyina polityka: hlobal'nyy kontekst ta ukrayins'ki realiyi*. Kyiv, NISD (In Ukrainian)

¹⁰ Fohel, Kh.Ye. (2018). Analiz mihratsiyi vysokokvalifikovanykh kadrov i mihratsiynoyi polityky Ukrayiny. Kyiv, Ahentsiya yevropeys'kykh innovatsiy. Available at <https://www.civic-synergy.org.ua/wp-content/uploads/2018/04/Analiz-migratsiyi-i-migratsiynoyi-polityky-Ukrayiny.pdf>

¹¹ Demydenko, O. (2019). Intelektualna mihratsiya ukrayintsiv na rubezhi XX-XXI stolit': mashtaby ta osnovni kharakterystyky yavlyshcha (174-181). In *Istoryko-politychni problemy suchasnoho svitu: Zbirnyk naukovykh statey*. Chernivtsi: Chernivetskyy natsional'nyy universytet, Vol. 39. <https://doi.org/10.31861/mhpi2019.39.174-181>

Next, it is necessary to summarise some of the current legislative acts based on which the EU and Ukraine's aspirations are being realised. We present this summary in *Table 1*.

European Union
<p>Directive 2016/801¹² on the conditions of entry and residence of third-country nationals for the purposes of research, studies, professional development, volunteering, student exchange programs, and au pair activities. It introduced exchanges, educational projects, and work under the au pair program. The rights of third-country nationals were expanded (in particular, the right to engage in economic activities, including working at least 15 hours per week in each EU member state, the right to teach for researchers who arrived under an exchange program, and permission to remain in the member state for up to 9 months after the official program ends to seek employment or start a business)</p> <p>EU Directive 2021/1883¹³ liberalized the conditions for obtaining the "Blue Card" and the rights of its holders (for instance, it reduced the minimum salary threshold for filling vacancies and allowed cardholders to change jobs or employers in another EU country after 12 months of uninterrupted work in the first EU member state that issued the Blue Card). For Blue Card holders, the minimum duration of the employment contract was reduced to 6 months (previously, the minimum duration was 1 year).</p>
Ukraine
<p>The Law of Ukraine "On Immigration"¹⁴ establishes the immigration quota for foreigners and stateless persons who are eligible to receive a permit for immigration to Ukraine during the calendar year. This quota includes highly qualified specialists and workers whose knowledge is important for Ukraine's economy. Based on this law, the Cabinet of Ministers of Ukraine issues annual decrees on the number of such individuals. For example, according to the decree of the Cabinet of Ministers of Ukraine from February 7, 2023, No. 111-p "On Establishing the Immigration Quota for 2023," the quota for highly qualified specialists was set at 5,000 individuals¹⁵.</p> <p>The Law of Ukraine "On Employment of the Population" and amendments to it from October 15, 2022¹⁶, regulate the employment of foreigners in Ukraine who come to Ukraine for the purpose of studying at higher educational institutions and intend to work in Ukraine during and after completing their studies.</p>

¹² Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) Available at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32016L0801>.

¹³ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC. Available at: <https://eur-lex.europa.eu/eli/dir/2021/1883/oj>.

¹⁴ Verkhovna Rada of Ukraine (2001). Law of Ukraine "On Immigration", URL: <https://zakon.rada.gov.ua/laws/show/2491-14#Text>.

¹⁵ Order No. 111-r "On establishing the immigration quota for 2023", 2023 URL: <https://www.kmu.gov.ua/npas/pro-vstanovlennia-kvoty-immihratsii-na-2023-rik-a111r>.

¹⁶ Law of Ukraine No. 2623-IX "On Amendments to Certain Laws of Ukraine Regarding Employment of Foreigners and Stateless Persons in Ukraine and Provision of Mediation Services in Employment Abroad", 2022 URL: <https://zakon.rada.gov.ua/laws/show/2623-20#Text>.

In comparing the legislative foundations for labour immigration, it is evident that the EU is more actively pursuing its goals of attracting a skilled workforce, especially highly qualified professionals, to its territory. The EU continuously issues special directives that liberalise the rules for the stay of third-country nationals, particularly when they are a valuable labour resource. For instance, according to Eurostat, in 2021, 29,000 highly qualified workers from non-EU countries received the EU Blue Card, which grants them comprehensive socio-economic rights and the right to reside in the EU¹⁷. To be eligible for the Blue Card, an individual must have a valid employment contract or job offer, a valid travel document, and health insurance and must not threaten public policy, safety, or health. Additionally, their salary must be higher than EU citizens' average annual gross salary¹⁸. Ukrainians have consistently been among the top 10 recipients of the EU Blue Card for over seven years, and since 2022, their numbers have continued to grow.

In contrast, as reflected in the legislative documents provided, Ukraine's migration policy does not adequately address the "brain drain" phenomenon¹⁹. Despite the global shortage of skilled labour, Ukraine lacks a system to attract highly qualified specialists from abroad who could contribute to the innovative development of the national economy. This deficit continues to have negative effects on Ukraine's economy, culture, and politics and has been exacerbated by the full-scale war and the loss of the national labour force. Given these challenges, it is crucial for Ukraine to implement a policy that balances emigration and immigration flows.

As shown by the legislative acts, a first step in this direction includes the 2022 amendments to the Law on Employment that allow foreign students studying in Ukrainian universities to work during and after their studies. However, to attract highly qualified migrants, Ukraine should

¹⁷ Eurostat. Residence permits – statistics on authorisations to reside and work, 2022. Available at [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_%E2-%80%93_statistics_on_authorisations_to_reside_and_work#:~:text=%3A%20Eurostat%20\(migr_ressing\),EU%20Blue%20Cards%20issued%20to%20highly%20qualified%20non%2DEU%20citizens,to%2029%20000%20in%202021](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_%E2-%80%93_statistics_on_authorisations_to_reside_and_work#:~:text=%3A%20Eurostat%20(migr_ressing),EU%20Blue%20Cards%20issued%20to%20highly%20qualified%20non%2DEU%20citizens,to%2029%20000%20in%202021)

¹⁸ Kortukova, T. (2021). Pravovi aspekty pratsivlashtuvannya vysokokvalifikovanykh pratsivnykiv-mihrantiv u Yevropeys'komu Soyuzi. *Naukovyy visnyk Natsional'noyi akademiyi vnutrishnikh sprav*, 1, 112-118.

¹⁹ Fohel, Kh.Ye. (2018). Analiz mihratsiyi vysokokvalifikovanykh kadriv i mihratsiynoyi polityky Ukrayiny. Kyiv, «Ahentsiya yevropeys'kykh innovatsiy». Available at <https://www.civic-synergy.org.ua/wp-content/uploads/2018/04/Analiz-migratsiyi-i-migratsiynoyi-polityky-Ukrayiny.pdf>

develop a methodology for assessing the economy's demand for skilled labour to understand the scale of the deficit better. While a comprehensive understanding of this issue may be difficult to achieve before the end of the war, steps could already be taken. For example, the private, public, and non-profit sectors interested in highly qualified personnel could be allowed to submit proposals to the State Migration Service of Ukraine for setting immigration quotas for skilled workers.

Additionally, it would benefit Ukraine to adopt the EU's Blue Card practice to align its strategies with the EU. This would grant comprehensive socio-economic rights to highly qualified workers employed in Ukraine, which would serve as a strong incentive for immigration to the country.

Illegal migration to the EU and Ukraine: Development of countermeasures

The problems of illegal migration in the EU and the development of measures to counter it have been highly relevant since the migration transition in Europe from the late 1950s to the early 1960s²⁰. In parallel with the development of legal global immigration pathways, initially introduced by national governments and later by the overarching European government, methods and ways for citizens of third countries to enter the EU illegally also evolved. The causes of this phenomenon are discussed in the work of Kazakh researcher K. Sheryazdanova²¹. Gonzalez and J. Koopmans devoted their research to analysing legal paths to the regularisation of illegal migrants in EU member states²².

The preconditions, characteristics, and possible consequences of illegal migration in Ukraine were analysed by Z. Smutchak²³. A common conclusion in all these studies is that illegal migration has become an integral part of global processes in the era of globalisation, driven by the economic and social inequality of global development and the division of

²⁰ Malynovska, O. (2018). *Mihratsiyina polityka: hlobalnyy kontekst ta ukrayinski realiyi*. Kyiv, NISD, P. 20.

²¹ Sheryazdanova, Kamilla (2015). Illegal Immigration and Fight against Illegal Migration in Member States of the European Union. *Acta Universitatis Sapientiae, European and Regional Studies*. 8. <https://doi.org/10.1515/auseur-2015-0015>.

²² Gonzalez, Beilfuss M., Koopmans, J. (2021). Legal pathways to regularisation of illegally staying migrants in EU Member States, *ADMIGOV deliverable 2.7*, Barcelona: University of Barcelona. Available at <http://admigov.eu>

²³ Smutchak, Z. (2017). Nelehalna mihratsiya v Ukrayini: peredumovy, osoblyvosti ta mozhlyvi naslidky. *Hlobalni ta natsional'ni problemy ekonomiky*, 16, 609-613.

countries into rich and poor. Armed conflicts the resulting mass displacement of refugees and the resettlement of millions of people often exacerbate the problem of illegal migration. The rise of "migration pressure" is also facilitated by the development of illegal human trafficking schemes. At the same time, as noted by Z. Smutchak, migration and demographic changes, even in prosperous countries, can lead to significant shifts in traditional social structures, causing increased social and political tensions²⁴.

The EU has developed several regulatory documents to combat illegal migration that classify these processes as offences and establish penalties for them. In *Table 2*, we summarise some of the documents on which a further comparison of regulatory processes in the EU and Ukraine on this issue can be based.

Thus, we see that both EU legislation and Ukrainian legislation place responsibility for violations not only on illegal migrants themselves but also on employers, carriers, and individuals who facilitate illegal migration. However, mere compliance with legal norms is evidently insufficient, especially in Ukraine, where people are just beginning to change their attitudes toward the state and the law to be more respectful. For the EU, as T. Kartukova and A. Blahodarnyi argue, a strategic factor in reducing risks associated with illegal migration could be strengthening the protection of external borders and enhancing control over the influx of third-country nationals²⁵. For Ukraine, this primarily involves ceasing hostilities on its territory and clearly establishing state borders.

EU and Ukraine's Policy on Asylum, Subsidiary, and Temporary Protection. Researchers in the EU and Ukraine have widely explored this topic. This surge in research is related to the Russo-Ukrainian war, which has led to a focus not only on traditional issues such as developing common humanitarian principles among EU member states, formulating asylum regulations, and analysing potential benefits for countries, as well as possible abuses and violations but also on more specific themes.

²⁴ Ibid.

²⁵ Kortukova, T., Blahodarnyi, A. (2023). Organizational and legal mechanism for ensuring EU migration security. *Foreign-trade:economics,finance,law*, 127(2), 34–46. [https://doi.org/10.31617/3.2023\(127\)02](https://doi.org/10.31617/3.2023(127)02).

European Union
<p>Directive 2001/51/EC²⁶ establishes the responsibility of carriers transporting third-country nationals into EU member states and imposes financial penalties for violations of this responsibility.</p> <p>Directive 2002/90/EC²⁷ obliges states to penalize those who assist illegal migrants in entering and/or residing in the EU, including landlords who rent accommodations to illegal migrants.</p> <p>Directive 2009/52/EC²⁸ outlines financial and administrative sanctions and measures against employers who cooperate with illegal migrants.</p>
Ukraine
<p>The Code of Ukraine on Administrative Offenses, paragraph 204²⁹, imposes on employers the obligation to obtain a permit from the state employment service to hire a foreigner. This permit serves as the basis for issuing a temporary residence permit to the foreigner in Ukraine. Additionally, the code establishes financial sanctions for employers for violating the procedures for hiring, enrolling in educational institutions, providing housing, registering foreigners, and processing their documents.</p> <p>The Code of Ukraine on Administrative Offenses, paragraph 206³⁰, provides for penalties for other individuals who assist in the presence of illegal migrants on the territory of Ukraine.</p>

These include the attitudes of Europeans towards various waves of refugees coming to Europe³¹ and the unique status of Ukrainian refugees within the context of the formation of a pan-European migration policy³². For instance, D. De Koninck compared Ukrainian and Afghan refugees and the EU's response to their acceptance. Among other things, it was noted that a unique aspect of the EU's response to Ukrainian refugees is that the fear of the aggressor in this conflict (Russia) may play a larger role in the reaction of the European and American public than in other refugee crises³³. Similar conclusions about the greater sympathy of Europeans

²⁶ Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 Available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001L0051>.

²⁷ Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence Available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002L0090>.

²⁸ Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence Available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002L0090>.

²⁹ Code of Ukraine on administrative offenses, 1984 Available at <https://zakon.rada.gov.ua/laws/show/80731-10#Text>

³⁰ Ibid.

³¹ Carrera, S., Ineli Ciger, M., Vosyliute, L., Brumat, L. (2022). The EU grants temporary protection for people fleeing war in Ukraine : time to rethink unequal solidarity in EU asylum policy, *CEPS Policy Insights*, 2022/09 Available at <https://hdl.handle.net/1814/74394>.

³² De Coninck, D. (2023). The refugee paradox during wartime in Europe: How Ukrainian and Afghan refugees are (not) alike. *International Migration Review*, 57(2), 578–586. <https://doi.org/10.1177/01979183221116874>.

³³ Ibid.

towards Ukrainian refugees compared to all other refugees were drawn by S Carrera, M. Ineli-Siger, L. Vosiliute, and L. Brumat³⁴.

In exploring the activation of temporary protection for Ukrainian refugees - a procedure the EU proposed for this category of people for the first time—they arrive after unequal solidarity in the EU asylum policy and double standards based on whether individuals have European (non-European) origins. At the same time, many European researchers agree that the temporary protection of Ukrainian refugees and the corresponding EU Directive are justified and appropriate measures for protecting against the mass influx of war refugees from Ukraine. This conclusion is characteristic, for example, of the works of J. Fomina and M. Pachocka³⁵ and H.D. Lafuente³⁶.

Agreeing that the activation of temporary protection helps alleviate the burden on the asylum systems of EU host countries, especially those located on the external borders of the EU, it is also worth mentioning the positive economic effects for the receiving countries in the EU in the medium and long term through the integration of migrants into the labour market and society as a whole.

These prospects were described as early as the beginning of 2023 by Ukrainian researchers O. Poharska, O. Tucha, I. Spivak, and O. Bondarenko³⁷, and publications in European media validate their assertions. Furthermore, V. Botelyu³⁸ noted that Ukrainian refugees could help the EU labour market respond to the currently high demand for labour and address the worsening skills shortage, reflecting the general expectations of Europeans in 2022.

Ukrainian researchers, primarily concerned with the development of migration policy in Ukraine and its post-war reconstruction, dedicate their

³⁴ Carrera S., Ineli Ciger M., Vosyliute L., Brumat L. (2022). The EU grants temporary protection for people fleeing war in Ukraine : time to rethink unequal solidarity in EU asylum policy, CEPS Policy Insights, 2022/09 URL: <https://hdl.handle.net/1814/74394>.

³⁵ Fomina, J, Pachocka, M (2024). Polish society's initial responses to the arrival of forced migrants from Ukraine in early 2022. CANADIAN FOREIGN POLICY, Volume30, Issue1, 52-64 <https://doi.org/10.1080/11926422.2024.2310245>

³⁶ Lafuente, JD (2024). Activating the Temporary Protection Directive as an instrument of migration diplomacy following Russia's invasion of Ukraine. REVISTA UNISCI, 64, 79-93. <https://doi.org/10.31439/UNISCI-191>

³⁷ Pogarska, O., Tucha, O., Spivak, I., Bondarenko, O. (2023). How Ukrainian migrants affect the economies of European countries, Favailable at <https://cepr.org/voxeu/columns/howukrainian-migrants-affect-economies-european-countries>.

³⁸ Botelho V. "The impact of the influx of Ukrainian refugees on the euro area labour force", ECB *Economic Bulletin*, 2022, 4. Available at https://www.ecb.europa.eu/pub/economicbulletin/focus/2022/html/ecb.ebbox202204_03~c9ddc08308.en.html

studies to the consequences of the mass relocation of people from Ukraine. For example, E. Libanova and O. Pozhnyak identified the scale and consequences of the war-induced wave of Ukrainian emigration to Europe³⁹, while O. Malynovska attempted to forecast how many Ukrainians would return after the cessation of hostilities to contribute to the post-war reconstruction of their country, drawing parallels with the refugees from the Yugoslav war.

Basic Legislative Documents of the EU and Ukraine in the Field of Asylum, Subsidiary, and Temporary Protection

Table 3 groups the basic legislative documents of the EU and Ukraine concerning the provision of asylum, subsidiary, and temporary protection

Document	Description
Directive 2011/95/EU	Establishes the standards for granting international protection and the rights of beneficiaries.
Regulation (EU) No 604/2013	Establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection.
Directive 2001/55/EC	Concerns minimum standards for giving temporary protection in the event of a mass influx of displaced persons.
Directive 2013/32/EU	Relates to procedures for granting and withdrawing international protection.
Law of Ukraine on Refugees and Persons in Need of Additional or Temporary Protection	Governs the legal status and rights of refugees and individuals seeking additional or temporary protection in Ukraine.
Resolution of the Cabinet of Ministers of Ukraine on the Procedure for Granting Temporary Protection	Outlines the specific procedures for granting temporary protection in Ukraine.
Law of Ukraine on Immigration	Establishes the framework for immigration processes and policies in Ukraine.

These documents reflect the legal foundations and frameworks governing the provision of protection to individuals in need in both the EU and Ukraine.

³⁹ Libanova, E., Pozhnyak, O. (2023). War-driven wave of Ukrainian emigration to Europe: an attempt to evaluate the scale and consequences (the view of Ukrainian researchers). *A New Role for Statistics: Joint Special Issue*, 257-274, <https://doi.org/10.59170/stattrans-2023-014>

European Union

- 1) The Treaty on the Functioning of the European Union, p. 78⁴⁰, and the Charter of Fundamental Rights of the EU define compliance with international standards for the right to asylum in the EU, in accordance with the 1951 Geneva Convention Relating to the Status of Refugees and the 1967 New York Protocol.
- 2) The 2011 Qualification Directive⁴¹ establishes the requirements for international protection and related rights for asylum seekers; the 2013 Asylum Procedures Directive⁴² pertains to the procedures for granting and revoking international protection; the 2013 Reception Directive⁴³ regulates the reception of asylum seekers; the 2013 Dublin III Regulation⁴⁴ determines the EU member state responsible for examining an asylum application.
- 3) The amended proposal for the 2023 Regulation⁴⁵ introduces the principle of mandatory solidarity, under which EU member states independently determine their contribution to the EU asylum system, facilitating resettlement, providing financial contributions, or participating in alternative solidarity measures such as staffing or capacity-building initiatives. At the same time, member states have full autonomy regarding the type of solidarity they provide.
- 4) Directive 2001/55/EC⁴⁶ on temporary protection establishes a supranational mechanism for collective response to sudden and massive influxes of displaced persons. EU member states have a shared obligation to undertake coordinated actions in the area of temporary protection, ensuring common levels of rights for potential beneficiaries forced to flee from war.

Ukraine

The Law "On Refugees and Persons in Need of Additional or Temporary Protection"⁴⁷ establishes the statuses of refugees, persons in need of additional protection, and persons in need of temporary protection.

As we can see from the list of basic documents, EU legislation is continually being updated with new regulations as the cases regarding

⁴⁰ Consolidated versions of the Treaty on EU and the Treaty on the Functioning of the EU, Consolidated version of the Treaty on European Union, Protocols Annexes to the Treaty on the Functioning of the EU, Declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, signed on 13 December 2007 Tables of equivalences. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12016ME%2FTXT>.

⁴¹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en>.

⁴² Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). Available at: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>.

⁴³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>.

⁴⁴ Regulation 604/2013 of the European Parliament and of the Council of 26.06.2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a thirdcountry national or a stateless person (recast). Available at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013R0604>.

⁴⁵ Amended proposal for a Regulation (2023) of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, 2023 Available at: <https://data.consilium.europa.eu/doc/document/ST-10444-2023-INIT/en/pdf>.

⁴⁶ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

⁴⁷ Verkhovna Rada of Ukraine (2011), The Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection", available at: <https://zakon.rada.gov.ua/laws/show/3671-17#Text>.

asylum or protection for third-country nationals expand. Moreover, changes are driven by the need for EU member states to share these obligations equally. Additionally, since 2021, EU countries have had to respond to numerous provocations and diversions that threaten unauthorised incursions into EU territory by subversive groups and illegal migrants. In this context, it has been proposed to introduce the right to derogate from obligations concerning international protection to ensure security.

After the full-scale invasion of the Russian Federation into Ukraine, which significantly increased the flow of forced migration from Ukraine to the EU, Directive 2001/55/EC on temporary protection was activated in the EU for the first time. This Directive has been extended each year for another year as long as hostilities continue in Ukraine.

Ukrainian legislation does not have such an extensive legal framework concerning asylum and various types of protection; it relies on the Law "On Refugees..." which, like EU legislation, complies with international law regarding the protection of asylum seekers and refugees.

However, in Ukraine, there are isolated cases where asylum seekers face barriers in accessing the application process for asylum. Their rights to family reunification and freedom of movement are violated due to a lack of documents, and they encounter problems accessing employment, education, and medical services. Furthermore, the absence of documentation for asylum seekers in Ukraine limits their access to humanitarian assistance. It should also be noted that refugees face discrimination when trying to access medical services, education, and employment.

This analysis has compared the policies of the EU and Ukraine regarding labor immigration, combating illegal migration, and asylum, additional protection, and temporary protection policies.

As migration issues have been more longstanding in the EU and involve numerous nuances related to various waves of migration and the practices of protecting migrants and asylum seekers, the European Union has a more comprehensive and integrated framework policy. The most pressing issues to address are the development of new legal migration (immigration) pathways, border control, and the regulation of a common asylum system.

Ukraine still has many steps to take to improve and develop its legislative and regulatory framework regarding migration policy. Currently, it is focusing more on regulating migration flows through bilateral agreements.

Given Ukraine's candidate status for EU membership, harmonising its migration policy with that of the EU is pertinent. The successful implementation of EU migration policies in Ukraine will require a phased approach, stakeholder engagement, and ongoing monitoring and evaluation to ensure effectiveness and compliance with EU standards.

The EU and Ukraine favour legal migration to manage migration flows and attract skilled workers. They have implemented policies to facilitate legal pathways for migration, such as visa liberalisation agreements and work permits for foreigners. However, Russia's full-scale invasion has exacerbated the mass emigration of highly skilled and intellectual workers from Ukraine. This situation necessitates the development of a national strategy to attract highly skilled and intellectual migrants to Ukraine, drawing on the EU's experience in this area.

In combating illegal migration, both the EU and Ukraine have intensified 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 regulate the entry of migrants into their territories. At the same time, EU supranational legislation imposes sanctions on employers, carriers, and intermediaries involved in illegal migration, a principle also reflected in Ukrainian legislation.

Regarding protecting refugees and asylum seekers, significant differences remain between the EU and Ukraine's legal frameworks, procedures, and reception conditions. The common EU asylum system provides a coordinated approach among member states, whereas Ukraine operates under its national legislation. EU member states are bound by a common asylum system and share the responsibility for cooperation and ensuring consistent application of asylum standards. As a non-EU country, Ukraine is not obliged to adhere to the EU's common asylum system. However, Ukraine will be required to join this system upon becoming a member of the EU.